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**CONFLICT CONTINUUM AND FOOD SECURITY IN
NORTHWESTERN NIGERIA: REFLECTIONS ON KEY ISSUES
AND POLICY RECOMMENDATION**

Abstract:	<p><i>This study investigates the various obstacles to food security in Northwestern Nigeria to pinpoint their root causes. The methodology used for the study was a hybrid of quantitative and qualitative methods using primary and secondary sources. The study also conducted Key Informant Interviews with pertinent parties to contextualize the issue. According to the study, banditry has a negative impact on the nutritional status and food security of rural households in the study area.</i></p> <p><i>The result also demonstrates that banditry, which damaged food storage facilities and disrupted existing food supply chains, jeopardized agriculture, the main source of income in the northwest region, negatively affecting the quality of food in the area and across the nation. Because of their dread of being harmed, most farmers avoid going to their farms. For the region's farm fields to be safe and accessible, the study suggests, among other things, that security specialists be stationed and deployed in these areas. The government also needs to make sure that rural areas have access to basic services including social services, infrastructure, and other essentials of life.</i></p>
Keywords:	Agriculture; climate change; food supply; banditry
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Introduction

Given Nigeria's continued armed violence and crimes, the country is best defined as being in turmoil today. Despite the government's shaky counter-insurgency efforts¹ some researchers² claim that Northern Nigeria, particularly the North-East, is still being pillaged by Boko Haram, while the North-Central has been plagued by herder brigandage, which has caused a serious humanitarian and economic crisis, and the North-West region has only recently been affected by a rapid upsurge of banditry along its border. There are now daily reports of banditry attacks in Nigeria's northwest because of the epidemic of armed banditry that has plagued the area in recent years³. Subsistence farmers who raised animals, farmed during the wet and dry seasons, and engaged in other food-producing activities were the main targets of bandits in rural areas. Most homes are terrified of the threat, and many of them are afraid they will be attacked by bandits if they visit the fields. Banditry still forces a lot of people to relocate and puts a strain on the economy.

Food security in the area and the nation is impacted by the most afflicted marketplaces and those that function well. Most of the impacted communities in the area are households in rural Katsina and Zamfara states. Due to continued fighting, farmers have been unable to access areas with fertile land. The destructive activities of banditry have led to widespread farmer murders and property destruction. The heart of the nation's meat and cereal production is in the northwest, thus the influx of farmers there has further reduced the availability of food and nutrition throughout the nation⁴; also, Wanep admits this⁵. Populations that are prone to banditry frequently deal with other problems brought on by food insecurity, such as ill health and a decline in productivity. Due to chronic health issues that prohibit people from working as hard as they could under normal circumstances, households commonly find themselves in a vicious loop where they are unable to produce enough food even in good years.

Food security has been a major issue for a while because of allegations that various African countries experience food insecurity. In the Horn of Africa, including Somalia, Ethiopia, and some regions of Kenya, among others, we have

¹ A. C. Okoli, A. C. Ugwu, *Of marauders and brigands: Scoping the threat of rural banditry in Nigeria's northwest*, in "Brazilian Journal of African Studies", Vol. 4, No. 8, 2019, pp. 201-222

² O. Oyelude, *Police arrest bandits' girlfriend, informant in Katsina*. Punch, <http://punchng.com/police-arrest-bandits-girlfriend-informants-in-Katsina/>, (21.01.2022)

³ A. Abdullahi, *Rural banditry, regional security and integration in West Africa*, in "Journal of Social and Political Sciences", Vol. 2, No. 3, 2019, pp. 644-654

⁴ S. Suleiman, *Rural banditry in Zamfara state, Northwest Nigeria*. Social Science Research Council, <http://kuenga-amani.ssrc/2019/06/13/rural-banditry-in-zamfara-state-northwest-nigeria/>, (21.09.2022)

⁵ *West African Early Warning and Early Response Network (WARN), (2020). Addressing armed banditry in the north-west region of Nigeria: exploring the potentials of a multi-dimensional conflict management approach*, www.wanep.org, (31.01.2022)

seen vivid photos of malnourished children. These horrifying pictures show a disaster that might have been averted. Africa's agricultural system is out-of-date, and the issue is made worse by rising food costs globally. Budgets for Nigeria's urban and poor families include a substantial and growing portion of food. The impoverished are the ones who suffer the most when the price of staple goods increases. The Food and Agriculture Organization (FAO), an organization under the United Nations, previously issued a warning that food disasters in Bangladesh, Nigeria, and Morocco were imminent. The record stated that the situation with the arena food had gotten bad. Meals continue to be the most vital due to their relevance to human existence, while clothing and shelter satisfy the basic needs of life. It is a well-known fact that the relentless pursuit of food has shaped human history, causing battles, promoting migration, and supporting the rise of states.

Because of the challenging circumstances, the world is facing, the present rise in food costs is cause for sober contemplation. This is because the food crisis is becoming more catastrophic. This crucial issue has gained prominence among world leaders, elevating the need for the world to increase its food production to feed its 6.5 billion inhabitants and prevent widespread political instability around the world¹.

As a result, many multinational corporations and individual nations started fiercely competing in food safety campaigns to address the situation and make food affordable for everyone. According to the 2005 Food Security Evaluation, 750 million people lived in 70 low-income countries with food insecurity. The number of hungry people decreased by 30% across Asia and the Commonwealth of Independent States. Although there was a recognizable fashion in the region, Latin America and the Caribbean countries have rarely changed throughout time. Despite a significant increase in food production, Sub-Saharan Africa is the only region where the rate of starvation has increased during the past ten years. Today's challenge is that high food costs will lead to an increase in food safety and a widespread food crisis in many developing nations. In developing nations, poor people spend between 50 and 80 percent of their income on food to meet their needs. Any increase in food costs will cause people to eat less and increase famine. The costs of rice, corn and wheat in Nigeria recently reflect excessive rooftops².

This global food crisis has been blamed on several factors, including climate change, population growth, a rise in the demand for biofuels, a failure to boost crop output, high oil prices, and increased input losses for producers and investors. Food costs are skyrocketing because of structural problems like underfunding for agriculture, dominance in the food delivery system, and

¹ Food and Agricultural Organization, *Preparation of Comprehensive National Food Security Programme: Overall Approaches and Issues*, FAO, Rome, 2007

² Food and Agricultural Organization, *Market Prices, Food Situation and Prospects for Benin, Niger, and Nigeria. The report*, FAO, Rome, 2008, <https://reliefweb.int/report/benin/markets-prices-food-situation-and-prospects-benin-niger-and-nigeria>, (21.09.2022)

agricultural regulations. For instance, Rapid City's growth is increasing concerns about food delivery. Will there ever be a moment when someone must worry about where their next meal is coming from? The focus of this paper is, modestly, one task among other tasks. To reduce insecurity in Nigeria, a small number of studies have been done to examine the effects of the Conflict Continuum in Northwestern Nigeria (Kunle, Agaptus, Nwozor & John Shola, 2020¹; also, according to Agbou, Musa and Zhema²; this approach is present in other authors research³ and studies⁴. The effects of banditry on rural livelihood in northwest Nigeria are not well understood, though. Most of the ongoing research on insecurity has been concentrated on the Boko Haram insurgency and conflicts between herdsmen and farmers. The current study investigates how the continuum of war affects food security in Northwestern Nigeria considering this.

Statement of problem

Insecurity caused by Boko Haram and banditry is Nigeria's biggest danger to the agricultural economy. The ongoing terrorist and bandit actions of Boko Haram have a detrimental effect on agricultural activity and the farming sector in north-western Nigeria. Agriculture cannot be practiced in an unstable environment because access to regional markets is restricted, farming communities are uprooted⁵, and national agricultural production is suppressed⁶. Due to their relentless attacks on rural communities and the murders they cause, Fulani herdsmen have joined the ranks of the Boko Haram terrorist organization as a significant threat to these areas. The horrific bandit attacks that occurred in these areas, which led to deaths. Farmers find it challenging to travel to their farms in order to produce or harvest crops because of the heinous bandit attacks carried out by Fulani herders in these agricultural districts. In Northern Nigeria, the banditry scenario is extremely frightening and dangerous. In Nigeria's six northwestern states, there are estimated to have been 1,100 fatalities in 2018 alone. In 2019,

¹ A. Kunle, Nwozor, A. Agaptus, S. John, *Conflicts, and the retrogression of sustainable development: the Political Economy, of Herders-Farmers Conflicts in Nigeria*, 2020

² D. Agbou, H. Musa, S. Zhema, *Insurgency, Armed Herdsmen and Instability in Nigeria: a search for the Way Forward*, in "Global Journal of Arts, Humanities and Social Sciences", Vol. 8, No. 6, 2020, pp. 63-81

³ I. Gadzama, M. Saddiq, T. Oduehie, J. Dariya, J., *Appraisal of Rural Banditry in "KAMUKU" Forest in BirninGwari Local Government of Kaduna State, Nigeria*, in "Nigerian Journal of Rural Sociology", Vol 18, No. 1, 2018

⁴ C. Kwaja, A. B. Ademola, *Responses to conflict between farmers and herdsmen in the middle belt of Nigeria: Mapping past efforts and opportunities for violence prevention*, 2018

⁵ A. Abdulyakeen, *Introduction to African Politics: Deconstructing the Constructed African History*, Lambert Academic Publishing, 2021

⁶ CAPS, *Nigeria: banditry violence and displacement in the Northwest*, [http://www.acaps.org/special-report/nigeria-banditry-violence-and-displacement-in-the-Northwest_\(21.01.2022\)](http://www.acaps.org/special-report/nigeria-banditry-violence-and-displacement-in-the-Northwest_(21.01.2022))

more than 2,200 deaths were documented; between January and June 2020¹, more than 1,600 deaths were recorded². Nearly 247,000 persons were uprooted by the displacement, and more than 41,000 became refugees³. More than 8,000 people died and more than 200,000 were forced to flee their homes in Zamfara alone because of bandits⁴. In Kaduna State, the afflicted communities have abandoned around 30% of the agricultural land.

Contrarily, Zamfara and Katsina states' low agricultural activity led to a 60% decrease in food output (WARN, 2019¹⁶). Over 350 rice farmers in Kebbi state were victims of bandit attacks, and their farmland was abandoned (Punch, 2019)¹⁷. Unsurprisingly, local farmers' and other disadvantaged groups' diminishing wages have an impact on their capacity to support their families' financial well-being and the education of their children. This study has filled the gap left by the paucity of empirical data on the effects of gun violence on food availability in northwest Nigeria.

Conceptualizing food security

Food security is a dynamic idea that is the subject of a lot of academic study and public policy concerns. Food security has been defined by several scientists and organizations⁵. According to Hoddinott⁶, there are around 200 descriptions of the problem and 450 food security indicators. As a result, it is practically impossible to assess food security directly; as a result, numerous indices for measuring have been proposed. Among the most commonly employed food security measures are consumer spending, nutritional status, and coping mechanisms. Food security, according to the 1996 World Food Summit, is reached when everyone has equitable access to enough, safe, and nutritious food that satisfies their dietary needs and food choices for an active and healthy life.

Contrarily, food insecurity occurs when individuals, families, or entire countries lack physical or financial access to the food they require. Food insecurity refers to a scenario in which a country, a household, or an individual lacks physical or economic access to food and is vulnerable to food survival strategies that can

¹ West African Early Warning and Early Response Network (WARN), *Addressing armed banditry in the north-west region of Nigeria: exploring the potentials of a multi-dimensional conflict management approach*, www.wanep.org, (31.01.2022)

² O. Oyelude, *Police arrest bandits' girlfriend, informant in Katsina Punch*, [http://punchng.com/police-arrest-bandits-girlfriend-informants-in -Katsina](http://punchng.com/police-arrest-bandits-girlfriend-informants-in-Katsina), (31.01.2022)

³ *Idem*

⁴ John Hoddinott, *Choosing outcome indicators of household food security*, in International Food Policy Research Institute, *M. Phil in Social Change Thesis NTVN*, Washington D.C., 1999

⁵ Y. Ladan, *An Analysis of Contemporary Security in Katsina State*, in "Direct Research Journal of Social Science and Education Studies", Vol.6, No.7, 2019, pp. 95-102

⁶ U. M. Okpanachi, *Policy options for Re-Positioning the Nigerian Agricultural Sector*, in P. Ogiji (ed.), *The Food Basket Myth: Implications for Food Security and Agricultural Reforms in Nigeria*, Makurdi, Aboki Publishers, 2004

give food quickly but are not shock-resistant. If a household consumes less than 80% of the daily caloric intake suggested for an active, healthy person, it is deemed to be food insecure. Agricultural activity in Zamfara state has been disrupted by bandit attacks, this fact having a significant impact on food security in the area and nationwide¹. The literature contains several different definitions of food safety. According to Carter², the ability of regions, nations, or households in these countries to fulfill predicted annual consumption is the definition of food security. They discovered that target consumption is connected to two important aspects of its food strategy. According to Adisa³, "food security can be simply described as ensuring that all people have access to enough food to enjoy an active and healthy life. Eboho defined it as follows: "Food security simply refers to the ability of people and households (particularly the rural and urban poor) to meet basic food demands throughout the year"⁴.

The right to determine one's policies and strategies for the sustainable production, distribution, and consumption ensures the right to food for the entire population on a small- and medium-scale basis is known as food security, according to the 1996 World Food Summit. Additionally, it implies that we must engage in large-scale food production and guarantee that the majority of Nigerians have enough money to buy food in order to ensure adequate nutrition. According to the World Summit on Food 2003²³, a state of food security is one in which all people always have physical and financial access to enough, safe, and nourishing food to suit their dietary needs and food preferences for an active and healthy life.

The number of people who are famished or malnourished, underweight children, and those who have micronutrient deficiencies can all be signs of food insecurity in a particular area. It is impossible to overstate the value of food to people and homes. According to Siamwalla and Valdés⁵, the ability of a nation, region, or home to reach the annual food consumption target is referred to as food security. In a similar vein, the Committee on World Food Security claimed that the availability of adequate food for all households without undue danger of loss implies food security.

¹ Siamawalla Valdes, *Global Food Policy and Food Security Crisis*, IFPRI, Washington, 2004

² F.A.O., *Agricultural Sector Food Security and Nutrition Strategy, 2016-2025*, Federal Ministry of Agriculture and Rural Development, 2017

³ U. M. Okpanachi, *Op. cit.*

⁴ F. Idachaba, *Food Security in Nigeria: Challenges Under Democratic Dispensation*, Paper presented at Agricultural and Rural Management Training Institute (ARMTI), March 24, 2004, pp. 1-23

⁵ Siamawalla Valdes, *Op. cit.*

The nexus between conflict continuum and national security in North-Western Nigeria

Banditry and insurgency have wreaked havoc on the geopolitical areas of northwest and northeast Nigeria. To elicit more research questions, consider the following: Is there a link between banditry and Boko Haram in the Northeast? That's because his procedures and appearance are both overflowing. Bandit operations in northwestern Nigeria have revealed several flaws in the Nigerian government's ability to deal with insecurity. There is no doubt that the containment of various forms of violent forces that can be related to the continuous rise and operation of various armed groups, including banditry, in Nigeria poses a threat to Nigeria's national security. The aftermath of banditry has harmed their credibility in national security and has harmed agriculture, notably in the country's northwest and northeast. Nigeria was the 20th largest economy in the world in 2015, with a nominal GDP and purchasing power parity of more than USD 500 billion or USD 1 trillion (PPP). It surpassed South Africa to become Africa's largest economy in 2014. To increase food production in the country, the government drafted a comprehensive agriculture policy in 2017.

The paradigm shift, according to the publication FAO, 2017¹, is embedded in the most recent agricultural support policy (2016-2020). This policy, in addition to national food and nutrition policies and other frameworks, provides critical guidance. To establish priority strategic directions for improving nutrition in Nigeria through agriculture. Similarly, Egu affirmed that the policy to encourage agriculture² (also known as the Green Alternative) was adopted in August 2016 and is already transforming the country's agricultural development. The concept was viewed as a viable option for restoring the country's past agricultural and food production splendor. The agricultural promotion policy should be implemented in three stages: first, improving productivity (focusing on access to land, improving soil fertility, access to information and knowledge, production management, storage, processing, marketing, and trade), second, expanding investment (focusing on access to finance and developing agribusiness investment), and third, institutional refocusing to improve service delivery and development outcomes (focusing on greater inclusion). Such policies have been praised by the government.

Despite these attempts, it appears that the current Buhari administration has begun a series of projects to increase agricultural productivity in the country. State efforts cannot fail in some regions, particularly in rural communities where agriculture is the primary source of revenue. This is having a centrifugal effect on the country's other characteristics. Similarly, some

¹ World Food Summit Agriculture, <https://wfs.dk>, (21.09.2022)

² S. Egu, *The political economy of rural banditry in contemporary Nigeria*, in M. Kuna, J. Ibrahim (Eds.) *Rural banditry and conflicts in northern Nigeria*, Center for Democracy and Development, 2016Abuja, pp. 16-67

researchers¹ highlighted that to have national security, a country must have economic security, energy security, environmental security, and so on, resulting in less peace in Nigeria. The two (conflict continuum and food security) are linked in the sense that the former's weakness drives the latter's strength. While the latter's bad performance encourages the former to engage in additional activities. Banditry has grown throughout Nigeria as a result of poor state security. Due to banditry, farmers cannot raise crops in rural areas. As a result, there is a scarcity or limited availability of food. The country's limited food supply has resulted in price increases. As a result, securing rural areas will benefit both Nigerians and the government. Many underlying elements have conspired to foster widespread armed banditry in Nigeria's northwestern region. Climate change has long been projected to be a triggering element, likely to cause tension and full-fledged conflict in fights over the depletion of natural resources, particularly land and water supplies. Despite Nigeria's significant success in food security, the United Nations Food and Agriculture Organization fears that the agricultural north of the country may suffer water shortages. This location is known as a training center for foreign terrorist groups because it borders the Sahel and Sahara. As a result, climate change is a threat multiplier. It has a significant influence on escalating hostilities.

It exacerbates the conflict even if it does not directly cause it. The most evident connection between climate change and war is the former's competition for increasingly scarce resources. Some researchers² contend that given recent events such as the kidnapping of 343 schoolchildren in Nigeria, the war in Tigray in Ethiopia's northern region, and decades of conflict such as the Darfur war, the headline accumulation appears clear: there is a growing link between climate change and conflict, and this link is seen across the African continent. It is suggested that climate change is causing protracted periods of drought, extensive desertification, and soil erosion over the Sahel, from Senegal in the west to Sudan in the east, resulting in lower land productivity and changes in grazing patterns. Since the 1980s, this has resulted in a civil conflict in Sudan. Returning to the countries related to the Lake Chad Basin, it is said that about 30 million people in Nigeria, Chad, Niger, and Cameroon have been significantly impacted by its Water competition spring, which has lost 90% of its surface water since 1960. Displacement, hunger, and malnutrition are all prevalent. This has resulted in an increase in abductions, homicides, and human

¹ O. Nweke, O. S. Nwachukwu, *National security issue and challenges in Nigeria: Which way forward*, in "International Journal of Youth Empowerment and Entrepreneurship Development", Vol. 1, No. 1, 2014, pp. 97-106

² Food and Agricultural Organization, *Nigeria Food Security Report 2011*, Rome, 2011; Food and Agricultural Organization, *Food Security Statistics- Nigeria*; FAOSTAT, Rome 2012

rights violations, as well as the expansion of terrorist organizations, resulting in the need for humanitarian aid for 10 million people¹.

Several studies have been conducted to investigate the impact of conflict on livelihoods. Research from 2018² investigated rural banditry and its influence on the rural economy in Kamuku Forest, Birnin Gwari Local Government, Kaduna State, in a related study. The findings indicate that banditry has an impact on the rural economy. The presence of the Kamuku forest, on the other hand, contributed to banditry, and the installation of security guards in the region did not generate the expected outcomes. Similarly³, conducts an in-depth survey and interview to investigate the nature and repercussions of armed banditry in frontier communities in Adamawa State, Nigeria. According to the findings, armed banditry is caused by an influx of ex-combatants from Nigeria's war-torn surrounding nations, unemployment, and the easy availability of weapons.

Other authors investigate the impact of the Boko Haram conflict and gunmen's actions in northern Nigeria. According to the study, the Boko Haram insurgency and attacks by armed herders in Nigeria's Northeast region caused social, political, and economic instability. Other authors⁴ published a paper titled *Conflicts and the Decline of Sustainable Development in Northeast Nigeria*. According to the study, confrontations between pastoralists and farmers have imposed significant costs on the Nigerian economy in terms of wasted resources and human lives, compromising the country's chances of eradicating poverty and hunger. Some studies⁵ investigated the Nigerian kidnapping epidemic to emphasize its consequences for national security. The investigation discovered that the kidnapping was motivated and perpetuated by the illicit pursuit of material accumulation, and it also discovered that the kidnapping posed a threat to Nigeria's national security due to its severe consequences. Researchers investigated value reorientation and defined it as "the act of

¹ UN Organization for the Coordination of Humanitarian Affairs (OCHA), *Nigeria. Humanitarian Needs Overview*, February 2019, Maria Paola, 2021

² I. Gadzama, M. Saddiq, T. Oduehie, J. Dariya, *Appraisal of Rural Banditry in "KAMUKU" Forest in BirninGwari Local Government of Kaduna State, Nigeria*, in "Nigerian Journal of Rural Sociology", Vol. 18, No. 1, 2018

³ W. Moses, *The Nature and Consequences of Armed Banditry in Border Communities of Adamawa State, Nigeria*, in *A Thesis submitted to the School of Postgraduate Studies, Ahmadu Bello University, Zaria in partial fulfillment of the requirements for the Award of Master Degree in Sociology*, 2013

⁴ A. Okoli, N. Okpaleke, *Banditry and crisis of public safety in Nigeria: Issues in national security strategies*, in "European Scientific Journal", Vol. 10, No. 4, 2014, pp. 350-62; D. Agbou, H. Musa, S. Zhema, *Insurgency, Armed Herdsmen and Instability in Nigeria: A search for the Way Forward*, in "Global Journal of Arts, Humanities and Social Sciences" Vol. 8, No. 6, 2020, pp.63-81

⁵ A. Kunle, Nwozor A. Agaptus, S. John, *Conflicts and the retrogression of sustainable development*, in "The Political Economy of Herders-Farmers Conflicts in Nigeria", 2020

intentionally struggling to change the direction which attitudes and beliefs of Nigerian youths in a new direction with the intention of reducing banditry in our society and the world at large, the authors affirm that the incessant banditry in Nigeria could be as a result of failed moral institutions in carrying out their responsibility as it was supposed"¹. Their research suggests that families, schools, political organizations, religious institutions, and the media work around the clock to raise awareness and ensure that moral principles are upheld in society. The majority of research on insecurity has been on the Boko Haram insurgency and pastoral-peasant conflicts. According to a study of current conflict continuity research, less attention was made to conflict continuity and food security in northwestern Nigeria, which is the most afflicted by banditry. As a result, this study fills a void.

Methodology

During the investigation period, thirteen (13) LGAs were purposefully picked from banditry-prone localities in Katsina and Zamfara States in North Western Nigeria (2015-2021). Katsina had seven (7) LGAs chosen, whereas Zamfara had six (6). Table 1 shows the list of Katsina and Zamfara LGAs that were selected:

S/No	Katsina State	Zamfara State
1.	Batssari	Anka
2.	Danmusa	Maradun
3.	Faskari	Maru
4.	Jibiya	Shinkafi
5.	Kankara	Tsafe
6.	Sabuwa	Zurmi
7.	Safana	
Total	7LGAs	6LGAs

Table 1: Unit of Analysis
Source: Field research, 2021

The study employs qualitative data collection methods. To acquire in-depth and personal accounts of stakeholders in the study area, Key Informant Interviews (KIIs) and focus group discussions (FGDs) were used. Given the security/access of the study settings, which were only available during the day, the interviews and FGDs were deemed adequate for collecting quality data in short periods of time. The qualitative technique produced a fair stakeholder assessment,

¹ C. Jude, I. Hayatu, I. A. Paul, *Value Re-Orientation as a Catholicon to Reducing Banditry in Nigeria*, in "International Journal of Research and Innovation in Social Science (IJRISS)", Vol. IV, No. V, 2020

generated diverse perspectives, and reduced biased responses. To ensure that the study included a diverse spectrum of stakeholder perspectives, the paper carefully selected participants for interviews and focus group discussions from security officers, traditional leaders, and youth and women associations.

No.	Stakeholder Type	Methodological tool	Katsina	Zamfara
1.	Security Agencies	KII	24	21
2.	Traditional Leaders	KII	7	6
3.	Leaders of Youth Associations	FGD	7	6
4.	Leaders-Religious Associations	FGD	7	6
5.	Women Association	FGD	7	6
	Total		52	45

Table 2: Stakeholder groups and number of informants
Source: Field research, 2021

The study conducted 77 qualitative interviews with participants from the seven stakeholder groups between February and December 2021. Table 2 shows a breakdown of the total number of stakeholders who were interviewed. All interviews and focus groups were held in either English or Hausa. The Hausa responses were eventually translated into English. Voluntary involvement, no damage to participants, informed consent, anonymity and confidentiality, incentives and goodwill for participants, honesty to participants, and ethical reporting were among the ethical principles used in the interview's conduct.

Conflict continuum and food security in North Western Nigeria: reflections on key issues

In northwest Nigeria, violence and war have produced an unstable environment. Banditry has ravaged villages in Nigeria's northwestern states of Zamfara, Kaduna, Niger, Sokoto, Kebbi, and Katsina. The availability of forest reserves such as Kamuku in Kaduna, Dajin Rugu in Katsina, and Kuyanbana in Zamfara State in north-western Nigeria, which is normally off-limits to Nigerian security services, provides an avenue for growing banditry. Most robberies and kidnappings occur on state game reserves. These forests serve as ideal hideouts for criminals, who hide in the hills, mountains, and caves for their heinous crimes. Nigerian security forces' unwillingness to infiltrate these forest reserves and track down the noisy elements is the result of inefficiency, collaboration, and corruption. Nigerian securities traders are ill-equipped and unmotivated to prosecute high-profile crooks¹.

¹ A. Olaniyan, A. Yahaya, *Cows bandits and violent conflicts: Understanding cattle rustling in Northern Nigeria*, in "African Spectrum", Vol. 51, No. 3, 2016, pp. 93-105

Nigerian security forces, in comparison to well-armed criminals, lack the necessary equipment such as surveillance, tracking, and surveillance, as well as other advanced weapons utilized in modern combat. To support the above claims, the state of Zamfara, which is a hotbed of cattle rustling and banditry, is surrounded by dense forests such as Kamara, Kunduma, and Sububu, with little or no government presence. These are the locations where criminals used to hide and eat after carrying out attacks on cities¹, highways, and outlying towns, and there have also been allegations of corruption against state security forces, police, judges, city chiefs, and even vigilantes². Because governments have left these forests unpopulated and abandoned for years, these criminal groups are causing this. As a result, the forests have become a breeding ground for cattle rustlers, bandits, kidnappers, and other criminal elements; for example, Boko Haram's occupation of the Sambisa Forest is due to the government's years of abandonment of the forest³. Approximately 21 million individuals in the northwest states have been subject to bandit insecurity. Bandit violence began in 2011 as a conflict between farmers and herdsmen and has since escalated to include cattle thefts, kidnappings for ransom, sexual violence, and murders unrelated to the Boko Haram insurgency in the Northeast. The conflict has affected approximately 35 of the 92 local governments in the four states. The discovery of gold mines and the activities of illegal miners competing for control of the gold deposits have heightened the presence and actions of armed groups in the Northwest. More than 210,000 people were internally displaced in March 2020. More than 35,000 refugees had crossed municipal boundaries to Maradi in the Republic of Niger by early March 2020. These refugees live in the regions of Madaou, Dan Daji Makaou, Garin Kaka, and GidanRoundjiin Tahoua⁴.

As a result of the unrest in other regions of the country, security has suffered. Herders fleeing conflict in the three most devastated states (Zamfara, Sokoto, and Katsina) are going south, putting a strain on resources in the country's Middle Belt and south. While the inflow of Fulani cattle herders has been occurring in the southern regions for decades, tensions appear to be rising in the south-east, south-west, and Niger Delta. There has been a rise in herder-farmer friction in these areas, which has frequently escalated into homicidal violence. Several criminal groups that fled police operations in the Northwest

¹ S. Suleiman, *Rural banditry in Zamfara state, Northwest Nigeria*, in "Social Science Research Council", <http://kuenga-amani.ssrc/2019/06/13/rural-banditry-in-zamfara-state-northwest-nigeria> (16.09.2022)

² A. Abdulyakeen, *Introduction to African Politics: Deconstructing the Constructed African History*, Lambert Academic Publishing, 2021

³ I. Onwuzuruigbo, *Why Nigeria's insecure forests are fertile ground for cattle rulers. The conversation*, <http://theconversation.com/why-nigerias-insecure-forests-are-fertile-ground-for-cattle-rustlers>, (31.01.2022)

⁴ M. Abdulkadir, *Crisis Group Interviews, civil society leaders Abuja, Gusau and Sokoto*, September-November, 2020

have shifted to the central and southern states, providing significant security issues for affected communities and the government¹.

Insecurity has also had a severe influence on the utilization of natural resources (such as gold mining) in the Northwest region, impacting the livelihoods and growth potential of afflicted states. The availability of valuable gold mines in the state of Zamfara drew artisanal mining activities since criminals and families relied on them for a living. However, the gold is stolen and sold on the foreign market, costing the Nigerian economy money. Former Mines and Steel Production Minister Alhaji Abubakar Bwari revealed that illegal gold miners and smugglers cost Nigeria 353 billion naira between 2016 and 2018². While artisanal mining has been linked to economic benefits such as informal employment, it has also been linked to land degradation, water pollution, and health hazards. Due to illicit mining activities, the state declared an outbreak of "lead poisoning illness" in 2010 and 2013, resulting in the deaths of 734 children under the age of five. Given that agriculture is the backbone of the local economy, agricultural disruptions caused by bandit attacks have a significant impact on agricultural productivity, with serious implications for food security. Most farming communities were forced to abandon their farms, particularly in areas near forested areas, because bandits used these areas to attack the communities. Few farmers who remained had to pay bandit taxes to gain access to their farms. The affected communities abandoned approximately 30% of the agricultural land in Kaduna state while farming activities were restricted to a few areas in Zamfara and Katsina states, resulting in a 60% increase in food production³.

Land abandonment has affected over 350 rice farmers in Kebbi state because of bandit attacks. Local farmers and other disadvantaged groups' incomes are declining, particularly women's capacity to support their children's education and household income. The violence in the northwest is spreading, and security forces are already overburdened. The military's long-running counterinsurgency operations against jihadists in the Northeast have been hampered in part by a lack of people and equipment⁴. Because of the continuous military involvement in the fight against bandits and other actions in the Northwest, more resources are consumed in the East. Another rising issue is the

¹ UN High Commissioner for Refugees/National Commission for Refugees. Migrants and IDPs, *Joint Protection Assessment Mission to Northwest Nigeria*, 2019

² S. Mommale, S. Nawaj, S. Duperas, *Zamfara Conflict Analysis and Multi-Sectoral Need Assessment, Pastoral Resolve, Search for Common Ground and Terre des Hommes*, October 2019

³ Murtala Ahmed Rufa'i, *Vigilante groups and rural banditry in Zamfara state; excesses and contradictions*, in "International Journal of Humanities and Social Science Invention", Vol. 6, No. 6, 2018, pp. 65-73

⁴ J. Ahmadu, *Insight into the dynamics and menace of cattle rustling: a case study of lake chad basin area in Northern Nigeria*, in "World Journal of Social Science Research", Vol. 6, No. 1, 2019, pp. 18-32

proclivity of state governments affected by the Northwest spillover to form local paramilitaries or vigilante organizations. Following widespread protests in the Southwest Geopolitical Zone following fatal incidents among Fulani herders and local farmers, as well as kidnappings increasingly involving criminals from the Northwest, the governors of Ekiti, Lagos, Ondo, Oyo, Ogun, and Osun established the Western Nigeria Security Network, also known as Operation Amotekun, on January 9, 2020. This development could pave the way for the emergence of regional security arrangements in other parts of the world, which, if they become a trend, could undermine national stability while improving local security.

High levels of conflict in the Northwest result in limited agricultural participation, reduced humanitarian access, and forced displacement, with many populations being displaced repeatedly. This, combined with well-above-average prices for staple foods, limits household purchasing power and access to food. In the worst-case scenario, famine could occur if conflicts escalate or shift dramatically, limiting access to traditional sources of food, income, and humanitarian assistance for an extended period.

As humanitarian access has dwindled in recent months because of increased conflict and ongoing displacement, many households in hard-to-reach areas face significant food insecurity, indicating high levels of acute malnutrition and excess mortality. These populations are at risk of famine until at least January 2022 because they are struggling to meet their food needs and are expected to participate only minimally in the current farming season. The farming season for 2022 has begun across the country. Farmers are hard at work preparing their fields for planting in the north and weeding in the center and south. However, high input costs for items such as improved seeds, herbicides, and fertilizers, combined with uncertainty, limit the previously subpar level of management. Agriculture-related households earn lower-than-average salaries because of increased competition from an oversupply of workers, which limits labor income. This restricts access to food and non-food products for market-dependent households.

Challenges of food security in North Western Nigeria

In a country like Nigeria, achieving full food security is a big task due to a variety of issues. Rain-fed agriculture accounts for more than 90% of Nigeria's agricultural output, with around 79 million hectares of arable land, 32 million of which are under cultivation¹. Agriculture and livestock output continues to fall short of their potential. Despite a 7% increase in agricultural productivity (2000-2008), the rising population is reliant on imported staple commodities (e.g., rice, beans), as seen by an increase in the food import bill.

¹ Food and Agricultural Organization, *Nigeria Food Security Report 2011*, FAO, Rome, 2012; Food and Agricultural Organization, *Food Security Statistics- Nigeria*; FAOSTAT, Rome, 2012

To begin, the primary cause of food insecurity in developing nations is a lack of availability of food as a result of widespread poverty and unemployment, which also limits purchasing power and prohibits secure access to food. Second, it is evident that the bandits' actions are a surefire way of impacting food production, since they tend to destroy granaries in these towns, even burning trailers full of food destined to be delivered into the city and even out of state. Furthermore, because outside traders are frightened of being abducted¹ if they bring food into the state, the traders will increase the available food². Food prices around the world have risen considerably in recent years and are anticipated to rise further or become more erratic. Food price volatility has put a major strain on global food security because many Nigerians rely on the market for food and are vulnerable to rising food prices. High input costs are generally associated with high food prices, limiting yield and production levels, and leading to inefficient input utilization. For example, Nigeria has one of the lowest fertilizer consumption rates in Sub-Saharan Africa, at 7 kg per acre³.

Third, climate change is one of the most serious threats to world peace and security in the twenty-first century. Climate change is driven by natural factors such as ocean currents, volcanic eruptions, erosion, and drought, as well as human factors such as industrial activity, greenhouse gas emissions, and the slow combustion of fossil fuels. This has resulted in desertification, with negative consequences such as water and land scarcity, low crop yields, and the extinction of animal and plant species, particularly in Africa's least developed countries. This is consistent with the Sahara and Sahel Observatory's (2007) account of climate change causing low rainfall in the African region, which is reflected in a deterioration in vegetation cover for feeding livestock, forcing people north, primarily "shepherds", to face the negative effects of desertification and move south, where it is relatively healthy to protect themselves from environmental problems, in search of greener pastures for their livestock. As a result of this battle, the conflict between pastoralists and sedentary farmers arose, because both groups are struggling to deal with the effects of environmental problems at the same time. The former is fighting for more green pastures to feed their animals, while the latter is fighting for more land to increase food production.

Consistent with the ecological challenges, Shettima and Tar contends that in the West African subregion, a conflict between sedentary farmers and

¹ O. Nweke, S. Nwachukwu, *National Security Issue and Challenges in Nigeria: Which way forward*, in "International Journal of Youth Empowerment and Entrepreneurship Development", Vol. 1, No. 1, 2014, pp. 97-106

² B. Habib, *Gunmen storm Galadimawa village, kill vigilante, 4 others*, www.blueprint.ng, (15.09.2022)

³ Food and Agricultural Organization, *Nigeria Food Security Report 2011*, FAO, Rome, 2012; Food and Agricultural Organization, *Food Security Statistics- Nigeria*; FAOSTAT, Rome, 2012

mobile pastoralists has become ingrained due to a scarcity of agricultural land and pastures due to scarce resources. In the region's ecology and political economy, livestock farming is the primary source of income for more than 12 million people in the West African sub-region. Pastoralists move throughout the region, primarily in search of greener pastures and water for their animals; as a result, the conflict between pastoralists and farmers becomes unavoidable¹. The conflict is thus centered on the "resource scarcity" caused by climate change. This is consistent with Ibrahim and Dalugat's findings that in northern Nigeria, there is intense competition for farmland and limited water resources between sedentary farmers and Fulani herders, which frequently leads to conflict². In Nigeria today, this conflict has devolved into armed banditry. Climate's inherent properties manifested as weather changes over time have a significant impact on food security in unpredictable ways due to their negative effects on pests, crop diseases, agricultural production, animal husbandry, and humans. Climate change affects both the physical and economic availability of certain preferred foods. Changes in seasonal demand for agricultural labor as a result of changes in production practices affect income-generating capacity.

Fourth, Nigerian farmers have limited credit access, and less than 10% of irrigated land is irrigated.

Finally, the global economy is knowledge-driven, and the food system's efficiency is heavily and directly dependent on agro-technological innovations and innovations in relevant sectors. In Nigeria, adult literacy is 54.5%³. However, the rural poor account for 33.4% of all food availability actors and are primarily engaged in subsistence farming. Kola's state trade has also suffered as a result of the violence. Because of the capital's ongoing insecurity, farmers in Kano have found it difficult to market their produce. As a result, many kola nuts remain unsold, according to Yaya Haliru, a kola nut trader. Although many farmers in the state were anticipating a bumper crop this year, many were concerned that they would not be able to sell their crops. "If the current situation persists, crop sales for many farmers will be severely hampered", Audu said. Bako is a well-known dealer. The northern conflict has led some farmers and pastoralists to flee to Niger, Chad, and Cameroon neighboring countries. According to the National Emergency Management Agency (NEMA), over 65 percent of farmers in the north have fled the south due to insecurity. The UN Food and Agriculture Organization has warned that the country would face starvation later this year as most smallholders and mechanized farmers in north-eastern Nigeria fear terrorist threats. "Since the Boko Haram insurgency broke

¹ A. Shettima, A. Tar, *Farmer-pastoralist conflict in West Africa; exploring the causes and consequences*, in "Information Society and Justice", Vol. 1, No. 2, pp. 163-184

² M. Kuna, J. Ibrahim, (Eds.), *Rural banditry and conflicts in northern Nigeria*, Abuja Center for Democracy and Development, pp. 16-67

³ A. Shettima, A. Tar, *Op.cit.*, pp. 163-184

out in the state of Chad, attacks on these farmers who produce beans, onions, peppers, corn, rice, livestock, and catfish in the Lake Chad area for the southern states have caused them to move". Because most of the food consumed and traded in Nigeria is farmed in the north, NEMA has warned of oncoming famine.

The relentless shelling and other violent attacks on local markets by Boko Haram, bandits, and the Nigerian military pose serious risks to northern farmers, ranchers, and agricultural product traders, forcing them to relocate to new locations far from their farmlands to transport food and agricultural products to other states. As a result, food costs have risen, notably in the country's south.

Impacts of conflict continuum on food security in North Western Nigeria

All participants (100%) agreed that banditry has had a detrimental influence on food security in Northwestern Nigeria. Killings, kidnappings, threats, robberies, theft, burnings, raiding, and blocking of local trade routes are examples of banditry.

Effect of banditry on food security

Food security is another threat posed by armed banditry to national security. Farmers can no longer travel to their farms due to the actions of armed bandits, and some have been compelled to abandon their regular location due to the dread of bandit attacks, leaving their farmland uncultivated. Farmers in some locations must pay a levy before they can access their farmlands. Farming provides a living for millions of Nigerians, and these farmers provide food and raw materials to other sectors of the Nigerian economy. Farmers suffer greatly during bandit attacks for numerous farming seasons. For example, over 5000 hectares of farmlands were left uncultivated in Zamfara State in 2018, 30% of agricultural land in Kaduna State was abandoned, and farming activities in Katsina and Zamfara were restricted to a few areas due to the fear of being kidnapped or killed by bandits¹.

As a result of banditry, over 350 local rice cultivators in Kebbi State have abandoned their farmlands². According to Alh. Saidu Garkuwa, secretary of the All Farmers Association of Nigeria, Zamfara state chapter, 10,000 households, largely peasant farmers, have been displaced in Zamfara state. He went on to say that the fear of being assassinated or kidnapped pushed farmers to abandon agricultural output, and that if severe steps are not taken, there is a serious food shortage in the

¹ WANEP, *Addressing Armed Banditry in the North-West Region of Nigeria*, in "African Journal of Potentials of a Multi-dimensional Conflict Management Approach", WARN Policy Brief Nigeria, 2020

² N. Odebo, (Ed.), *Bandits tax us before allowing us access to our farms-Northwest farmers*. *Punch*. 2019, <http://punchng.com/bandits-tax-us-before-allowing-us-access-to-our-farms-Northwest-farmers/>, (31.01.2022)

years ahead. AFAN Secretary Kaduna State Chapter further revealed that criminals send out warnings of impending attacks or demand large sums of money from farmers before allowing them access to their crops. He explained that bandits now decide whether we go to the farm or not and that some of our farmers who produce hundreds of bags of grains cannot produce even a fifth of what they used to. In addition, the AFAN Chairman in Katsina State revealed that they had lost 28 farmers to banditry¹. As a result, agricultural productivity has been disrupted, with major implications for food security, as it results in a decrease in food output and an increase in food prices because only a few can grow food crops to feed the swarming population. As a result, kidnapping and armed banditry, particularly in northern Nigeria, are endangering agricultural activity, forcing both large and small farmers to flee their farms².

Agriculture is, without a question, the bedrock of any nation, and Nigeria is no exception. The farmer's contribution to the advancement and expansion of the economy cannot be overstated. Armed banditry's displacement of farmers has a negative influence on farming and other related economic activity. Most banditry-affected communities in the country's north have virtually ceased agricultural activity, as farmers avoid farming occupations for fear of being slain.

For example, when asked if the proliferation of small arms and light weapons (SALW) had any impact on farming activities, one of the key informants (KI) responded, "Of course, the issue of the rising increase in the acquisition of sale arms and light weapons especially guns, rifles, and ammunition have posed a serious threat to the poor masses, the issue of Boko Haram and other armed banditry activities has enormously affected farming activities." For example, in my community of Damboa, whenever we plant crops and it comes time to harvest them, Boko Haram terrorists would enter our farms and harvest the crops, leaving us in famine. Even if we wanted to fight them, we couldn't because they have small arms and weapons, and if this continues, our people will continue to suffer from extreme hunger, jeopardizing the achievement of the Sustainable Development Goal of ending extreme poverty and hunger, and food security is not guaranteed, he lamented". He went on to say that "my people are in great poverty since money earmarked for development projects has been diverted to combat armed banditry, and as a result, development of our villages is jeopardized". Given the importance of farming, its interruption will undoubtedly have an impact on the livelihoods of agricultural families, as well as the income of local governments, states, and the federal government. This has implications for both local and global food security, nutrition, health, and food price stability. Farming disruption also leads to increasing unemployment and rural-urban migration.

¹ *Idem*

² Daily Trust, *Bandits kill 200; displace 45, 175 in 15 months in Sokoto*, 9 October 2019, Bandits kill 200, displace 45,175 in 15 months in Sokoto, <https://dailytrust.com/bandits-kill-200-displace-45175-in-15-months-in-sokoto/>, (21.08.2022)

Effect of banditry on economic activities of market operation

Socioeconomic development is the basic goal of any well-intentioned administration, and it is essentially based on the degree of economic activity in the country, which is boosted by the peaceful coexistence of the people. Insecurity damages economic, human, and social capital, making socioeconomic development impossible to sustain. The Boko Haram insurgency and other armed banditry operations in northern Nigeria have nearly crippled economic activity in that region, as market closures due to armed banditry have economic ramifications at both the community and local government levels. This has a negative impact on the country's GDP, which is used as one of the indicators of development. Thus, the reoccurring security crises in various parts of Nigeria are, without a doubt, degrading existing infrastructure and preventing a tranquil and safe environment for economic operations. Small arms and light weapons (SALW) proliferation is a precursor to achieving sustainable development.

Furthermore, foreign investors are hesitant to invest in the country. Global corporate investors may be hesitant to engage in governments afflicted by armed banditry due to the crisis and proliferation of small arms and light weapons (SALW) in civilian hands, which could result in the huge destruction of their interests. This may also cause refugee issues for persons from other places who have lived and worked in the host country for a long time.

Farmers/herders clashes

According to Moriki, the origins and manifestations of banditry sprang from historic farmer-herder confrontations, which had evolved into large-scale criminality. Furthermore, these respondents raised the issue of farmers encroaching on herders' paths, adding that because the herders have no other option, they transfer their herds into fields, destroying crops. According to them, the farmers' actions triggered seasonal confrontations between farmers and herders, which resulted in banditry by Fulanis throughout the state.

S/N	INCIDENTS	CASES RECORDED	DESTRUCTION/ITEMS CARTED AWAY	LIVES LOST
1.	Farmers-Herdsman Conflicts/Cattle Rustling	605	Cattle-28,335 Sheep-13,112 Camel-676 Goat-559 Donkey-40 Motorcycles-25	2,416
2.	Armed Banditry/ Reprisal Attacks	167	Cash-722,000 Motorcycles-43 Cattle-85 Sheep- 60	22
3.	Extra-Judicial Killing	63	Cattle-192 Sheep- 64 Cash-60,000	66

	TOTAL	835		
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Table 3: Farmer/Herdsmen Conflicts and other Related Crises in Zamfara and Katsina State (2017-2021)

Source: Fieldwork, September 2021

Between 2017 and 2021, there were 835 reported indices of violent conflicts and criminal activity related to farmers-herders fights, cattle rustling, armed banditry, and extra-judicial killings, which resulted in the deaths of nearly 2500 people. This is in addition to the vast amount of valuable goods that have been destroyed or taken. As a result of Farmers-Herdsmen battles and other notorious bandit actions, 600 towns and villages were destroyed, over 6000 people were hurt, over 10,500 homesteads were burned, 2688 hectares of farmlands were destroyed, and 336 vehicles were damaged in Zamfara and Katsina states. Similarly, about 10,000 livestock and other forms of life were rustled, and over 200 people were kidnapped for ransom.

Discussion of Major Findings

The main findings of this study can be grouped under the following headings: typical annual outputs (in bags) of grains and food items of the people, effects of bandits' activities on annual output, and present annual outputs amidst bandits' operations. As a result, the following are some of the study's findings:

To begin, most of the farmers interviewed claimed that bandit activity in northwestern Nigeria had a detrimental impact on their farming activities. They stated that their typical annual output used to vary from 21 to 30 bags of grains, and even more than 50 bags. However, due to bandit operations in the area, the outputs were below average. This is because robbers frequently assault their crops by leading their cows onto the cultivated grounds of the locals. As a result of such actions, any confrontation will result in the loss of life caused by bandit attacks. Domestication and rearing of cattle have also been impacted. The people admit that the bandits have stolen most of their animals.

Second, the residents reported that the attacks were regular, noting that the bandits normally strike at night and, in many cases, attack in large numbers on motorbikes, giving them the added benefit of simply escaping before security personnel arrived. Several persons testified during the Focus Group Discussion that they had been attacked by bandits. They revealed that the bandits hide and attack market days to steal money and property from them, depriving them of a good existence.

Third, several people explained that the culprits benefit from government assistance, elite sponsorship, poverty, the fertile grazing nature of the area, the rock for hiding away, their residential location, and terrible national security performance.

Fourth, the people vented their rage on the government, accusing it of being to blame. "Among the biggest barriers to the fight against bandits are the government's failure and lack of political will to confront armed banditry

squarely". They indicated that they had dropped their weapons since the government asked them to do so, but the government has failed to reach an agreement with the bandits for them to surrender their weapons.

Another point raised by the public is that the government should take on more responsibilities in dealing with crises. This is because the state is responsible for providing security to its people and territory. This is consistent with the notion of the social contract. The Federal and State Governments should assist in improving operations, such as providing logistics for use during operations and ensuring the welfare of personnel involved in the operation, as well as coordinating with G.S.M network providers in the targeted areas of operation to shut down their services during the operation to avoid security breaches. While few people believe that the government should enable them to use weapons to combat bandit attacks. Finally, because of public outrage and worry, banditry has reduced agricultural activity in Northwestern Nigeria and its environs. Because farming is the people's source of income, banditry has resulted in less commercialized farming in the region. Many young people in the region have fled due to banditry. The villagers also indicated that banditry has increased the poverty of many households in the region since it is impossible for them to engage in large-scale farming.

Conclusion

Based on the foregoing, the findings of this study were able to investigate specific factors, such as the efficiency of security forces in addressing the concerning problem of persistent war and food security in northwestern Nigeria. The findings of this study also suggest that for a country to feed its people, national security must be in place. To combat banditry in the country, the government and the people must work together. People should have confidence in security authorities to share information. The security forces must win the public's trust by demonstrating their ability to safeguard Nigerians and their property. Security services in Nigeria must be independent and free of political manipulation or negative influence in order to combat banditry. The study also looked at the role of security forces, their inability to stop bandits from accessing villages, the lack of police stations, and the full absence of security agencies in the areas as reasons for the ongoing attacks.

Policy recommendations

The following proposals are provided to help people stop banditry and get closer to improving food safety in Northwestern Nigeria. The issue of national security and food production in Nigeria should be addressed with urgency.

The government should immediately reform the security organization to allow for robust intelligence gathering. The centralized system of safety and policing has proven to be ineffective in a country like Nigeria. Community policing strategies should be used such that policing of a specific location is the responsibility of the indigenous peoples of that location who are aware of the location's unusual challenges, as well as adjacent residents.

It is critical to recognize ethnic militias. Disarm and dissolve them in accordance with the provisions of an amnesty program launched by several states.

The government must combat military corruption to root out the rent-seeking activities of officers who have turned the war into a business endeavor for personal gain.

To address this threat, an all-inclusive community and cross-cultural engagements between communities and institutional and informal security networks are required.

Poverty and unemployment are increasing. These issues must be addressed to overcome most of the Nigeria's lack of confidence challenges. The government should build more industries to accommodate her agricultural manufacturing, which will in turn provide more jobs for Nigerians and reduce poverty.

To achieve sufficient food production and alleviate poverty in the country, national security must be prioritized in all capacities to combat banditry.

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**INTERGATION CHALLENGES: LABOUR INCLUSION OF THIRD
COUNTRY NATIONALS (TCNs)**

Abstract:	<i>Integrating migrants into the host society is one of the most problematic issues that European societies are concerned with. In terms of national and, on a larger scale, European security, successful integration policies and procedures lead to increased levels of protection perceived by both the “newcomers” and the host societies. In all the mechanisms and programs, employment stands out to be a vital part of the integration process. Several studies reveal the existence of a direct connection between the integration of migrants – in all its dimensions – and the level of potential threat to national security their arrival implies. The aim of this paper is to assess the current European policy development in terms of third-country nationals` employment, and, furthermore, to evaluate the ongoing efforts of the Eastern EU members to provide proper labor-market integration for both refugees and regular migrants, as means to increase the level of national security.</i>
Keywords:	Employment; labour market; migrants; integration; TCNs
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The context

With 281 million international migrants counted globally in 2020¹ – people residing in a country other than their country of birth, international migration is, without a doubt, one of the most defining phenomena of current societies. This figure represented 3.6% of the world’s total population, thus a major issue that needs to be addressed. While some countries tackle migration in terms of labour resources, others approach it as a source of income through

¹ Julia Black, *Global Migration Indicators 2021*, International Organization for Migration (IOM), Geneva, 2021, p. 22

remittances, but in both situations, it raises significant security problems in terms of wins and losses.

Integrating migrants into the host society is one of the most problematic issues that European societies are concerned with. Moreover, studying and analyzing immigrants' integration represents a major challenge for research also¹. Several years ago, the migration waves in 2014-2016 pushed forward the issue of integration on the political agenda of many states and brought along significant policy changes that applied both to the newcomers and to the legally residing third-country nationals. In addition to this, the newly adopted policies also led to the creation of new and improved cooperation patterns between different levels of authority. In all these mechanisms and programmes, employment stands out to be a vital part of the integration process. However, while in western EU member states, migration is also used as a tool to respond to certain gaps in the labour market, the situation of the Eastern EU members differs in terms of labour market flexibility.

Furthermore, several studies reveal the existence of a direct connection between the integration of migrants – in all its dimensions – and the level of potential threat to national security their arrival implies. A study produced by the European Migration Network (EMN) in 2019 for the European Commission states that “the main integration challenges identified by Member States were generally linked to integrating newcomers into the labour market and notably involved language skills, the recognition and validation of qualifications and discrimination within recruitment processes or the working environment”². Furthermore, the Zaragoza indicators³ list employment as a key area regarding migrants' integration. In addition to this, a study issued in December 2018 reveals that “TCNs of working age residing in the EU (14.9 million) outnumber EU citizens of working age residing in a Member State different from that of their nationality (EU mobile workers) (11.8 million)”⁴. The European legislation regarding the situation of TCNs has changed over time, and recent additions include the right to family reunification or the possibility of obtaining a long-term residence that includes the freedom of movement or the right to equal treatment, including access to the labour market⁵.

It is in this context, that issues related to the employment of TCNs in European Member States need to be addressed, not just in economic terms, but

¹ Livia Pogan, *Mapping integration. Understanding immigration*, in “Sociology and Social Work Review”, No. 2, 2020, pp. 79-86

² *Study on labor market integration of third-country nationals in EU Member States*, European Migration Network, 2019, p. 6

³ https://ec.europa.eu/migrant-integration/library-document/declaration-european-ministerial-conference-integration-zaragoza-15-16-april-2010_en, (19.09.2022)

⁴ Ferdinand Wollenschläger (Ed.), *Analytical report on the legal situation of third-country workers in the EU as compared to EU mobile workers*, Brussels, 2018, p. 2

⁵ *Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*, (21.09.2022)

also in terms of national and common security, as a key factor in the integration process.

The relation between migrants' integration and national security

Most often than not, migration is portrayed and perceived as a potential threat to national security, considering almost all the domains included in this concept. More specifically, several factors are to be considered, such as the need to finance integration programs, to ensure decent minimum standards of living, to create inclusion in the education and welfare system, and, of course, the threat of job loss in favour of a cheaper, less demanding "potential employee" impersonated by a migrant. Such discourse, along with images of refugees smuggled across the sea, or in vulnerable situations sets the scene for discrimination, and a general feeling of danger. Despite this, much of the migration documented by various international bodies are in fact represented by the movement of people who are not the poorest or most vulnerable in their home countries, but rather potentially educated people, who, based on various reasons, decide to seek a better living outside the borders of their country¹.

However, there is a migration-security nexus that cannot be denied or ignored, not in the public discourse, nor in the process of public-policy making. Previous research² shows that immigrants are in some situations considered a threat to the national identity and security or a burden for the social systems, while in other cases are seen as a solution for the lack of workforce, counterbalancing the previous emigration from the host country.

Based on this, it can be argued that human international movement possesses the characteristics to become a national security matter in certain situations, such as when the people involved in such processes tend to oppose the political establishment of the country of destination, when migrants or refugees represent potential danger towards national security of cultural values that are fundamental for the nation in question, when they are a burden in social and economic terms for the host society, or their presence can be instrumentalized through radicalization or against their country of origin³. Thus, in terms of national security, studies reveal that "migration flows affect at least three dimensions of national security: state capacity and autonomy, the balance of power, and the nature of violent conflict"⁴. Furthermore, studies note that "migration management presents a far greater security challenge to weak and failing states than to advanced

¹ Elspeth Guild, Joanne van Selm, *International Migration and Security: Opportunities and Challenges*, Routledge, 2005, pp. 11-12

² Livia Pogan, *Attitudes Towards Immigrants' integration in Romania*, in "Anuarul Institutului de Cercetări Socio-Umane CS Nicolăescu-Plopșor", No. XXII, pp. 303-311

³ Myron Weiner, *Security, Stability, and International Migration*, in "International Security", No. 17(3), 1992, pp. 105-106

⁴ Fiona B. Adamson, *Crossing Borders: International Migration and National Security*, in "International Security", Vol. 31, No. 1, 2006, p. 165

post-industrial states”¹. In the case of more economically developed countries, foreign immigration can easily be transformed into an opportunity, because such states possess the tools to direct required migration flows to remedy some of their national deficits, such as labour shortages or ageing population.

In terms of challenges to national security, the issue of migration can be analysed on four different axis²: “socioeconomic, due to unemployment, the rise of the informal economy, welfare state crisis, and urban environment deterioration; security, considering the loss of a control narrative that associates sovereignty, borders, and both internal and external security; identarian, where migrants are considered as being a threat to the host societies’ national identity and demographic equilibrium; and political, as a result of anti-immigrant, racist, and xenophobic discourses”³. Therefore, based on the conclusion that international migration has the capacity to impact the national interest and stability, as well as the relations between states and the global arena, it can be argued that is a significant matter of security, both at national and international level.

In this context, one of the most efficient tools in addressing the issue of migrants as a security concern is for the nation-states to design tools for real integration, and ensure they are efficiently used. Within the European Union borders, there is an ongoing debate whether these instruments are to be adopted by Member States individually, or whether it is best to create a common approach to migration, namely the arrival of Third Country Nationals, be with regular migrant status or refugees and asylum seekers. As a natural consequence, among the first measures undertaken was the securitization of external frontiers, namely stronger border controls, followed by attempts to contain the massive inflows of new arrivals. In this context, specialists note that “the EU has been facing a record number of migrants, asylum-seekers and refugees in recent history that ignited stronger border control and several difficulties in the management of these flows, expressed through mass detention of new arrivals, lack of organization and resources in refugee camps, dual negotiations with transit countries, increasing human trafficking networks and the lack of solidarity and agreement about the European relocation scheme”⁴. In such conditions, the analysis of the relationship between migration and security⁵ can be described as a struggle to preserve the traditional European valorization of individual human rights and freedoms, while, at the same time, ensuring a level of security that provides comfort for the European societies.

¹ *Idem*

² Ayse Ceyhan, Anastassia Tsoukala, *The securitization of migration in western societies*, in “Ambivalent Discourses and Policies. Alternatives”, No. 27, 2002

³ Joao Estevens, *Migration crisis in the EU: developing a framework for analysis of national security and defence strategies*, in “Comparative Migration Studies”, Vol. 6, No. 28, 2018

⁴ *Idem*

⁵ Gabriella Lazaridis, *Security, Insecurity and Migration in Europe*, Routledge, 2016, p. 24

In terms of European integration mechanisms, notable differences can be observed among the supporters of Member States' capacity to control and handle these flows and the supporters of intergovernmental approaches meant to enhance the advantages of cooperation in dealing with the recent arrivals. Furthermore, authors such as Estevens conclude that this situation" reflects a lack of consensus among MS and the strong intergovernmentalism in the EU about security matters, being it one of the key fields where MS cooperate in specific areas while retaining their sovereignty in others"¹.

Therefore, it is important to examine how the mechanisms of migration control are being enforced at the European and national levels, and most of all, to scrutinize the tools designed in the efforts to integrate the migrant population into host societies.

European policies

While integrating migrants into the host society is a key objective currently facing Europe and Member States alike, in terms of public policy it falls under the competence of each individual Member State, all of which can adopt a different approach, while the European Union plays a supporting part. Thus, in terms of the European Union-level policy framework, the 2011 European Agenda for the Integration of Third-Country Nationals², notes that integration policies can drive "economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness". The Tampere Programme (1999) has created the means for the Member States to be supported in terms of coordinating policies, exchanging good practice examples and financial aid. Furthermore, in 2004, the Common Basic Principles for Immigrant Integration Policy in the EU created a common approach to integration, including the possibility to aid the EU Member States in developing integration policies. The 2005 Common Agenda for Integration lists employment as a major factor contributing to integration and essential in terms of migrants' participation. Additional developments aim to better integrate legally staying migrants into the labour market, as laid out in the Europe 2020 Strategy.

Furthermore, a more recent policy document, the Action plan of integration and inclusion for the period 2021-2027³, focuses on improving employment opportunities and skills recognition to fully value the contribution of

¹ Joao Estevens, *Migration crisis in the EU: developing a framework for analysis of national security and defence strategies*, in "Comparative Migration Studies", Vol. 6, No. 28, 2018

² *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals*, European Commission, Brussels, July 2011

³ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027*, European Commission, Brussels, November 2020

migrant communities, and women, and ensure that they are supported to reach their full potential. These documents include provisions regarding labor market integration as a key element in the integration process, and even develop tools meant to ensure access to vocational training, skills validation, and recognition of prior skills, as well as supporting migrant entrepreneurship.

All in all, the Directives and other legislative arrangements at the EU level seem to come short in terms of providing an inclusive employment system for all Third Country Nationals. Several analysts assert that while “they offer additional protection for the social security rights of migrant persons, they need to be complemented by other instruments such as multilateral or bilateral agreements with third countries, or even human rights instruments”¹, thus placing most of the responsibility in terms of regulation on the individual Member States.

A study published in 2018 investigating the issue of the five years period that TCNs need to spend in one Member State before obtaining long-term residence (LTR)², and, by it, the right to move freely across EU countries, and the impact that this obligation has on the development of their situation, puts forward several problems that derive from this situation. The authors argue that while in the process of obtaining long-term residence, some of the TCNs cross internal EU borders even though they are not allowed to do so, looking for better employment opportunities, higher salaries, or just better-living conditions in general. This can easily be explained because the typical migration towards Europe is driven by work-related factors, and, of course, the fluid borders inside the EU allow for such behavior to occur. However, these actions are against the common European rules, and migrants find themselves in the situation of being vulnerable to a “grey” labor market, where their rights can no longer be guaranteed.

Another issue is related to the fact that TCNs are not allowed to remain on the territory of a Member State once their contract has ended, nor are they allowed to enter an EU country to find a possible job. Exceptions are applicable in the situation of family reunification, and another exception is represented by the highly skilled migrants, when “a person exercising a highly qualified employment may change his or her employer under the conditions set out in Article 12 of Directive 2009/50/EC and thus look for a new job”³.

Furthermore, the same study presented above concludes that “the mechanism, which confines migrants to a ‘spatial-temporal waiting zone’, prevents them from improving their chances of integration and success by looking for more

¹ Herwig Verschueren, *Employment, and social security rights of third-country nationals under the EU labor migration directives*, in “European Journal of Social Security”, Vol. 20, No. 2, 2018, p. 100

² Lucia Della Torre, Tesseltje de Lange, *The ‘importance of staying put’: third country nationals’ limited intra-EU mobility rights*, in “Journal of Ethnic and Migration Studies”, Vol. 44, No. 9, 2018, p. 1420

³ Ferdinand Wollenschläger (ed.), *Op. cit.*, p. 49

suitable jobs elsewhere in Europe”¹. Due to the existing migration policies regulating the free movement of TCNs inside the EU borders, these people find themselves in the situation being able to pursue better work opportunities and possibilities of improving their living conditions, which can also impact the EU’s potential economic growth and attraction towards labor valuable migrants.

National-level contributions to TCN employment

Regarding the national level of authority, the goals regarding labor market integration strategies are like those existing on the EU level, namely, to facilitate third-country nationals’ access to the labor market to achieve socio-economic participation and develop the means to support themselves, to prevent labour exploitation and social dumping, and to combat discrimination. The strategies and policies in this area include a wide range of instruments, such as providing guidance and counseling, language and vocational training, skills assessments and skills-based matching, and incentives for entrepreneurship. In most Member States, public employment agencies play a vital part in offering these services. These efforts are bidirectional: on the one hand, they aim at responding to certain needs of the internal labor markets, and, on the other hand, to create a proper integration environment for third-country nationals.

The difficulty in creating a balanced normative system between the common European level and the Member States’ national interests in matters related to migrant flows derives from the very nature of this phenomenon exposed above. On the one hand, there is the issue of national security which demands nations to control those who arrive on their territory, then there is also the stringent economic need to fill the gaps in the labor market, and, not less important, there is the need for harmonizing the different provisions to create one common European position capable to ensure the fundamental freedoms it is based on. But “since international migration is, by itself, a delicate topic in terms of flows, causes and consequences, dealing with the effects of the arrival of vast numbers of migrants in certain European Member States makes it even more difficult to balance the national sovereignty and the common interest”². In this context, the current situation can best be described as a temporary compromise, in which member states regulate and set conditions within the wider prescriptions designed by the EU-level legislation.

Regarding the main challenges for labour inclusion of third-country nationals, an overview of European countries reveals the same issues, listing among the most frequent language barriers, as well as traditional cultural differences. Overall conclusion, labour inclusion challenges are more often reported by female TCNs³. Another major problem regards diploma and certificate

¹ Lucia Della Torre, Tesseltje de Lange, *Op. cit.*, p. 1420

² Alexandra Porumbescu, *Europe Facing Migration. National Strategies versus European Policies*, in “Revue des Sciences Politiques”, No. 63, 2019, p. 35

³ Ferdinand Wollenschläger (ed.), *Op. cit.*, p. 49

recognition, which would allow TCNs to occupy positions according to their education, rather than working unskilled jobs. This issue is addressed, as presented above, by several EU strategic documents, and is also regulated in most of the Member States, but the problems persist in the situation of TCNs who fled their country of origin in uncertain conditions and cannot provide all the documents required for recognition. The revision of the European Qualifications Framework and enhanced cooperation between National Academic Recognition Information Centres (NARIC) and training staff in reception facilities are tools created to solve this challenge, but their effectiveness is to be discussed.

Community preference Principle in labour migration policy

One of the main issues reported regarding the inclusion of TCNs in EU labour markets is that of the application of the Community preference principle. Furthermore, the issue of discriminatory practices is often reported by TCNs as one of the major obstacles to obtaining a job. In this context, the Community Preference Principle in Labour Migration Policy¹ in the EU may be regarded as a major discrimination factor against TCNs. A topic approached by several academic papers and enshrined in the Treaties, “Community preference” can be defined as the requirement within the single labour market of the EU that, in filling posts, employers are required to give preference to EU nationals over third-country nationals. “Community preference”, defined as a preference for EU citizens, can be considered a tool to achieve the EU objective of a single (labour) market².

Recent discussions at the European level focus on the idea of extending this principle to third-country nationals, particularly the ones who possess residence permits in the Member States, to encourage and further develop the freedom of movement of the workers inside the European borders, and as a guarantee of correct treatment for these people. As discussed earlier, the different normative frame that regulates their movement within the EU territory places them in a more vulnerable position compared to that of intra-European migrants, as potential victims of worker exploitation, unjust wage differences, lack of access to medical and social services, and so on. In time, this situation can also become a burden for their host societies.

Main findings

However, as EU immigration policy develops, and new instruments intended to increase the rights of third-country nationals within the EU are being created, in the EU labour market the hierarchy between the different categories of workers (nationals, EU citizens and third-country nationals) has become more

¹ First introduced in the Council Resolution of 20 June 1994 on the limitation on the admission of third-country nationals to the territory of the Member States for employment

² Sophie Robin-Olivier, *The Community Preference Principle in Labor Migration Policy in the European Union*, OECD Social, Employment and Migration Working Papers, No. 182, 2016, OECD Publishing, Paris, p. 5

uncertain and a preference to EU citizens may appear less justified. This is true both at the EU and national levels.

One of the major issues, however, regards the fact that in many aspects, the common European institutional framework has come short in adopting a common labour migration policy and the legal tools necessary to apply it. The specialized literature emphasizes that “even with regard to entitlement to equal treatment in terms of employment and social security rights, these EU instruments lack a common approach and give the Member States room to provide for exceptions”¹. In addition to this, scientific studies conclude that “there are convincing reasons for aligning the treatment of long-term resident migrant workers from non-EU countries with that of migrant workers from EU member states”², which can only be put into practice once consensus between the Member States and common European institutions is reached.

Another challenge to the access on the labour market for TCNs regards restrictive access to work permits for third-country nationals with a residence permit for the purpose of family reunification, as they cannot automatically obtain a work permit. Public statistical figures provided by Eurostat reveal the fact that across the EU, the number of permits per 1000 inhabitants tends to be lower in Eastern Europe (i.e., Romania, Hungary, and Bulgaria) while Southern European countries (such as Italy, Spain, Greece, Cyprus, and Slovenia) show higher shares³. This, of course, can be partly attributed to the migration routes that establish the southern countries as entry points in the EU territory but also speaks of the different situations of the Member States in terms of economic development.

These challenges to labour inclusion of third-country nationals are reported at the EU level and Member States level alike, including the effectiveness of the measures, undertaken, and the need to meet labour market demand in certain sectors. One of the key priorities regarding the proper implementation of labour market integration strategies is to acknowledge it as a transversal issue, which requires a common response from governmental, non-governmental and public institutions. In addition to this, the private sector can add significant value to national labour market integration strategies, particularly in terms of workplace integration. In addition to these, long-term efficient integration programs require adequate funding and a predictable political landscape.

¹ Herwig Verschueren, *Op. cit.*, p. 100

² Petra Weingerl, Matjaž Tratnik, *Climbing the Wall around EU Citizenship: Has the Time Come to Align Third-Country Nationals with Intra-EU Migrants?* in “European Journal of International Law”, Vol. 33, No. 1, February 2022, p. 15

³ Eurostat, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en, (19.09.2022)

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**HUMAN TRAFFICKING VICTIMS' RIGHTS - FROM
REGULATION TO IMPLEMENTATION. GOOD PRACTICES AND
CHALLENGES**

Abstract:	<p><i>The practice of human trafficking is not only a serious legal and social issue but a major violation of human rights, an attempt to reduce the value of humanity and to treat humans as objects. The National Agency against Trafficking in Person reports describe a tendency of decreased numbers of Romanian victims identified in the last decade by the judicial institutions. The complexity of this criminal phenomenon requires the promotion of a systemic approach and a comprehensive and coordinated involvement of every public institution and authority, nongovernmental organizations, and specialists with competencies in the field of preventing and fighting human trafficking and in providing all forms of assistance services for social reinsertion.</i></p> <p><i>We are analyzing if Romanian law has adequate provisions regarding human trafficking victims` rights, in line with international regulation. We are discussing the good practices and the challenges raised by the implementation of the legal victims` rights, also drawing some suggestions for improving the administrative process of institutional cooperation.</i></p>
Keywords:	Human trafficking; victims' rights; institutional cooperation; public policies
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Human trafficking – a human rights violation crime

Human trafficking as a global criminal phenomenon with multiple effects on different societal levels and with traumatic consequences on victims` personalities and life is, first, a serious violation of human rights. This crime violates all articles

of the Universal Declaration of Human Rights¹ because it denies the core of a human being, reducing the value of humanity to that of an object. That's the reason for the numerous traumas the victim is experiencing during and after being trafficked, no matter the extent of violence or coercion suffered during the exploitation. Being reduced to an object is an attack on the core of human identity and leaves unimaginable wounds. Furthermore, the Universal Declaration of Human Rights states unequivocally that "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms"².

To fully understand the effects of this crime, we must perceive the subtle nuances of the concepts which describe it, not only from a juridical perspective but also from a sociological and psychological approach, the main objective of this process is the possibility to help these people to regain their life, to be able to function adequately in society and to heal their traumas.

Romanian legal framework versus international regulations

Romanian Criminal Code³ severely punishes human trafficking in article 210 and explicitly describes all the necessary elements to easily identify the crime: "Human trafficking

(1) Recruiting, transporting, transferring, harboring, or receiving a person for the purpose of exploiting him, carried out:

a) by coercion, kidnapping, misleading, or abuse of authority;

b) taking advantage of the impossibility of defending oneself or expressing one's will or of the state of obvious vulnerability of that person;

c) by offering, giving, accepting, or receiving money or other benefits in exchange for the consent of the person who has authority over that person, is punished with imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights.

(2) Trafficking in persons committed by a public official in the exercise of his official duties is punishable by imprisonment from 5 to 12 years.

(3) The consent of the person who is a victim of trafficking does not constitute a valid reason"⁴.

The definition of human trafficking includes three elements⁵. First, the alternative actions sanctioned by law are recruiting, transporting, transferring,

¹ Ratified by United Nations General Assembly Resolution 217A adopted on December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (9.11.2022)

² Article 5, *Universal Declaration of Human Rights*, also article 4 is extremely relevant – "everyone has the right to life, liberty and security of person", <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (9.11.2022)

³ Law 286/2009, published in Official Gazette No. 510 of July 24, 2009

⁴ Article 210, Romanian Criminal Code, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/223635>, (9.11.2022)

⁵ F. Ambagtsheer, W. Weimar (Eds.) *Trafficking in Human Beings for the Purpose of Organ Removal: Results and Recommendation*, Pabst Science Publishers, Lengerich, 2015, p. 18

harboring, or receiving a person. Secondly, human trafficking is described by a specific means by which that action is achieved: by "coercion, kidnapping, misleading or abuse of authority, and the giving or receiving of payments or benefits to achieve the consent of a person having control over another person"¹. Then, the third condition for the crime judicial investigation is the purpose of these actions - exploitation, which also must be undoubtedly proved. If the purpose cannot be proved, the prosecutor will indict another crime.

These provisions are in line with EU Directive 36/2011² which was implemented in Romanian legislation. The EU Directive also states the "assistance and support for victims of trafficking in human beings"³ and the "protection of victims of trafficking in human beings in criminal investigation and proceedings"⁴. According to the EU Directive provisions, Member States have to take into consideration these provisions and to draw legislation, public policies and mechanisms regarding the "assistance and support provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings, assistance and support provided as soon as the competent authorities have a reasonable-grounds indication for believing that the person might be a victim"⁵. Also, the assistance and support measures "shall be provided on a consensual and informed basis and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counseling and information, and translation and interpretation services where appropriate"⁶. All forms of assistance must be provided unconditionally. In that regard, for avoiding any pressure on the victim to participate in the investigation, there is a reflection period also seen as a recovery time stated within the law. The authorities have to "take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organizations"⁷ and "attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered"⁸.

¹ Article 210, Romanian Criminal Code, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/223635>, (09.11.2022)

² *Directive 2011/36/EU of The European Parliament and of The Council* of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036>, (09.11.2022)

³ *Ibidem*, Article 11

⁴ *Ibidem*, Article 12

⁵ *Ibidem*, Article 11, paragraph 2

⁶ *Ibidem*, Article 11, paragraph 5

⁷ *Ibidem*, Article 11, paragraph 4

⁸ *Ibidem*, Article 11, paragraph 7

Romanian regulations on human trafficking prevention, investigation, and victims' assistance comply also Council of Europe Convention on Action against Trafficking in Human Beings¹ which was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005 and focuses on human rights perspective and on victim protection. It defines trafficking in human beings as "a violation of human rights and an offence to the dignity and integrity of the human being"². The Convention sets mechanisms for supervising the implementation of the obligations contained in it: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Romanian legal framework for the legislation and regulations relevant to fighting trafficking in persons is extensive and comprehensive and covers not only the preventive measures or the criminal provision regarding the procedure of human trafficking investigations, but also the assistance and support provided to the victims, as stated in National Strategy Against Trafficking in Persons 2018-2022³.

The complexity of the legal framework articulates the action of various institution which have a crucial role in identifying human trafficking victims, investigating the crime, and assisting the victims. It also regulates the mechanisms of inter-institutional cooperation between public institutions and non-governmental organizations.

Implementing the adequate legal framework – a systemic approach

The legal framework and the implementation process and the possible gaps between the two processes are being monitored by The Group of Experts on Action against Trafficking in Human Beings (GRETA)⁴. The experts are implementing a procedure divided into rounds. GRETA selects the specific aspects of the Convention that constitute the object of the evaluation procedure at the start of each round⁵.

Based on National Agency against Trafficking in Persons reports, over 50% of the Romanian identified victims are exploited within the country. The rest of the victims are being exploited abroad, the reducing of the demand for human trafficking services being also addressed by legislative actions, in Romania as well.

¹ *Council of Europe Convention on Action against Trafficking in Human Beings*, signed by Romania on 16/05/2005, ratified on 21/08/2006 01/02/2008 and entering into force on 01.02.2008, <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=197>, (9.11.2022)

² *Idem*

³ A comprehensive list of laws and regulations can be found in *National Strategy Against Trafficking in Persons 2018-2022*, approved by Government Decision no 861/2018, p.13, <https://anitp.mai.gov.ro/en/SNITP%202018-2022.pdf>, (9.11.2022)

⁴ Based on the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings ("Convention"), GRETA is responsible for monitoring the implementation of the Convention and for evaluating the measures taken by each party

⁵ Article 38, paragraph 1 of the Convention, <https://rm.coe.int/168008371d>, (9.11.2022)

The general trend in human trafficking reports shows a decrease of the victims' number. In 2021 GRETA's most recent report¹ which analyse the information from 2016 to 2019, there is mentioned a total number of 2 613 victims. If we add to this report the victims identified in 2020 (596 victims), 2021 (505 victims), and the first semester of 2022 (180 victims), based on National Agency against Trafficking in Person reports², as national rapporteur on human trafficking, we can conclude that from 2016 to the present moment 3894 victims were exploited within the country or abroad.

All forms of exploitation are identified within the victims' group, but the most frequent form is sexual exploitation (almost 80%), and almost 50% of the victims are minors. The so-called "lover-boy method" seems to be the most used method for recruiting victims, especially the women who are exploited by being forced to practice prostitution. Regarding forced labor exploitation, the main recruiting method is by misleading job offers, the recruiting process being put in place through direct contact, using the victims' social circle. Most of the victims have a low level of education which makes them extremely vulnerable. Additionally, many of the victims that have been identified are from rural areas³.

The major risk factors within the recruiting process are low living and education environment, violent background, lack of integration of the family in the community and involvement from the family in education and supporting the children, limited access to middle-level and superior education, lack of attention and sensitiveness offered to the children, school abandon, the lack of support network, especially in rural areas. According to experts⁴, low and limited financial possibilities represented a triggering factor for many victims recruited for any form of exploitation, and poverty undermines any resistance the victim might have against leaving their life environment.

As the United Nation studies show, we also must address the demand for human trafficking victims' services, in order to reduce the corresponding supply of trafficked persons. The reports state that socio-economic information should ideally include an analysis of "how the demand factors affect trafficking markets."⁵. United Nations recommendations emphasize that "states and intergovernmental organizations should also take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of

¹ GRETA Evaluation Report Romania, Third Round, p.4, <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8>, (9.11.2022)

² National Agency against Trafficking in Persons annual reports, <https://anitp.mai.gov.ro/subiectele/cercetare/analize/>, (9.11.2022)

³ *Idem*

⁴ Tamaş Ana Maria, Gavril Ioana Geţiana, *Trafficking in children in Romania: a study on the recruiting process*, Alpha MDN, Buzau, 2009, p.87

⁵ *Toolkit to Combat Trafficking in Persons Global Program against Trafficking in Human Beings*, United Nations publication, p.4, https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook%5B1%5D.pdf, (9.11.2022)

discrimination and prejudice”¹. Also, Principle 4 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the United Nations High Commissioner for Human Rights states: “Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking”².

The complexity of this criminal phenomenon requires the promotion of a systemic approach and a comprehensive and coordinated involvement of every public institution and authority, NGOs, and representative of the civil society with competencies in preventing and combating human trafficking and also in assisting the victims for social reinsertion³.

The National Agency against Trafficking in Persons, as the national rapporteur on trafficking in persons, maintains its role to nationally monitor both trafficking in persons and the assistance provided to victims of trafficking with a view to achieving the objectives set forth in the national plan for the implementation of the National Strategy against Trafficking in Persons 2018-2022. Chapter II of Law 678/2001 on preventing and combating trafficking in persons stipulates that: “In order to efficiently combat trafficking in human beings, the public authority and institutions listed in this Chapter, the non-governmental organizations (NGOs) and other representatives of the civil society shall develop, independently or in conjunction, as the case may be, constant activities aimed at preventing trafficking in human beings”⁴.

All the factors involved in fighting trafficking in persons (legal framework, inter-institutional cooperation) are contributing to the descending trend in the national reports⁵. Still, the emerging vulnerable situation on Romanian borders regarding the Ukrainian refugees crises demanded an prompt answer of all the actors involved in prevention, investigation and victims` assistance, based also on the Recommendations of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB) on the need to enhance anti-trafficking prevention amid mass migration flows: “to monitor locations known for high risks of human trafficking, including those related to provision of sexual services—including online—street begging and informal sectors of economy, to step up labour inspections to exercise state control over high-risk business sectors, including the travel and hospitality, cleaning, domestic care, construction,

¹ *Ibidem*, p 420

² *Ibidem*, p 458

³ National Agency against Trafficking in Persons, *Conducting prevention campaigns in the field of trafficking in human beings – Practical Guidebook*, București, 2009, p.16

⁴ Article 3, Law 678/2001 on preventing and combating trafficking in persons, published in Official Gazette no. 783 of December 11, 2001, <https://www.legal-tools.org/doc/75a7aa/pdf/>, (9.11.2022)

⁵ National Agency against Trafficking in Persons, *Annual Reports*, <https://anitp.mai.gov.ro/subiectele/cercetare/analize/>, (9.11.2022)

agriculture (harvesting), meat and other processing industries known to pose increased risks of trafficking in human beings for sexual and labour exploitation”¹.

At the recommendation of the OSCE Special Representative, “all relevant stakeholders at national and local levels should remain attentive to dynamic patterns of large flows of people and the constantly changing tactics employed by traffickers and should rapidly exchange information to adjust their responses accordingly”².

Victims` rights and assistance - public policies, good practices, and challenges

To implement the coordinated public policy for preventing, combating human trafficking and for assisting the victims, many organizations, governmental and non-governmental, must follow the objectives and the actions of the national plan based on the national strategy against trafficking in persons. Each of these organizations have their own duties drawn by the law, intervention in human trafficking prevention actions or assisting the victims being only one of many tasks they must accomplish. That is the reason for the integrative work the Inter-ministerial Working Group which aims to facilitate the inter/institutional cooperation, including civil society. The Group`s activity is supported by the *local anti-trafficking teams*, coordinated by the county rapporteur³.

The mechanisms of cooperation between all organizations with responsibilities in the field of fighting trafficking in persons (prevention, investigation) and in assistance services for victims is regulated by minister`s order - National Identification and Referral Mechanism of Victims of Trafficking in Persons being signed by all the public institutions with a specific role in this area. National Agency against Trafficking in Persons has a central role in monitoring the action of all organization, in preventing victimization and coordination of assistance services provided to victims. National Identification and Referral Mechanism of Victims of Trafficking in Persons follows the good practices established by National Referral Mechanism Handbook OSCE⁴.

The main public policies documents which contain specific measures are National Strategy against Trafficking in Persons and the 2021-2022 National Action Plan for the implementation the Strategy. The National Strategy's Action Plan for Implementation focuses on objectives regarding strengthening and varying

¹ *Recommendations of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (SR/CTHB) on the need to enhance anti-trafficking prevention amid mass migration flows*, <https://www.osce.org/files/f/documents/9/f/513784.pdf>, (9.11.2022)

² *Idem*

³ *Transnational study on the characteristics of policies in the field of trafficking in human beings for labor exploitation 2009-2011*, JLS/2009/ISEC/AG/207, National Agency Against Trafficking in Persons, București, 2011, p.12

⁴ *National Referral Mechanism Handbook OSCE*, <https://anitp.mai.gov.ro/ro/docs/Publicatii%20internationale/510551%20National%20Referral%20Mechanism%20Handbook%20OSCE.%2024%2001%202022.pdf>, (9.11.2022)

the approaches taken to stop human trafficking and lowering the risk variables that contribute to victimization, protection, support, and reintegration of human trafficking victims, improvement of investigative capabilities for this crime, drawing analysis about the dynamic of the phenomenon and facilitating cooperation in the fight against human trafficking and the support of victims¹. There are indicators that can be used to evaluate the degree of implementation for each aim. Based on the analysis of the previous strategies and plan regarding the difficulties in implementing all the measures for victims` assistance, the new strategy considered these issues and draw some measures to overcome the difficulties².

Some of the challenges in implementing the previous national strategy are considered by the current strategy. As mentioned, some of the institutions involved in this fight on different levels have many different and specific roles regarding their legal duties, those related to human trafficking are often considered marginal. Also, assistance to victims of human trafficking is frequently not given the proper attention, and the organization is overwhelmed by other cases of vulnerable persons. Even if the specialized services for human trafficking victims are regulated within the law, there are only a few of them at the national level. This represents a gap in the design of the coordinated national inter-ministerial network, with serious consequences for the reintegration and healing of the victims³. Also, there is a need for increased financial support for this specific area. We are suggesting the approval of an emergency fund for the human trafficking victims` needs, often needed just after and from the moment of identification to the process of family reintegration, in many cases.

As described in GRETA`s⁴ first report, Romania has adequate regulations for the protection and assistance of victims (Law No. 678/2001, Law No. 292/2011). So, the provisions of the law are clear and suitable for victims, the gap is being observed in the implementation since there is no punishment stated within the law for not following its provision. For instance, article 63 of Law No. 292/2011 on Social Assistance describes the social services for victims of human trafficking: “a) residential centers with fixed-term accommodation that provide assistance, care, and protection; b) day centers that mainly provide information, counseling, emotional and social support for the purpose of rehabilitation and social reintegration; c) services provided in the community consisting of social

¹ Government Decision No. 861/2018, for approving the 2018 – 2022 *National Strategy against Trafficking in Persons and the 2018-2020 National Action Plan for the implementation of the 2018 – 2022 National Strategy against Trafficking in Persons*, p. 18, <https://anitp.mai.gov.ro/programe-si-strategii/>, (9.11.2022)

² *Idem*

³ *Idem*

⁴ *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania*, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680683a1d>, (9.11.2022)

assistance services, emotional support, counseling psychological, legal counseling, professional orientation, social reinsertion”¹. The transposition of these provisions in the real social context is the most difficult challenge.

Criminal Procedure Code provides the victim’s right to be informed regarding the steps of the criminal investigation and other elements regarding the criminal trial and the status of the suspect (art. 81, art. 11 para. 5).

National Agency against Trafficking in Persons has put in place a specific program - Victim Witness Coordination in the Criminal Trial Program, which has the goal to support the victims in taking part in all procedures during the criminal trial, for the truth to be proved and the criminal to be convicted.

GRETA’s third evaluation round was focused on trafficking victims’ access to justice and “effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights and reflects a victim-centered and human-rights-based approach to the fight against human trafficking”². GRETA also emphasizes that states have the duty to assure effective access to specific forms of assistance, based on international human rights law³.

Good practices - local inter-institutional cooperation teams

The actual victims’ access to remedies and to specialized assistance is depending on the local institution and organization’s actions. That’s the reason for the local anti-trafficking teams setting, coordinated by the county rapporteur - National Agency Against Trafficking in Persons (represented by the regional center). The annual workshop of the local anti-trafficking teams focuses on finding solutions for the most challenging cases. So, these local inter-institutional cooperation teams can be considered one of the good practices in implementing the human rights-based approach to the victims’ reintegration and healing process.

Regarding this mechanism, we need to emphasize the role of the National Agency against Trafficking in Persons in facilitating inter-institutional cooperation based on the "National Mechanism for the Identification and Referral of Victims of Human Trafficking"⁴. The main subjects to be discussed to enhance the sensitivity of public institutions and NGOs to human trafficking describe indicators used in

¹ Article 63 of Law No. 292/2011, http://www.mmuncii.ro/j33/images/Documente/Legislatie/Asistententa-sociala-2018/Legea_asistentei_sociale_18012018.pdf, (9.11.2022)

² GRETA evaluation report, third round, <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8>, (9.11.2022)

³ Rantsev v. Cyprus and Russia, application No. 25965/04, the judgment of 7 January 2010; L.E. v. Greece, Application No. 71545/12, the judgment of 21 January 2016; Chowdury and Others v. Greece, Application No. 21884/15, judgment 30 March 2017; S.M. v. Croatia, application No. 60561/14, Grand Chamber judgment 25 June 2020, apud. GRETA evaluation report, third round, p.11, <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8>, (9.11.2022)

⁴335/2007/432881/2007/1990/2007/1072/2007/266/2008/A6.880/2008/409/C/208/2353/C/2008 for the approval of the *National Identification and Referral Mechanism of Victims of Trafficking in Persons*

the assessment of a possible human trafficking situation, prevention activities for vulnerable people, trauma suffered by victims of human trafficking, and ways to assist them.

The method for achieving the best results in locally identifying remedies for human trafficking victims is the discussion of a possible situation, inspired by real cases. Each participating institution presents the method of intervention according to the legal powers in providing the necessary assistance to victims of human trafficking in the case of human trafficking, based on the obligations deriving from the competence of each institution and the responsibilities mentioned in the national action plan regarding the victims.

For example, they will have to draw solutions to the following situation, inspired by formal cases. “This morning, a human trafficking network was dismantled. The criminals exploited a group of 4 people: two female adults and two male adults (forced work), in a house on the outskirts of the town.

The victims were removed from the traffic situation and are currently at the prosecutor’s office for questioning. Status of victims:

- major female victim, 35 years old, with urgent medical needs, homeless and without family;
- the major female victim, in a fragile state of health, apparently with mental problems, with aggressive behavior (later it was found that she was classified as a permanently accentuated disability, non-revisable, established by an evaluation commission from another county); she has no family of affiliation and no identity document;
- the major victims, the men rescued from the traffic situation, are in an acute state of starvation, do not have medical insurance, have identity documents issued with the address of the trafficker, and want to return to their family, in a village on the edge of the county, although its material situation is precarious; one of them graduated from a vocational school and the other graduated from four grades”¹.

During the local inter-institutional cooperation teams have also the task of describing the specific actions that can be carried out by each institution to cover the assistance needs of the victims (for example, where each victim will be accommodated and who is in charge within the responsible institution, who provides the social worker responsible for the case, steps necessary to draw up identity documents, who and how provides medical assistance, procedures, documents that must be drawn up, who and how provides assistance to major victims - professional training, continuation of school, social reintegration, etc.).

The most challenging tasks derived from practice is to merge two or more approaches- that of a public institution, often with strict regulations and fixed budgets as the ones from the judicial/security areas, and that of a civil society organization, which is more flexible, but with little knowledge regarding the limitation of a criminal investigation.

¹ The case study is developed by the author and used in a specific local inter-institutional cooperation team, 2022

That's one of the roles of The National Agency Against Trafficking in Persons (represented by the regional center: to establish local specific mechanisms for the coordination of anti-trafficking activities and to make this network functional in crises by fostering partnerships between national and local actors working in the anti-trafficking field (public institutions and authorities, NGOs, other representatives of the civil society, the church, mass-media, etc.). In that regard, it is important to point out the partnership established with the Romanian Orthodox Church, which has strong charitable organizations in almost all cities and villages.

One of the most difficult challenges to overcome is the diversity of institutions' hierarchy systems. And by that, we are referring to the fact that some of the institutions are subordinated to a ministry authority, which makes measures easier to implement, because they are mandatory and there can be sanctions applied, and other organizations with an important role in victims' assistance and remedies measures are depending on the local authorities, which have the political decision. They have local autonomy in deciding upon the budget for the county and often they reluctantly in assisting a victim which has an address in another county. This is a bureaucratic issue and a political one that interferes with the assistance of effective measures for human trafficking victims. As it has been also noted in the literature, "it can also be observed that the policies face the difficulty of effective implementation, because many of the documents have a recommendation value, and not a mandatory one"¹.

The role of the National Agency Against Trafficking in Persons (represented by the regional center) is to overcome these difficulties, which is often done with the help of the non-governmental sector.

Suggestions for improving the administrative process of institutional cooperation are referring to the establishment of a local fund for crises in human trafficking cases and in rethinking the subordination and budget management of the local essential institution for victims' assistance as they should not depend on the local political will.

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¹ Mateuț Gheorghita, (Ed.), *Traficul de fiinte umane. Infractor. Victima. Infractiune*, Asociația Alternative Sociale Iași, Asociația magistraților Iași, 2005, p.203

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HUMAN SECURITY (RE)CONSIDERATION BY NATO

Abstract:	<p><i>NATO has an interesting history in dealing with the Human Security concept and its derivatives. In a non-formalized past, we have considered various efforts in planning and conducting operations as proving the spirit of Human Security: the effects-based approach to operations and the comprehensive approach, the counterinsurgency philosophy, civil-military cooperation (CIMIC), and NATO support to civil emergencies.</i></p> <p><i>However, this is not close even to the arguments on the "right to intervene", or the "responsibility to protect", allowing the use – as a last resort – of the hard power in extreme cases of people endangered by their governments, failing to protect citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity. For this, we have the illustrative case of Libya, where NATO had a major stake in the crisis resolution.</i></p> <p><i>Currently, the Human Security paradigm is present in NATO's theory and practice, focused on several main lines of effort, in areas NATO conducts operations, missions, or activities.</i></p> <p><i>The paper further inquires about the interpretation of Human Security in NATO and its operationalization perspective.</i></p>
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Introduction

The civilian population has always been a collateral victim in wars across history, and even deliberately targeted, as its safety and security, or manipulated pressure vector (capacity to determine internal political changes favorable to the enemy) are being leveraged to serve strategic and operational objectives. This reality is once again demonstrated by Russia's war in Ukraine.

Anyway, NATO's concern on the protection of civilians is much older¹, even though the human security framework for this issue is first addressed at the 2019 Leaders' Meeting in London, where the Allies agreed to increase the focus on human security aspects and develop new roles for NATO in addressing challenges in this spectrum. Further, various working groups have discussed the subject, to culminate with its inclusion in the NATO 2030 debates and, ultimately, in the new strategic concept.

Recently, in October 2022, the North Atlantic Council approved the Human Security Approach and Guiding Principles², outlining an ambitious human security agenda based on the UN multi-sectoral approach that addresses cross-cutting challenges to the survival, livelihood, and dignity of the people.

The human security concept has its roots back in the 1994 United Nations Development Programme (UNDP)'s Human Development Report³, which is further framed by different schools of thought until reaching a structured description as *freedom from fear*, *freedom from wants*⁴, and *freedom to live in dignity*⁵.

Freedom from fear focuses on the primacy of protection of individuals from violent conflicts⁶. However, the experts often associate violence with other forms of social, economic, and political inequity⁷, in their attempt to offer a realistic and manageable analytical approach. Thus, operating in terms such as: "emergency assistance", "conflict prevention and resolution", "and peace-building", but also with key components of their incumbent agenda, is the origin of a real revolution in the interpretation of the idea of state sovereignty in balance with the individuals' rights - the concept of "responsibility to protect".

On the other hand, the *freedom of wants*, as a primary condition of human security (the "extended" concept), starts from the premise that famine, disease, and natural disasters kill more people than wars, genocide, and terrorism together⁸.

¹ Alexandru Kis, *NATO și securitatea umană*, Editura Universității din Oradea, Oradea, 2012

² [https://www.nato.int/cps/en/natohq/official_texts_208515.htm?selectedLocale=en-~:text=NATO%20will%20continue%20to%20take%20a%20human%20security,especiall y%20individuals%20in%20situations%20of%20vulnerability%20or%20marginalisation%3 B,\(12.09.2022\)](https://www.nato.int/cps/en/natohq/official_texts_208515.htm?selectedLocale=en-~:text=NATO%20will%20continue%20to%20take%20a%20human%20security,especiall y%20individuals%20in%20situations%20of%20vulnerability%20or%20marginalisation%3 B,(12.09.2022)

³ <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>, (19.10.2022)

⁴ UNDP, *Human Development Report 1994*, chap. 2, p. 24, http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf, (12.11.2022)

⁵ UN Secretary-General Report, "*In Larger Freedom: Towards Development Security and Freedom for All*" (2005), <http://www.un.org/largerfreedom/contents.htm>, (12.09.2022)

⁶ Human Security Centre, *Mini Atlas of Human Security*, http://www.miniatlasofhumansecurity.info/en/files/miniAtlas_human_security.pdf, (12.09.2022)

⁷ <http://www.humansecurityreport.info/index.php?option=content&task=view&id=24&Itemid=59>, (12.09.2022)

⁸ *Idem*

Freedom from wants promotes the comprehensive analysis of the aspects affecting the quality of life, in correlation with development goals and *good governance*.

The *freedom to live in dignity* means access to civil and political rights: the inherent right to life; protection from torture or acts of cruelty, unlawful arrest, or detention; the right to the presumption of innocence, and a quick and fair trial; the right to free suffrage, to privacy, freedom of expression, association, and assembly. This warrants, as well, economic, social, and cultural rights - access to food, health, education, and social protection, the right to work, to participate in the community's cultural life, and to enjoy the benefits of scientific progress and its applications. Dignity, as a dimension of human beings, assumes the absence of any form of deprivation: hunger, ignorance, incapacity, disability, and disease. People should be able to protect themselves from any form of discrimination, insecurity, abuse, and injustice. Moreover, they must be able to actively attend to the democratic processes that will affect their lives and future as individuals¹.

Further, the article will seek to clarify how and to which extent NATO addresses human security aspects in its policy and military involvement.

NATO and the “responsibility to protect”

The 2001 ad-hoc International Commission on Intervention and States Sovereignty (ICISS) is the reference point for outlining the *responsibility to protect* (R2P) concept, which promotes the primacy of individual safety, welfare, and dignity, even eluding the state's authority when this becomes itself a threat to the security of its citizens². State sovereignty theoretically became a conditional prerogative imposed by the social contract.

From this perspective, assuming that the national interest of a state should be congruent with the collective interest of its citizens, the authority's inability to preserve the security of the population leads to the obliteration of the principle of non-interference in the internal affairs of that state, beyond any question on ethical issues³. In practice, humanitarian intervention raises the debate over two situations: the right vs. the obligation to intervene, separating the humanitarian reasons from political grounds.

The 2005 UN World Summit unanimously adopted R2P and included its basic principles in paragraphs 138 and 139 of the resulting document⁴. The two paragraphs reaffirm the state's responsibility to ensure the protection of its

¹ Alexandru Kis, *Op. cit.*

² ICISS Report, *The Responsibility to Protect*, International Development Research Council, Ottawa, 2001, <http://www.iciss.ca/report2-en.asp>, (12.09.2022)

³ Cecil Anthony, John Coady, *The Ethics of Armed Humanitarian Intervention*, U.S. Institute of Peace, Peaceworks No. 45, August 2002, <http://www.usip.org/pubs/peaceworks/pwks45.html>, (17.09.2022)

⁴ <https://www.globalr2p.org/what-is-r2p/-:~:text=The%20Responsibility%20to%20Protect%20E2%80%93%20known,cleansing%20and%20crimes%20against%20humanity>, (12.09.2022)

population from a series of mass atrocity crimes¹, by themselves or with international assistance. Failure leads to a collective, decisive, and timely action, under the UN Charter.

As the Global Centre for the Responsibility to Protect shows, R2P has been invoked in more than 80 UN Security Council resolutions concerning crises across the Globe.² But, as A. Caranti observes, the problem is “*who should intervene in case of gross violations of human rights?*”³

Having a look on NATO’s engagement in Libya, despite the criticism⁴ of the UN resolution 1973/ 17.03.2011⁵, it was an opportunity to answer the call of human security principles, as the U.S. Secretary of State, Hillary Clinton, stated in her speech at the London Conference on the Libyan issue (“*a voice in government [...], freedom from violence and fear, the chance to live in dignity...*”)⁶. NATO’s involvement in implementing the UN resolutions on Libya was not surprising, due to the proximity (and the recurrent security implications) and it is demonstrated capabilities to address the complex crisis, creating the necessary conditions to coordinately initiate the integrated efforts of stabilization and reconstruction, in partnership with governmental or non-governmental international organizations⁷.

However, the war in Syria, the political turmoil in Egypt, and the opposing parties’ skirmishing in the “dictatorship-free” Libya have demonstrated the limits of the “responsibility to protect” doctrine in matters of political coherence and envisaged effects. Furthermore, the most critical point is its potentially speculative nature – if we think of the political discourse on the “Russian world” (recently formalized in Russia’s foreign policy⁸), where post-Soviet state borders are defined purely conditional, based on the Kremlin’s satisfaction with the well-being of ethnic Russians in the former soviet states⁹.

¹ Genocide, war crimes, crimes against humanity, and ethnic cleansing

²<https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/>, (12.09.2022)

³ Andrea Caranti, *Responsibility to protect, NATO and the problem of who should intervene reassessing the intervention in Libya*, in “Global Change, Peace&Security”, Vol. 29. No. 3, 2017, pp. 293-309

⁴ <https://mepc.org/commentary/un-resolution-libya-conflicted-middle-east>, (12.09.2022)

⁵<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>, (16.09.2022)

⁶ Hillary Clinton, *Hillary Clinton’s remarks at the London Conference on Libya*, 29 March 2011, <http://www.voltairenet.org/article169184.html>, (11.10.2022)

⁷ Alexandru Kis, *NATO și securitatea umană*, Editura Universității din Oradea, Oradea, 2012

⁸ Reuters, *Putin Approves New Foreign Policy Doctrine Based on 'Russian World'*, Sept. 5, 2022, <https://www.usnews.com/news/world/articles/2022-09-05/putin-approves-new-foreign-policy-doctrine-based-on-russian-world>, (12.09.2022)

⁹ Center for Strategic & International Studies, *The Russian World in Moscow’s Strategy*, August 22, 2016, <https://www.csis.org/analysis/russian-world-moscows-strategy>, (12.09.2022)

Anyway, the UN resolution adopted by the General Assembly on 10 September 2012 reiterates the human security notion as “*distinct from the responsibility to protect and its implementation*” and states that “*human security does not replace state security*”¹. Thus, compared with R2P, human security became a soft power manifestation based on national ownership, where governments can be supported by the international community.

Human security consolidation in relevant functional areas in NATO

Based on this reference, NATO outlined in its Human Security Approach and Guiding Principles the full respect of the sovereignty and territorial integrity of States and consistency with international law, based on a comprehensive approach (that engages international actors and the non-governmental sector). NATO’s people-centered efforts are oriented toward prevention and protection within several operationalized fields: “*combating trafficking in human beings; protecting children in armed conflict; preventing and responding to conflict-related sexual violence; protection of civilians; and cultural property protection*”², regulated by several dedicated policies and guidelines.

Moreover, it is fundamental to emphasize that for NATO, the current human security approach relates to “*risks and threats to populations where NATO conducts operations, missions, or activities*”³. Consequently, the related theory and practice are developed to analyze, mitigate, and respond to the encountered issues at the level of communities/ individuals, and are rather related to the operational strategy than the political discourse (preventing any recourse to human security grounds in justifying a military intervention).

Starting at the experts’ echelon⁴ and continuing at the leadership level in the Madrid Summit (June 2022), the discussions on human security have pointed out its centrality in the overall security picture. Human security is “*at the heart of who we are and what we do: an Alliance working together to protect our people and our values – freedom, equality, and human rights. [...] Taking a human security approach is the best way to achieve lasting peace and security*” – declared Jens Stoltenberg, NATO’s Secretary-General, at the high-level online conference on Human Security hosted by NATO on 25 February 2021⁵.

¹ United Nations, *A/RES/66/290 - Resolution adopted by the General Assembly on 10 September 2012*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/476/22/PDF/N1147622.pdf?OpenElement>, (11.10.2022)

² NATO, *Human security*, 18 July 2022, https://www.nato.int/cps/en/natohq/topics_366.htm, (21.09.2022)

³ https://www.nato.int/cps/en/natohq/topics_181779.htm, (21.09.2022)

⁴ *NATO to step up work on Human Security Approach*, 26 February 2021, https://www.nato.int/cps/en/natohq/news_181798.htm, (21.09.2022)

⁵ NATO, *A changing approach to security*, remarks by NATO Secretary General Jens Stoltenberg at the conference on Human Security hosted by NATO, 25 February 2021, https://www.nato.int/cps/en/natohq/opinions_181806.htm?selectedLocale=hu, (21.09.2022)

NATO's commitment culminated with the new strategic concept of integrating human security principles into the Alliance's core tasks, consigning the Alliance to address it in the broader spectrum of challenges related to stabilization and reconstruction in coordination with other international actors.

Thus, the comprehensive approach is extended to the human security fields assumed by NATO.

The **protection of civilians**, a paramount condition in military operations, is part of the planning considerations as a central human security-related reference and is based on the principles enfolded in the NATO related policy (adopted at the Warsaw Summit in 2016) and the operational objectives of the dedicated Military Concept (2018). Planning (and operational conduct) is based on the understanding of the operational environment, which includes nowadays a consistent human dimension (sometimes characterized as "human terrain", or "human environment"), with the aim to keep the civilian population away from military actions, in satisfactory conditions of survivability, and provide support to the local government to ensure a safe and secure environment¹.

Connected to the protection of civilians, **protection of the cultural property** is another factor of analysis in the operational environment, as an indicator of community identity protected by international law², and a landmark for post-crisis reconstruction.

Combating trafficking in human beings is a phenomenon that flourishes in crisis or war areas due to massive flows of refugees and displaced persons, making communities and individuals vulnerable in the face of stronger criminal networks. Based on the UN Protocol on Trafficking in Persons and the related NATO policy, the NATO Command and Force Structures act to prevent such activities through appropriate training provided to the units, support provided to the host country authorities, and cooperation and coordination with international organizations activating in this field.

Children and armed conflict, based on the NATO Military Guidelines on Children and Armed Conflict and the directive "Children in Armed Conflict – A Way Forward" (2015), which delineates the grave violations incriminated by the UNSCR 1612 (attacks on schools and hospitals, access denial to humanitarian services, recruitment as children-soldiers, killing and mutilation, sexual exploitation, abduction).

Conflict-related sexual violence (CRSV) based on the UNSCR 1820 on sexual violence in conflict and the subsequent NATO military guidelines on the prevention of, and response to, conflict-related sexual and gender-based violence, substantiated in a recent NATO policy on CRSV (June 2021).

¹ NATO, *Human security*, 18 July 2022, https://www.nato.int/cps/en/natohq/topics_366.htm, (21.09.2022)

² The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols

Notably, in this entire framework, a NATO definition of Human Security (or reference to an accepted definition, out of many available) is missing. Therefore, we do not have a projection of the ambition and the future extent of NATO involvement, excepting the already assumed roles and other obligations resulting from international regulations.

Additionally, the Civil-Military Cooperation (CIMIC) Centre of Excellence (COE) lists a series of shortfalls that may hamper the implementation of the human security concept, such as its vagueness (and difficult operationalization as a whole), lack of feasibility and inclusiveness, arbitrariness in pointing out clear criteria for threat qualification, lack of actuality (marking the shift of intra-state conflicts to international, state conflicts, hybrid warfare) and, ultimately, lack of need (if counting the array of institutions dealing with human rights, humanitarian development, liberty, etc. and their working framework, mostly based on the UN definition).¹ CIMIC COE concludes that NATO's human security approach is focused on four (political threats, community threats, health, and environmental threats)² of the seven threats the UN described as essential dimensions of human security in the global Human Development Report 1994 (missing threats, related to individual security, economic security, and food security)³.

Instead of a conclusion – towards a model of human security operationalization in NATO

CIMIC COE is NATO's champion in supporting standardization, developing studies, and supporting materials, delivering relevant courses for human security implementation, and supporting collective training. Based on the leading NATO concepts and directives, the Allied collective training (especially major joint exercises and those related to CIMIC, the main repository of the subject matter expertise) includes human security vignettes integrated into the scenarios and the trained situations, as an extension of the individual training solutions and self-development opportunities. This is an important facilitator for NATO commanders and staff at different levels to receive training and learn how to adapt the operational response in case of grave violations of human security principles⁴. This is the way NATO develops a complex approach to the large range of issues enfolded by human security, is further empowered by the lessons learned processes.

¹ CIMIC COE, *Human Security – A CCOE Info Sheet*, <https://www.cimic-coe.org/resources/fact-sheets/info-sheet-human-security.pdf>, (21.09.2022)

² *Ibidem*, p. 16

³ United Nations Development Program, *UNDP Human Development Report 1994*, <https://www.undp.org/publications/human-development-report-1994>, (29.09.2022)

⁴ NATO, *Human security*, 18 July 2022, in https://www.nato.int/cps/en/natohq/topics_366.htm, (29.09.2022)

However, the domestic legal frameworks, various perspectives on the relevant United Nations Security Council Resolutions and NATO policies, and uneven harmonization with NATO's approach, critically diminish the human security echo at the national level, where the concept is – in most cases – missing as orientation, and even more as a common standard.

From this perspective, some Allies may present a particular value by delivering an implementation model that can be customized for a better understanding and adaptation as a mainstream reference for human security operationalization. The U.K.'s Joint Service Publication (JSP) 985/ 2021 *Human Security in Defense Volume 1: Incorporating Human Security in the way we operate*¹ is a perfect example that enfold a planning framework for human security and underpins various considerations in the execution phase. A necessary step forward is to develop a comparative study among similar publications across the NATO nations, to emphasize common denominators and analyze differences, retrieve best practices, and provide an enhanced integration algorithm. It should be anchored to a NATO-approved conceptual framework and its extension as part of the NATO comprehensive approach.

It is first a matter of dialogue within and outside the Alliance (especially with the UN and EU), if we can already identify as a future platform of interaction on this topic the supporting entities for human security conferences carried on in NATO. This is the right place to further define common positions, work to harmonize divergences, and identify focus areas for DOTMLPFI (doctrine, organization, training, materiel, leadership and education, personnel, facilities, and interoperability) dimensions development, completed with a dynamic risk assessment from the perspective of emerging threats² to human security.

This endeavor is completed by SHAPE's involvement in providing awareness to the military commanders on the featured human environment and the role of human security in operational effectiveness. A first such approach is provided, in conjunction with LANDCOM (Allied Land Command), at the Focal Point Training Event in Sibiu, Romania, planned for November 2022³. Observations and lessons identified in this event will provide an enhanced picture of the training requirements in this area and will promote a structured approach to defining a complex educational program at the level of NATO.

¹ UK Ministry of Defense, *JSP 985 Human Security in Defense Volume 1: Incorporating Human Security in the way we Operate*, December 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040257/20211209_JSP_985_Vol_1.pdf, (27.09.2022)

² United Nations Development Programme (UNDP) Special Report 2022 - *New threats to human security in the Anthropocene. Demanding greater solidarity*, https://www.undp.org/sites/g/files/zskgke326/files/migration/ao/UNDP_AO_SpecialReport2022.pdf, (27.09.2022)

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HUMAN TRAFFICKING RESPONSES IN EUROPE WITH EMPHASIS ON ROMANIA

Abstract:	<p><i>Human trafficking, one of the worst violations of human rights, dignity, and integrity, usually takes place over a large territory, where traffickers take advantage of the naivety and vulnerability of victims. Traffickers also exploit a lack of synchronization between state institutions with the responsibility of preventing and combatting this phenomenon. Considering the pandemic and digitalization have directly contributed to the evolution of human trafficking, the paper aims to present the risk factors, threats to public order, and public safety caused by human trafficking.</i></p> <p><i>The fundamental nature of human trafficking is dehumanization for profit, which is the distinguishing factor from other criminal activities. The paper also presents the European and Romanian legal frameworks which organize the fight against, prevention, and prosecution of this transnational crime.</i></p>
Keywords:	Discrimination; emigration; human trafficking; human rights; Romania; violence.
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Introduction

Since the collapse of communism in the early 1990s, Europe has faced an increase in human trafficking, in part due to the disparities between the West and East. Central and Easter European countries experienced economic crisis after the fall of communism, exacerbated by the International Monetary Fund (IMF) bailout

and policies requiring restructuring for the transition into Western markets¹. These policies required cutting government expenses by cutting social services, leading to harm to the people who needed those services the most. Prices became regulated by the market, to encourage competition, but this resulted in lowering the value of local currencies. Markets became open to foreign investments to encourage free-flow capitalism and growth, but this resulted in hot money which devastated local markets. Privatization of previously government-run institutions was done to increase efficiency and promote competition, but the billions in wealth only benefited western investors and corrupt businessmen and politicians. Interest rates skyrocketed to attract foreign money and to lower inflation, but resulted in default in loans, massive job cuts, and economic collapse².

In countries like Romania, these factors led to mass unemployment, and poverty, especially in rural areas, lowered living standards, widened the gap between the rich and poor, and created social instability. Minorities and women suffered the greatest during these times due to deep-rooted bias and socioeconomic disenfranchisement. Traffickers took advantage of the economic collapse, lack of opportunities, and desperate migrants, especially minorities, women, and children, by offering better opportunities in Western Europe³. Deception schemes such as false employment or study opportunities and fake marriages attract victims with the promise of a better life in Western Europe. Once engaged in the scheme, the victims are forced and coerced into trafficking. Romania's entrance into the European Union created optimal circumstances for the business of human trafficking. Desperate people were easy to procure, and open borders facilitated easy transport⁴. While many factors contribute to human trafficking in Romania, such as the socioeconomic conditions, corruption, culture, and treatment towards women, solutions, and mitigation of these challenges can include international task forces and targeted investigations, community education and vigilance programs, and efforts to eradicate poverty and corruption.

Human trafficking in Romania

Romania is a country of origin and transit for human trafficking and makes up the primary force for sex and labor trafficking victims in Europe⁵. The country's socioeconomic situation, optimal location, benefits of open travel to EU countries, and easily bribed public employees, have made Romania a dream come

¹ Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, Columbia Univ. Press, E-book, 2017, https://www.jstor.org/stable/10.7312/kara13960?turn_away=true, (9.08.2022)

² *Ibidem*, pp. 41-42

³ Siddharth Kara, *Op.cit.*, pp. 42-44

⁴ *Ibidem*, pp. 40-41

⁵ U.S. Department of State, *Trafficking in Persons Report: Romania (years 2018, 2020, 2021)*, <https://www.state.gov/trafficking-in-persons-report/> [hereinafter *TIP Reports*], (10.08.2022)

true for the business of human trafficking¹. Emigration to Western Europe, after the fall of communism, after Romania's accession to the EU, and in the last 10 years, has increased due to a lack of local opportunities. Families have relied on money sent home from members working abroad for survival, so emigration intentions remain very high among young people. In 2017, it was estimated Romania received EUR 3.8 billion in remittances, representing significant resources for households. The main countries of emigration in the last decade are Italy, Germany, and Spain, followed by the UK, the US, Hungary, France, and Canada². It is worth noting that highly educated Romanians migrate mostly to Germany, the US, and Canada, followed by France and UK. The least educated Romanians migrate to Italy and Spain.

Traffickers exploit these emigration trends by offering false employment, study opportunities, and marriage proposals. Recruitment agencies are also complicit by charging high fees which cause large debts to be exploited. Often, traffickers are Romanians part of the family or ethnic crime groups. The top trafficking destinations for Romanian victims are Italy, France, Germany, Spain, and the UK³. The trends in the last five years suggest victims of sex trafficking account for about 70% of the total and involve mostly women and children. Female victims are also often used as recruiters of other girls from the same area⁴. Labor trafficking in agriculture, construction, hotels, manufacturing, domestic service, and forced begging involves men, women, and children and accounts for about 30% of the total. Children account for 50% of the total victims and they usually come from government-run homes and institutions. Girls are nearly always forced into sex trafficking. Begging and theft are commonly forced upon young Romani children and disabled persons⁵.

Enablers of trafficking

Aside from the exploitation of emigration needs and trends due to a lack of opportunities, trafficking has been enabled by a lack of public education on potential threats and risks in seeking opportunities abroad. Due to the pandemic, there is also an increase in internet and social media-based recruitment of children⁶. Confusion regarding prostitution and sex trafficking and the negative

¹ European Commission, *Together Against Trafficking in Human Beings: Romania*, https://ec.europa.eu/anti-trafficking/eu-countries/romania_en, (10.11.2022)

² Organization for Economic Cooperation and Development (OECD), *Executive Summary, Talent Abroad: A Review of Romanian Emigrants, Jul. 16, 2019*, <https://www.oecd-ilibrary.org/sites/27927b96-en/index.html?itemId=/content/component/27927b96-en>, (10.08.2022)

³ European Commission, *Together Against Trafficking in Human Beings: Romania*, https://ec.europa.eu/anti-trafficking/eu-countries/romania_en, (10.08.2022)

⁴ *Trafficking in Person Reports*, Trafficking in Persons Report - United States Department of State, (10.11.2022)

⁵ *Idem*

⁶ *Idem*

stereotypes associated with them lead not only lay persons but also criminal justice professionals to disregard victims¹. Preconceived notions that a person deserves the consequences of exploitation if they don't take the necessary precautions is also a popular narrative among professionals. Insufficient relevant education programs aimed at youth on how to deal with modern social problems prevent resilience. Sensationalism in the media distorts the facts and the anti-trafficking messages².

In the criminal justice system, a lack of assumed responsibility for victim assistance and protection leads to a lack of cooperation and ineffective interventions, leaving victims vulnerable to re-victimization. Limited knowledge of human trafficking and child trafficking by law enforcement and criminal investigators prevents full implementation of legal frameworks and a lack of data regarding human trafficking has a negative impact on prevention, combatting, and cooperative efforts³. Lack of financial resources leaves institutions with human trafficking activities incapable of conducting effective national and international projects. Romania, being a transition point for three main western routes (Eastern, Mediterranean, and Balkans routes), increases vulnerabilities for exploitation and decreases law enforcement's ability to identify victims⁴.

Corruption coupled with the unforeseen negative effects of rapid privatization in the 90s resulting in unemployment and poverty created a huge disparity between the rich and poor⁵. Regardless of the numerous reforms attempted, corruption, fraud, and exploitation for personal gain are still a problem in the government and the business of human trafficking takes advantage of corrupt officials willing to take bribes⁶.

Discrimination and Violence

Romania is one of the most religious nations in Europe, with over 85% of the population belonging to the Orthodox Church. The church thus assumes a highly influential position in all aspects of society and politics, even though the law calls for a separation of state and church. Deep-rooted religious values have long considered women inferior to men, aiding in the discrimination of women⁷. Liberal ideas towards sexuality, women's rights, gay rights, prostitution, and

¹ General Secretariat of the Government, National Strategy Against Trafficking in Persons for 2018-2022 (Romanian language), Annex No. 1, <https://sgg.gov.ro/1/wp-content/uploads/2018/10/ANEXA-1-22.pdf>, (12.09.2022)

² *Idem*

³ *Idem*

⁴ *Idem*

⁵ David Clark, *Fighting Corruption with Con Tricks: Romania's Assault on the Rule of Law*, 2017, Fighting Corruption with Con Tricks: Romania's Assault on the Rule of Law - Henry Jackson Society, (12.09.2022)

⁶ *Idem*

⁷ US Department of State, *Romania 2020 International Religious Freedom Report*, <https://www.state.gov/wp-content/uploads/2021/05/240282-ROMANIA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>, (12.09.2022)

trafficking are often met with hostility by the church. Progress in decriminalizing homosexuality, abortion rights, contraception, and prostitution has been slow¹. Religious freedom is guaranteed by law, although minority religions are considered a threat and often discriminated against. Anti-Semitism is deeply rooted in communist ideals that still exist in Romania. While the law prohibits denial of the Holocaust and prohibits racist expressions, discrimination, oppression, and attacks on Jewish people occur².

Violence against women is a serious problem, without adequate investigations and prosecutions. Investigations of rape may not be pursued independently from a victim's complaint even if physical evidence exists. It can be assumed that with coercion and intimidation, the victim would withdraw a complaint and the perpetrator will avoid prosecution. If parties reconcile following spousal abuse criminal liability is removed, which also perpetuates violence against women and desperation to escape³. Women who wanted to leave abusive relationships face blame for domestic violence by authorities. Prosecutors often drop less severe domestic violence cases, implying the damage is too small and insignificant. While the law requires equal rights among men and women there is a 4.5% pay gap, along with segregation by professions, with women holding lower-paying jobs⁴. Child abuse and neglect also constitute a serious problem among families, in state institutions, foster care, and youth shelters. Forced child marriage is common among Romani and authorities do not always intervene due to cultural sensitivities. The migration of parents to other countries often leaves children in the care of elder family members, which increases their vulnerability to abduction, exploitation, and trafficking⁵.

Other Shortcomings

The U.S. Department of State Trafficking in Persons (TIP reports) between 2018 and 2021 provides clues to shortcomings in the prosecution of trafficking, protection of victims, and prevention efforts. Between those years, investigations and prosecutions were hindered by a lack of efficiency and coordination. A lack of financial investigators forced investigations to rely solely on other evidence and witness testimony and a lack of asset forfeitures fail to impede the profitability of

¹ Lucian Turcescu, Lavinia Stan, "Religion, Politics, and Sexuality in Romania, in "Europe-Asia Studies", Vol. 57, No. 2, Mar. 2005, pp. 291–310, doi:10.1080/09668130500051924

² US Department of State, *Romania 2017 Human Rights Report* 23-31, <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/romania/> [hereinafter *Human Rights Report*], (12.09.2022)

³ *Human Rights Report*, Human Rights Report - United States Department of State, (12.09.2022)

⁴ *Human Rights Report*, Human Rights Report - United States Department of State, (12.09.2022)

⁵ *Idem*

trafficking. Of the offenses prosecuted, some are for offenses other than trafficking and along with inconsistent sentencing makes trafficking a low-risk crime¹.

Victim protection lacks in many critical areas, such as specialized training on victim physiological trauma, leading to the inability to identify potential victims before criminal investigations. The TIP reports observed that authorities fined persons involved in commercial sex without looking for trafficking indicators, even if they were children. Trends show that the government doesn't provide victim assistance for medical and psychological services due to lack of funds and they rely on NGOs, which they also do not fund. Worse, longstanding legislation prevents outside grants from reaching NGOs directly².

The TIP reports identified that complicit officials and employees at youth shelters did not prevent trafficking, but instead perpetuated victimization. During court proceedings, it is common for a victim's testimony to be in front of their trafficker, resulting in further traumatization. Until 2020, the courts were in the habit of publishing all names of trial witnesses, including children, on their public website, compromising the privacy and safety of witnesses. Observations concluded that victim intimidation during and after court proceedings is largely ignored by authorities³ and all these factors contribute to victims choosing not to testify. Victims are entitled to restitution but rarely receive the money, even with court orders, because traffickers refuse to pay. Also, victims often cannot afford to pay the court fees associated with initiating civil trials or to pay court officers to collect money from the traffickers⁴.

Prevention of trafficking also suffers because the enforcement of anti-trafficking legislation fails to hold recruitment agencies accountable for complicit behavior such as illegal recruitment fees. Reports identify a lack of police response to reports of labor trafficking and a lack of competency from labor inspectors in detecting trafficking situations. Labor inspectors also lack the authority to conduct unannounced inspections of certain worksites. Education campaigns have also been lacking, the hotline is largely unused and child labor laws are not effectively enforced, especially in rural areas⁵.

Combatting human trafficking

International and European Legal Frameworks

The main international legal framework for human trafficking, especially in women and children is the Palermo Protocol of the UN Convention Against Transnational Organized Crime. It addresses the exploitation of vulnerable persons

¹ *TIP Reports*, Trafficking in Persons Report - United States Department of State, (21.08.2022)

² *Idem*

³ *Idem*

⁴ *Idem*

⁵ *Idem*

for commercial sex, forced labor, slavery, servitude, and organ removal¹. The definition applies an “action, means, and purpose” model to previously narrowly focused definitions of white slavery. The distinction between child and adult victims was made, State obligations were imposed, and collaboration and cooperation measures were established. The definition was based on coercion and exploitation, created criminalizing offenses, and created victim assistance mechanisms². Among the European countries to agree to both the UN Convention and Protocol, Romania ratified on 4 December 2002 without any reservations. Subsequently, it has implemented numerous articles in the penal code regarding human trafficking offenses. Customary law and *jus cogens* play an important role in international law because they strengthen treaty obligations and State’s responsibility regarding human rights and victims’ rights³.

The EU Anti-Trafficking Directive 2011/36/EU established minimum common rules for determining and punishing human trafficking offenses, replacing the 2002 Framework Decision. The trafficking definition contained the main elements of control, recruitment, transport, transfer, and harboring under threat or use of force or coercion for exploitation. The Directive also specifies sanctions and prosecutions and addresses victim support, consent, and child trafficking. Prevention strategies include awareness campaigns and education⁴. The EU encourages international cooperation and coordination among member states from origin and destination countries. Joint task forces work on investigations and prosecutions to successfully freeze assets and extradite and convict traffickers.

Romanian legislation

Romania implemented the EU Anti-Trafficking Directive and Palermo Protocol into Articles 209-223 of the Criminal Code, Law no. 286/2009⁵. Article 210 defines trafficking as the recruitment, transport, transfer, holding, or receiving of a person to exploit them through

- a) coercion, abduction, deception, or abuse of authority;
- b) taking advantage of the person’s inability to defend themselves or their vulnerability;

¹ General Assembly, *Resolution 55/25, annex II (Jan. 8, 2001)*, A/RES/55/25_United Nations Convention against Transnational Organized Crime, (10.08.2022)

² Anne, Gallagher, *The International Law of Human Trafficking* Cambridge Univ. Press 2012, pp. 12-46, pp. 69-89

³ *Idem*

⁴ *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 2011 OJ (L 101)*, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (legislation.gov.uk), (2.09.2022)

⁵ Law No. 286/2009 Romanian Criminal Code

c) offering, giving, or receiving money or benefits in exchange for the consent of the person who has authority over the person trafficked.

Consent of the person trafficked is not relevant and doesn't justify trafficking. Aggravated offenses include trafficking committed by public officials in the exercise of their functions. Article 211 contains the special aggravated offense of trafficking in minors, with added severity if traffickers are family or caretakers or persons of authority. Article 213 describes pimping as causing or aiding prostitution or profiting from prostitution. Aggravated offenses are when prostitution was started or continued under duress and if acts are committed against minors. Using prostitution or the services of a trafficking victim is outlined in Art. 216 and 217. Sexual intercourse with minors, corruption and the recruitment of minors are offenses under Art 220, 221, and 222, although the age difference must exceed 3 years for the offender to incur criminal liability.

Another aspect of human trafficking is the exploitation of begging, outlined in Articles 214 and 215. It stresses persons with physical or mental disabilities and minors, respectively. Article 209 prescribes 3-10 years imprisonment for placing or holding a person in slavery and the slave trade. Article 212 vaguely addresses forced labor as performing work against a person's will or compulsory work. It doesn't specify conditions, consent, or coercion. Facilitating illegal immigration to Romania is punished under Article 264 and Article 439 recognizes slavery and human trafficking as crimes against humanity. Also in related aspects, rape is an offense under Article 218 and sexual assault under Article 219. Both articles contain provisions for aggravated circumstances involving minors, people under care, the production of pornographic material, and resulting in injury or death.

Human trafficking in Romania between 2019 - 2022

When the state of emergency was instituted in Romania in March 2020, a lockdown ensued. The pandemic brought into evidence the economic and social inequalities, which represent the principal causes of human trafficking. It created new risks and threats for victims of trafficking and amplified vulnerabilities for at-risk groups. The capacity has diminished for the authorities and state institutions to offer essential victim services and it has been necessary to reconfigure activities considering the new situation.

During the pandemic, women and children have been more exposed to human trafficking, because they are the most vulnerable category. Homeless children are exposed the most to the risk of trafficking. Due to the restrictions, their access to safe places, medical help, or social assistance was limited.

The internet facilitated sexual exploitation, as most traffickers switched to the online medium, causing an increase in clandestine prostitution and an exacerbation of the exploitation conditions¹. The restrictions on movement and the

¹ Association for the Development of Alternative Reintegration Practices and Education (ADPARE), *Empowering victims of human trafficking to meet the challenges posed by the*

interruption of some economic activities, among which restaurants and accommodations known for their associations with trafficking and exploitation of victims, have contributed to adaptations. Traffickers have begun to look for ways to maintain profits through other forms and modes of operations¹. Interpersonal relations have moved predominantly online, therefore the recruitment of victims through the internet has registered a major increase in Romania. Additionally, as mentioned above, the pandemic has accelerated human trafficking and thus created many victims, who could not be provided the necessary protection and counseling.

Criminal investigations were severely affected, as contact with persons was limited to only urgent cases. For example, although normal procedures require in-person participation of the defendant, during the state of emergency, hearings for deprivation of liberty were done by videoconference at detention centers or other spaces deemed low health risk, without the consent of the persons in question². Even though in March-May criminal investigations were drastically limited, in the period immediately following, legal actions, searches, detentions, arrests, and lawsuits were carried out in an efficient way.

Non-governmental organizations (NGOs) providing specialized assistance to victims of trafficking have faced significant challenges in their activities due to a lack of coordination and cooperation with state institutions and law enforcement agencies. These factors negatively impact efforts to combat and prevent human trafficking, prosecute offenders, and protect and assist victims. Although, in general, NGOs, assisting human trafficking victims and other vulnerable groups, are considered more flexible and adaptable to change than state institutions, even though they were similarly affected by the state of emergency restrictions. The activities of these support services have been greatly reduced and supplemental efforts have been necessary to ensure the necessary resources for their continued operation.

Research conducted by the Center for Urban and Regional Sociology (CURS) regarding institutions that should be involved in preventing trafficking, places the police and schools first, followed by, in descending order: local government, church, family, employment agencies, the media, and other institutions³. Knowledge of the quantitative aspects of human trafficking in

COVID-19 pandemic, p. 2, <https://www.adpare.eu/ro/despre-noi/proiecte/cercetare/>, (12.08.2022)

¹ UN Interregional Crime and Justice Research Institute (UNICRI), *Virtual Meetings: COVID-19, Crime Prevention and Criminal Justice Priorities: A Spotlight on Vulnerable Groups*, p. 22, <https://unicri.it/Publications/COVID-19-crimeprevention-vulnerable-populations>, (12.08.2022)

² *Presidential Decree on the establishment of the state of emergency. Update: Approval by Parliament, March 20, 2020*, <https://www.juridice.ro/676227/decret-privind-instituirea-starii-de-urgenta.html>, (12.08.2022)

³ Gh. Mateuț, *Human trafficking. Offender. Victim. Criminal offense*, Alternative Sociale, Iași, 2005, pp. 16-17

Romania is essential for understanding the full magnitude and effects of trafficking and for observing progress combatting trafficking made by the authorities.

Victim assistance is a responsibility held by both public authorities and civil society. Specialists and support organizations are found in both entities to ensure the identification of victims and proper referrals. The responsibility to uphold anti-trafficking policies is shared by all social service organizations. The Ministry of Education and Research ensures school enrollment for young human trafficking victims through the school districts. The Ministry of Foreign Affairs aids, upon request, to Romanian victims of human trafficking abroad. They also have an important role in the repatriation of victims through diplomatic missions and consular offices. The Ministry of Justice manages the funds for victim restitution and ensures psychological services through the territorial probation offices. The Ministry of Labor and Social Protection provides victims assistance in acquiring professional qualifications and reintegration into the workforce through the National Employment Agency and its territorial structures. The Ministry of Health ensures victims access to free medical care through the Public Health Directorate. The General Directorates of Social Assistance and Child Protection (DGASPC), a subsidiary of local Councils, provide social assistance to victims.

The National Agency Against Human Trafficking is involved in combatting trafficking as the national rapporteur and by collecting, evaluating, and monitoring, at the national level, the activities carried out by the government and by NGOs. The Agency was established in 2006 to better coordinate the work of state institutions against human trafficking. Its main missions are drafting the National Strategy Against Human Trafficking, writing the Annual Report on the evolution of human trafficking, carrying out prevention campaigns and providing victim assistance, facilitating victim participation in criminal proceedings, and conducting studies and research¹.

Refugees and the pandemic: worries for the future

It's not an exaggeration to say that Romanian society, as we know it, has been shaken to its core in recent years. The pandemic has exacerbated some already significant problems in the country. School dropout in rural areas has increased, the unemployment rate has also increased, and a new economic crisis is knocking on the door. On top of it, the war in Ukraine has given rise to unimaginable tragedies, triggering a humanitarian crisis of colossal proportions. According to the latest official estimates, several million people, a majority being women and children, have become refugees², settling or under temporary

¹ National Agency Against Human Trafficking, <https://anitp.mai.gov.ro/despre-noi/>, (21.09.2022)

² UN High Commissioner for Refugees (UNHCR), *UNHCR updates Ukraine refugee data, reflecting recent movements, June 9, 2022*, <https://www.unhcr.org/news/press/2022/6/62a0c6d34/unhcr-updates-ukraine-refugee-data-reflecting-recent-movements.html?query=Ukrainian%20refugees%20data>; see also UN

protection in European countries, including Romania. With only the basic items in a suitcase, a language is not internationally known, and psychological trauma, they are perfect targets for human traffickers looking to take advantage of vulnerable and desperate people. After all, traffickers are experts in turning human tragedy into profits as seen in the recent cases of Syrian refugees.

All these factors contribute to a bleak picture of the future in which the number of human trafficking victims could increase considerably. More than ever, there is a need for early and preventative actions to anticipate and limit the negative impacts of these systemic shocks. Considering these changes in society over a short period of time, changes should be made to the legislature and the sanctioning structure for illicit acts and human trafficking aimed at refugees.

Analysis and conclusions

Romania has many factors that directly and indirectly facilitate human trafficking on such a great scale to mostly richer Western European countries. After the fall of communism, the rapid privatization of previously government-run institutions led to economic recession and poverty without government support which led to desperation and migration. At the same time, it created great opportunities for corruption in the high ranks of the government. Imbalances of power and lack of judicial independence from political influence have led the rule of law to be used as a political weapon. Failures in the criminal justice system regarding identification, investigation, prosecution, and meaningful sentencing of traffickers coupled with a lack of available support for victims have created a losing situation for combatting efforts. Societal discrimination and violence toward women, children, and minorities have created desperate and vulnerable populations. Due to systemic problems, migration is at an all-time high, which is exploited by traffickers and complicit actors. Desperate people take bigger risks in finding better opportunities and fall prey to several exploitation and coercive techniques.

Considering that globalization, digitalization, and the pandemic have contributed directly to the rise of human trafficking, much closer collaboration is needed between state institutions and NGOs, nationally and internationally. Because human trafficking is a process of dehumanizing and exploiting for profit, social assistance for victims is paramount in recovery, prevention of re-victimization, and protection during legal proceedings. In Romania, until recent years, there was a lack of emphasis on this important aspect, but new understandings are applied to the law to consider the victim's fear, their distrust of law enforcement, and the trauma that continues to constrain and influence them. With the alarming rate of child trafficking, it is imperative for law enforcement to

High Commissioner for Refugees (UNHCR), *Operational Data Portal: Ukraine Refugee Situation*,

https://data.unhcr.org/en/situations/ukraine#_ga=2.15979956.381398478.1658387102-1267390588.1658387102, (21.09.2022)

recognize vulnerabilities and trafficking situations and act appropriately to ensure the child's safety. The rapid growth of digital technology and the increased use of online platforms by traffickers to find and recruit victims, pose extra challenges to law enforcement and prosecutors.

Short-term tactics to address human trafficking include creating international task forces to work alongside Romanian investigators, prosecutors, and judges. An international staff may discourage corruption and bribery. Initiating community vigilance programs in vulnerable areas, as well as performing targeted raids on establishments of labor and sex trafficking can make the business a risky venture¹. Amending legislation to correct the inconsistent sentencing and creating specialty courts with trained judges and prosecutors to fast-track cases and minimize victim trauma. Penalties proportional to the profits of trafficking would severely hamper operations and enforcement of sanctions must also be a priority to provide the deserved restitution to victims.

Long-term tactics to address human trafficking include efforts to eradicate poverty, not only in Romania but worldwide to decrease the vulnerable populations. Promoting social and economic stability would require reevaluating the global economic scheme, which continually marginalizes already vulnerable people. Reevaluating political systems to weed out corruption is also a necessary step, which may be accomplished through tougher international oversight. Implementation of a stronger United Nations organism, like the EU model, is required to disseminate legislation that's agreed upon globally to facilitate the necessary cooperation to combat, prevent and prosecute transnational crime.

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THE HUMAN RIGHTS PROTECTION SYSTEM IN EUROPE

Abstract:	<p><i>This dual system of protection of human rights and fundamental freedoms established at the European Union level — the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights — ensures uniform and unhindered protection, specific to modern democracies, to all citizens of the Union area. The paper aims to identify the elements of interference in the application and observance of the content provided by the two supranational acts by identifying the legal nature of each individual and by recognizing the legal, social, economic, and political factors that may represent threats in the implementation of human rights and fundamental freedoms.</i></p> <p><i>The projection of risks and threats to the system of protection of human rights and fundamental freedoms within the European Union leads to the possibility of forming elements of protection at both doctrinal and case-law levels. To achieve the security of the protection system established at the Union level, it is necessary to work together on several issues: the European Court of Human Rights, the Court of Justice, the institutions of the European Union, the States, and the national courts through its case-law.</i></p>
Keywords:	Council of Europe; European Union; human rights; EU-Charter of Fundamental Rights; European Convention on Human Rights
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Introductory considerations on the European system for the protection of human rights and the European Union system for the protection of human rights

Human rights have been recognized internationally, with the adoption by the United Nations of the following documents:

- International Charter of Human Rights¹;
- The Universal Declaration of Human Rights²;
- International Covenant on Civil and Political Rights and
- International Covenant on Economic, Social and Cultural Rights³.

All these documents form the universal protection system the aim of the UN is „to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”⁴.

The urgent need, because of globalization, to enshrine and enforce human rights globally has led to the emergence of legal instruments regionals capable of ensuring the protection of human rights, as follows⁵:

- Inter-American human rights protection system;
- African human rights system and
- European human rights protection system, developed in the contents of this work.

Thus, states are no longer the only international subjects to be tasked with exclusive human rights competencies. As we can see, the supranational organization has progressed, leading to the emergence of universal or regional organizations to guarantee human rights in the century called the „age of human rights”, because of the need to protect the human being from challenges⁶.

Signed in Rome in November 1950, the European Convention of Human Rights, came into force on 3 September 1953 and created both a human rights legal mechanism and a human rights protection system⁷.

¹ By ratifying the Charter, states renounced exclusive domestic jurisdiction, which favored the ability of the United Nations to develop a common system of protection of rights

² The Declaration was adopted on 10 December 1948 and proclaims civil and political rights and economic, social, and cultural rights

³ The two International Covenants were adopted in 1966 and entered into force 10 years later

⁴ Charter of the United Nations, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>, (10.09.2022)

⁵ Viorel Velişcu, *The development of regional systems for the protection of human rights*, in "Public Security Studies", Vol. II, No. 3 (7), 2013, p. 256

⁶ Ion Dragoman, David Ungureanu, *Sisteme regionale de protecție a drepturilor omului*, in "Pro Patria Lex", Vol. 12, No. 2, 2013, pp. 39-40

⁷ Bianca Selejan-Guțan, *Protecția europeană a drepturilor omului*, Edition 4, C. H. Beck, București, 2011, p. 28

The system of protection of human rights established at European Union level needs a parallel analysis with the European system of protection of human rights, both in terms of the content of the two documents proclaiming human rights and their sources of inspiration, namely the laws of the member states of the Union and of the States signatories to the Convention and international human rights legislation¹.

In 1993, the European Council expressly mentioned the need for respect for human rights, since, until the Maastricht Treaty, there was no mechanism of its own to protect human rights, although they were a fundamental element of the integration process.

At the European level, citizens enjoy the protection of their rights and fundamental freedoms within the two systems, namely:

- established within the framework of the Council of Europe and guaranteeing the protection of human rights and fundamental freedoms through the European Convention and the case law of the European Court of Human Rights, referred to as the conventional² system and

- established within the European Union, manifested both by the Charter of fundamental rights of the European Union, as well as the case law of the Court of Justice of the European Union³.

Doctrine⁴ identified the normative convergences of the two systems of protection of human rights in Europe – the conventional system and the European Union system – materialized in the form of guiding principles:

- The principle of priority is the priority application of European Union law over the national law of the member states; in the situation of human rights, European Union law is applied as a matter of priority;

- The principle of direct application finds its origin in translating into national legislation the provisions of the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union;

- The principle of subsidiarity ensures a higher level of protection for human rights through the intervention of the Convention in the event of failure to implement it by the member states⁵.

¹ Alina Gentimir, *Drepturile omului în Uniunea Europeană*, Universul Juridic, București, 2021, p. 180

² Jean-François Renucci, *Traité de Droit Européen des droits de l'homme*, Librairie Générale de Droit et de Jurisprudence Publishing House, Paris, 2007, p. 25; Ovidiu Predescu, *Unele observații referitoare la importanța edificării unui sistem coerent de protecție a drepturilor omului în Europa*, in "Dreptul", No. 7, 2020, p. 10

³ Ovidiu Predescu, *Unele observații referitoare la importanța edificării unui sistem coerent de protecție a drepturilor omului în Europa*, in "Dreptul", No. 7, 2020, p. 10

⁴ Alina Gentimir, *Op. cit.*, pp. 180-182

⁵ Marta-Claudia Cliza, Laura-Cristiana Spătaru-Negură, *Despre intrarea în vigoare a protocoalelor nr. 15 la Convenția pentru apărarea Drepturilor Omului și a Libertăților Fundamentale*, in "Dreptul", No. 10, 2021, p. 132

Whereas all member states of the European Union have ratified the Convention of European Human Rights, it is necessary for the European Union to accede to the conventional system, both to improve the effectiveness of the protection of human rights and to fit into a system of control of compliance with the relevant norms, guaranteed by the Council of Europe¹. Although they are represented by two distinct institutions, the two systems – conventional and European Union – continue to form a vast legal literature². In this respect, the Treaty of Lisbon introduced the obligation for the Union to accede to the Convention, since “the Charter is drafted more in the style of declarations of rights than in that of a legal instrument ready to be used. It is applied through the whole of European Union law, including the Convention as an integral part of it³”. In support of the theory of the formation of a single European system across the continent, the literature⁴ identifies several benefits, including strengthening the level of protection by unifying judicial practice, cooperation between the two jurisdictions, in which the Court from Luxembourg has jurisdiction to ensure compliance with European Union law.

Nature of the characteristics conferred by doctrine⁵ to the European system protection through the diversity of regulatory provisions, the guarantee of a varied catalog of rights and freedoms, and the existence of two protection mechanisms (the Strasbourg Court and the Luxembourg Court) put the European rights protection system at the forefront of the other regional protection systems.

Council of Europe. Convention for the Protection of Human Rights and Fundamental Freedoms. European Court of Human Rights

Created by the signing of the Treaty of London on 5 May 1949 by ten states⁶, the Council of Europe currently consists of 46 member states, including all the member states of the European Union.

Because of the purpose of the Council and its principles, the central task of the Council of Europe is the protection of human rights.

¹ Ovidiu Predescu, *Op. cit.*, p. 12

² Jean-Paul Jacqué, *The Accession of the European Union to the European Convention on Human Rights and Fundamental Freedoms*, in “CML Rev”, 2011, p. 995, Maria-Luce Paris, *Curtea Europeană a Drepturilor Omului și dreptul Uniunii Europene, în special Carta drepturilor fundamentale: o gestiune subtilă între ajustări sistemice și îmbogățiri reciproce*, in “Revista Română de Drept European”, No. 2, 2013, p. 151

³ Gheorghe Bocșan, *Un punct de vedere cu privire la interpretarea corelată a dispozițiilor art. 53 din Convenția (Europeană) pentru apărarea Drepturilor Omului și a libertăților fundamentale și art. 53 din Carta drepturilor fundamentale a Uniunii Europene în contextul aderării Uniunii la această Convenție*, in “Dreptul”, No. 9, 2017, p. 130

⁴ Ovidiu Predescu, *Op. cit.*, p. 22

⁵ *Ibidem*, pp. 11-12

⁶ The European signatory states of the London Treaty are Belgium, Denmark, France, Ireland, Italy, Luxembourg, Norway, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and Sweden

By virtue of its vocation, the Council is a cooperative organization¹, the framework for which documents of particular importance may not be adopted unilaterally and acts of constraint on the member states cannot be exercised. The fundamental act of the Council of Europe is the Convention for the Defense of the European Union.

Human Rights and Fundamental Freedoms an international conventional instrument. The Convention has been ratified by all the member states of the Council and contains 16 protocols². The Convention entered into force in September 1953, with the task of it proclaiming some of the rights listed in the Universal Declaration of Human Rights. To ensure compliance with the provisions of the Convention by the contracting states, the Council operated three institutions designed to exercise the control function, as follows:

- The European Commission on Human Rights;
- European Court of Human Rights and
- Committee of Ministers of the Council of Europe.

The Convention has undergone numerous additions and modifications by the additional and modifying protocols, enhancing the essential role of a fundamental mechanism for the protection of human rights in Europe. Thus, Protocol No 2 conferred on the Court the power to issue advisory opinions, while Protocol No 11 made changes both to the control mechanism and to the rationale of the Court's role by replacing the other two institutions with a supervisory role³.

The European Court of Human Rights is an international institution with a judicial role, referred to by the contracting states, natural persons, groups of individuals, or non-governmental organizations of the contracting states for the purpose of resolving disputes concerning the violation of the rights and freedoms recognized by the Convention⁴.

Of the many reforms to which the Court has been subjected, we mention the introduced by Protocol No 14, which entered into force on 1 of June 2010, which was due to the very high number of applications submitted to the Court and which, together with the cases pending before it, blocked the activity of the judicial institution. The doctrine identified novel elements introduced by Protocol No 14, as follows: "Treatment of applications for admissibility by a single judge, the introduction of a new admissibility criterion – substantial damage suffered by the applicant, changing the term of office of judges and the procedure for the

¹ Ovidiu Predescu, *Op. cit.*, p. 13

² The Protocols are of two kinds: additional and modifiers. While the additional do not entail amendments to the Convention, the modifiers Protocols amend the procedural provisions of the Convention

³ Andy Constantin Leoveanu, *Analiza sistemică a sistemului instituțional european de protecție a drepturilor omului*, in "Revista Română de Drept European" suppl., 2013, p. 216

⁴ Laura-Cristiana Spătaru-Negură, *Protecția internațională a drepturilor omului. Note de curs*, Hamangiu, București, 2018, p. 81; Marta-Claudia Cliza, Laura-Cristiana Spătaru-Negură, *Op. cit.*, p. 129

appointment of ad hoc judges, mentioning the possibility of concluding the procedure by amicable rules at any time of the procedure, determining the possibility of accession of the European Union to the Convention¹”.

Among many reforms, Protocol No 15 to the Convention introduced a new condition regarding the age of the judges of the Court, namely that they must be at the latest 65 years of age at the time of submission of the list of candidates².

In relation to the European Union, the Strasbourg Court ranks higher than European Union law when referring to the interpretation of the principles and rights set out in the Charter, since they are interpreted in conjunction with the interpretation of the rights of the Strasbourg Court, but they form part of EU law and are guaranteed by the European Court³.

However, pending the unification of the human rights protection system, The European Court of Human Rights maintains a unified relationship with the Court of Justice, having jurisdiction to resolve existential disputes concerning human rights and fundamental freedoms.

European Union Charter of Fundamental Rights of the European Union. The Court of Justice of the European Union

European Union is an intergovernmental organization, such as sui generis, successor to the European Communities, responsible for achieving economic and political objectives⁴; however, the European Union relies on one of the basic principles of Union law – the protection of human rights and fundamental freedoms – by forming, together with the conventional system of protection established by the European Convention, the mechanism by which the rights and freedoms of citizens of the member states are respected.

¹ Marta-Claudia Cliza, Laura-Cristiana Spătaru-Negură, *Op. cit.*, p. 130

² The wording of Article 21 – Conditions for the performance of duties under the Convention is as follows:

“1. Judges must enjoy the highest moral reputation and meet the requirements of high judicial office or be jurisconsults of recognized competence.

2. Candidates must be less than 65 years old by the date by which the list of three candidates is to be submitted to the Parliamentary Assembly pursuant to Rule 22.

3. Judges shall exercise their mandate on an individual basis.

4. During their term of office, judges may not engage in any activity incompatible with the requirements of independence, impartiality, or availability imposed by an activity of a permanent nature; any problem raised in the application of this paragraph shall be resolved by the Court”, https://www.echr.coe.int/documents/convention_ron.pdf, (10.09.2022)

³ Maria-Luce Paris, *Curtea Europeană a Drepturilor Omului și dreptul Uniunii Europene, în special Carta drepturilor fundamentale: o gestiune subtilă între ajustări sistemice și îmbogățiri reciproce*, in ”Revista Română de Drept European”, No. 2, 2013, p. 151

⁴ Gabriel-Liviu Ispas, *Uniunea Europeană. Evoluție. Instituții. Mecanisme*, Universul Juridic, București, 2011, p. 23; Alina Gentimir, *Op. cit.*, p. 15

The Treaty on European Union¹ sets out the values on which it is based the European Union: human dignity, freedom, democracy, equality, the rule of law, as well as „respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men”.

The legal nature of the European Union has been formulated with lots of opinions. From being considered a federation or cooperative organization to the opinion we share, that of a *sui generis* organization with the power to adopt unilateral acts binding on all member states and with a legal order included in the legal order of the member states².

Some of the institutions of the Union listed in Article 13 of the Treaty on the European Union³ play a role in ensuring the protection of human rights in the Union:

- The European Council reaffirms the role of promoting universal values, and the conclusions on the Union Action Plan on Human Rights and Democracy 2020-2024 are not optimistic; The Council considers that, in the context of the COVID-19 pandemic, “its socio-economic consequences have had an increasingly negative impact on all human rights, democracy and the rule of law, deepening pre-existing inequalities and increasing pressure on people in vulnerable situations⁴”.

- The European Parliament, in which the Commission operates for civil Liberties, Justice, and Home Affairs, and the Subcommittee on Human Rights. Parliament also adopts legislation in the field of human rights alongside other institutions;

- The European Commission is responsible for checking the compatibility of the proposal’s legislation with fundamental rights;

- The Council of the European Union organizes annual debates with the aim of promoting citizens’ rights and strengthening the rule of law.

The Lisbon Treaty enshrines respect for human rights both in the legislative and procedural plan, through the existence of the catalog of rights and freedoms, entitled Charter of Fundamental Rights of the European Union, but also by recognizing the role of the European Convention on Human Rights and the

¹ Preamble and art. 2 TUE, published in JO UE C 326/13, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0001.02/DOC_1&format=PDF, (10.09.2022)

² Ovidiu Predescu, *Op. cit.*, p. 15

³ Art. 13 TUE, *Tratatul privind Uniunea Europeană (versiune consolidată)*, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0001.02/DOC_1&format=PDF, (9.11.2022)

⁴<https://www.consilium.europa.eu/ro/press/press-releases/2020/11/19/council-approves-conclusions-on-the-eu-action-plan-on-human-rights-and-democracy-2020-2024/>, (10.09.2022)

national jurisdictions of the member states. Procedurally, the Union has started the process of accession to the Convention to unify the two human rights protection systems in Europe¹.

As part of the Lisbon Treaty, the Charter of Fundamental Rights the European Union is characterized by universality, indivisibility, and liability². At the time of its proclamation in 2000, the Charter was not legally binding, but since 1 December 2009 it has become legally binding and thanks to its comprehensive catalog of rights and freedoms illustrates a Union that is more than an internal market³.

Grouped into seven chapters, the Charter is part of the EU primary law⁴ it represents, together with the European Convention on Human Rights and the general principles of law, the legal instrument for the protection of human rights. It contains elements of supranationalism by recognizing the right to vote and to be elected to the European Parliament for every citizen of the Union.

The Court of Justice of the European Union shall ensure the interpretation and application uniformity of Union law in all member states.

The subjects that may be referred to the Luxembourg Court are people physical, undertakings or organizations, and institutions of the member states and of the Union. The Court is called upon to deal with the following types of cases:

- interpretation of legislation;
- compliance with legislation;
- annul legal acts of the European Union;
- guaranteeing action on the part of the Union and – penalizing the EU institutions.

In support of the two courts – the Court of Justice and the Court – the general lawyers are active, and disputes are assessed in two stages:

- written stage and
- oral stage (public hearing).

¹ Alina Gentimir, *Op. cit.*, p. 17

² Victor Duculescu, *Protecția juridică a drepturilor omului*, Lumina Lex, București, 2008, p. 143, Andy Constantin Leoveanu, *Op. cit.*, p. 216

³ Koen Lenaerts, *The Role of the EU Charter in the Member States*, in Michal Bobek, J. Adams-Prassl, *The EU Chartes of Fundamental Rights in the Member States (EU Law in the Member States)*, Hart Publishing, 2020, p. 68; Ruxandra Sava, *Carta drepturilor fundamentale a Uniunii Europene: effect direct orizontal, aplicare extrateritorială și o aplicare surprinzătoare în cauza Privacy International*, in "Revista Română de Drept European", No. 1, 2021, p. 88

⁴ Giacomo Di Federico, *The EU Charter of Fundamental Rights. From Declaration to Binding Instrument*, Springer, 2011, p. 3, Ruxandra Sava, *Carta drepturilor fundamentale a Uniunii Europene: effect direct orizontal, aplicare extrateritorială și o aplicare surprinzătoare în cauza Privacy International*, in "Revista Română de Drept European", No. 1, 2021, p. 89

Violations of human rights and fundamental freedoms in light of the case law of the European Court of Human Rights

Case law of the Strasbourg Court records numerous violations of the European Convention on Human Rights, in the field of civil and political rights. To highlight the Court's judgment in cases that pose threats to guarantee respect for human rights, we summarize a selection of cases.

Article 5 – Right to liberty and security (Case *Mirgadirov v. Azerbaijan and Turkey*¹). “As a result of the expulsion from Turkey to Azerbaijan, the complainant was arrested in Azerbaijan and convicted of high treason for committing acts of espionage. He was detained during the trial. The investigator decided to restrict the applicant's rights to use the phone, to correspond and to meet other people besides his lawyers, as well as to receive and subscribe to socio-political magazines and newspapers. These measures were temporarily imposed during the preliminary investigation without a precise time limit. The complainant challenged the measures without success.” The Court unanimously held that there had been an infringement of Article 5(1) on account of any reasonable suspicion that the applicant had committed an offense because of his detention in the absence of a court order.

Article 7 – No punishment without law (*Parmak and Bakir Case v. Turkey*²).

“In 2006, the applicants were convicted of belonging to a terrorist organization, because they had meetings with each other and shared leaflets in 2002, as well as illegal periodicals and a manifesto. They were convicted in accordance with the original provisions of the Terrorism Prevention Act, according to which terrorism was any act committed by pressure, force and violence, terror, intimidation, oppression, or threat, pursuing one or more of the established political or ideological purposes, while an organization was defined as any type of association between two or more persons pursuing a common purpose. National courts also considered legislative changes that narrowed the definition of “terrorism” and “terrorist organization” by including force and violence, as well as other cumulative conditions, namely: intention to commit criminal acts; additional methods of pressure, terror, intimidation, oppression, or threat; for one of the ideological or political reasons established. The national courts held that the expression ‘force and violence should be interpreted broadly, including situations in which violence, although not used in the usual physical sense, was nevertheless intended as an objective of an organization, as in the case of applicants. Therefore, the legal requirement of “force and violence” was upheld in the case of the applicants since the demonstration and publications they shared were unacceptable in nature”. In the present case, the Court held that Article 8 of the Convention was

¹

² *Idem*

infringed by reason of the prohibition of travel for the second applicant residing in another country and for the long duration of the maintenance of that measure.

Case law of the Court of Justice of the European Union on interference with the provisions of the Charter of Fundamental Rights of the European Union

Like the case law of the European Court of Justice, the Luxembourg Court is rich in judgments concerning the interpretation of Union law and the identification of interferences in the catalog of rights of the European Union. Request for a preliminary ruling in Case C-650/13 formulated under Article 267 of the Treaty on the Functioning of the European Union, the Grand Chamber of the Court held that “Article 39(2) and the last sentence of Article 49(1) of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, from excluding persons who, like the applicant, have been convicted of a serious crime from being entitled to vote in elections to the European Parliament”¹.

Request for a preliminary ruling in Case C-673/20 under Article 267 of the Treaty on the Functioning of the European Union, the Court declares that “Articles 9 and 50 of the Treaty on European Union and Articles 20 to 22 of the Treaty on the Functioning of the European Union, read in conjunction with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, adopted on 17 October 2019 and entered into force on 1 February 2020, must be interpreted as meaning that, since the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union on 1 February 2020, nationals of that State who have exercised their right of residence in a Member State before the end of the transition period shall no longer enjoy the status of citizen of the Union or, in particular, under Article 20(2)(b) and Article 22 of the Treaty on the Functioning of the European Union, the right to vote and to stand as a candidate in municipal elections in the Member State of residence, including where they are deprived, under the law of the State of which they are nationals, and of the right to vote in elections held by that State”².

Conclusions

Considering the findings, we can say that the last few decades have positioned the area of human rights and freedoms at the highest level of research. At both European and global levels, there have been intense concerns about the development of tools and mechanisms to protect the most important modern human desideratum – rights and freedoms. With the rise of research and discovery,

¹<https://curia.europa.eu/juris/document/document.jsf?text=Dreptul%2Bde%2Ba%2Balege%2B%25C8%2599i%2Bde%2Ba%2Bfi%2Bales%2B%25C3%25AEn%2BParlamentul%2BEuropean%2B&docid=169189&pageIndex=0&doclang=RO&mode=req&dir=&occ=first&part=1&cid=32442#ctx1>, (10.09.2022)

² *Idem*

the world has changed, and today challenges, threats, and risks are difficult weapons to defeat without a guarantee of respect for human rights and freedoms. It is precisely for this reason that we agree with the following opinion on the evolution of this phenomenon, namely that “such intensity and scope for most, if not for all peoples, that it is possible for the world to witness the emergence of a transnational religious force whose impact is as significant for humanity as the ancient universal religions”¹.

Unification of the human rights protection system in Europe, as a result of the accession of the Union to the Convention, it is a crucial step towards the legitimacy of the Convention, but, in view of the historical, substantial legal aspects which entail the need to guarantee a standard of protection at national and Union level, as well as a legitimate application of the Convention, taking into account European Union law, I consider that such a balance between the two mechanisms is possible only after the adoption by the Luxembourg Court of an Opinion capable of establishing the legal order following the unification of the European system of protection of human rights.

We can therefore say that the legal, social, political, and economics of the two human rights protection mechanisms in Europe have been guaranteed over several decades challenging due to doctrinal and case-law progress in international organizations and jurisdiction systems.

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¹ Gheorghe Uglean, *Mari sisteme de protecție juridică și promovare a drepturilor omului*, Editura Duran's, Oradea, 2011; Andy Constantin Leoveanu, *Op. cit.*, p. 218

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THE CONCEPT OF PRIMACY OF COMMUNITY LAW

Abstract:	<p><i>The importance of the increasing role of Community law is given by the implications for the legal systems of the Member States of the European Union.</i></p> <p><i>The European Community has evolved over the course of its history into a multi-state structure with an autonomously manifest legal order, with a system of law binding on each Member State and quasi-uniformly 'adopted' by the member states of the European Community.</i></p> <p><i>The relationship between Community law and national law can be quantified as follows: 1. the prioritization of the competencies of Community law in relation to those of the national law, which implies a transfer of competencies to the European Union; this transfer can be total, as is the case of the customs tariff, or partial, a situation in which there is no need for a relationship between them; 2. the alignment of the legislative provisions of the national law with Community law; 3. the reconciliation of the consequences of the legal rules making up the two legal systems; 4. the concomitance of Community law with the national law, i.e., where Community law guides the application of national rules, as in the case of competition law.</i></p>
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Introduction

The relationship between Community law and national law has given rise to conflicting discussions on this question of principle in the literature¹, which have led to the following two concepts:

➤ *the dualist concept* – according to which the Community law and the national law should be seen as separate, equal, and independent legal rules, i.e., Community law rules do not apply to national law any more than the national law rules apply to Community law. This concept considers that to become applicable and harmonized in the national law system, Community law legal rules must be transposed into the national law legal rules.

The disadvantage of this concept is that the conversion of Community law legal rules into national law legal rules is made possible by a subsequent national law;

➤ *the monist concept* – according to which the Community law and the national law must be regarded as a single set of legal rules and have in common the fact that there is no need to transpose Community law rules into the national law. If the rules of Community law are more recent and conflict with the rules of national law, the former takes precedence, and it is imperative that, subsequently, the national law be brought into full conformity with the provisions of international law, guaranteeing the primacy of Community law rules.

So, we could say that the principle of primacy of Community law is the power of Community law to disapply national law in the event of a conflict with the national law. In Community law, there is no precise provision in the wording of the founding treaties concerning the pre-eminence of Community law and the way in which it is incorporated into the national legal order. In this connection, reference is made to Article 249 (2) of the EC Treaty, which stipulates that “*a regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States*”. It can therefore be concluded that it is not necessary to transpose the provisions of Community law into national law, as these regulations are automatically binding on all EU Member States.

Important features of Community law are to be found in the case law of the European Court of Justice (ECJ); the authority of the ECJ has been the basis of the Community legal order².

The principle of the primacy of legal rules

The direct effect of the strict and unconditional provisions of a directive is not identical in its force of manifestation/enforcement as the direct effect of the provisions contained in the treaties or regulations of the Union. The legal rules characteristic of international interstate bodies is applicable to all signatory countries as subjects of international law.

¹ Octavian Manolache, *Drept comunitar*, Ed. a IV-a, C.H. Beck, București, 2003, p. 62

² *Regulations, Directives, and other legislative acts-European Union*, <https://european-union.europa.eu/law>, (09.08.2022)

The Community legal rules are not only addressed to subjects of international law, but in specific situations, they, guarantee rights that can be used by natural or legal persons before national courts.

The judicial practice of the Court of Justice after the above-mentioned judgment has also enshrined the fact that the primacy of Community legal rules is characteristic both of Community law deriving from the founding treaties and of the regulations, directives, and decisions¹ of the European Union, which become binding on all the Member States of the European Union, without their being able to oppose legislative provisions of national law.

The directives are part of EU secondary law. They are therefore adopted by the European Union institutions in accordance with the Treaties. Once adopted at the EU level, they are then transposed by the EU Member States into their national law for implementation. However, it is up to each Member State to draw up its own laws to determine how these rules apply.

Article 288 of the Treaty on the functioning of the European Union stipulates that a directive shall be binding for all Member States² (one, more, or all) as to the result to be achieved, leaving to national authorities the choice of form and methods to achieve the result. A directive is different from a regulation or a decision because: unlike a regulation, which applies directly in the Member States immediately after its entry into force, a directive does not apply directly in the Member States. It must first be transposed into the national law before it applies in each Member State; unlike decisions, a directive has general application.

The principle of the primacy of legal rules is directly linked to the principle of the autonomy of the Community legal system. The importance of the primacy of Community legal rules for the Member State's obligation to comply with Community legal acts is not linked to the fact that these Community legal acts have a direct effect since Community law enjoys primacy, but the direct effect is specific to only some of the Community rules, such as regulations and decisions. In conclusion, the effectiveness of the principle of primacy is closely related to the interaction with the direct effect.

The primacy of Community legal rules and the direct effect are two concepts that do not form a whole. It is true that both concepts affect the sovereignty of the Member States of the Union, but they are also guarantees for the fulfillment of the commitments made by the Member States at the EU level. The principle of primacy of Community law is independent of the direct effect, but the direct effect makes the principle of primacy of Community law a responsibility for the judges of the Member States so that the direct effect makes the principle of primacy of Community law led to the repeal of legislative provisions in the national law which would conflict with the Union law.

¹ *Idem*

² Treaty establishing the European Community of 25.03.1957, March 25, 1957, Treaty establishing the European Economic Community - EUR-Lex (europa.eu), (12.08.2022)

According to ECJ case law, directives are subject to the principle of direct effect whenever they are not, or are incorrect, transposed into the national law and the time limit for transposition has expired¹. Failure to do so does not affect the application of the provisions of the directive, it has consequences for natural and legal persons in the country concerned because of the national legislation adopted in the light of the directive.

It should be noted that the direct effect of the Directive is only vertical, not horizontal, i.e., the text of the Directive is addressed only to the Member States of the Union, not to natural or legal persons.

If a directive has not been transposed into the national law, the State will not be able to refer to that directive and will not be able to hold criminally liable those who fail to comply with an obligation laid down in that directive.

Article 189 of the Treaty in the third paragraph states that “a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods”². So, a directive that is correctly transposed into the national law also produces effects on natural and legal persons because of the measures taken by each individual Member State.

A particular case is that of negligence on the part of the State in correctly implementing the directive but above all failed to implement the directive by the date set for its implementation. In this respect, the Court, through its case law, has ruled that under Article 189 regulations are directly applicable and produce direct effects, and therefore directives can also produce direct effects, under the conditions of the third paragraph of this article.

It is for the judicial authorities of the Member States, including the courts, to interpret the rules of national law in accordance with the rules of Community law, in the light of Article 10 of the EC Treaty, which is bound by the need to ensure that the provisions of Community law are applied as a matter of priority, even where they are not sufficiently clear, so that they have direct effect. This need arising from the provisions of Article 10 of the EC Treaty must also be put into practice when dealing with a dispute between natural or legal persons which is the subject of proceedings.

Where a provision of national law cannot be interpreted in the light of Community law, national courts may not apply that provision of national law (this is particularly common in criminal cases).

Where legal persons or natural persons, based on national legal rules which contain provisions contrary to Community legal rules, have transferred sums of money to the account of the State authorities, they enjoy the legal prerogative provided for by Community law to repay the sums in question. These situations

¹ <https://eur-lex.europa.eu/>, (12.08.2022)

² Treaty establishing the European Community of 25.03.1957, March 25, 1957, *Treaty establishing the European Economic Community* - EUR-Lex (europa.eu), (12.08.2022)

will be judged by the national courts in accordance with the national procedural rules, in accordance with the principle of national procedural autonomy of the Member States of the Union, but the national procedural rules must be on an equal footing with the procedural rules of Community law and provide for reasonably stated remedies. In its case law, the ECJ has ruled that the legal prerogative to reimburse sums of money paid into the account of State authorities under national legal rules which have provisions contrary to Community legal rules derives from the provisions of Community legal rules concerning the rights of persons subject to legal proceedings.

Liability of members of the Union for infringements of Community rules

Under the principle constituting the “*ius commune*”¹, failure to comply with the direct effect of the Treaties is the basis for liability of the EU Member State when, for this reason, proven and serious damage has been created. Natural or legal persons who have been “victims” of the defective administration of Community legal rules by the representatives of a Member State of the Union have the possibility of bringing an action before the national courts for compensation for the prejudice suffered.

The right to compensation for the damage suffered may arise either from the failure to transpose a directive into the national law or from the application of the national law which conflicts with Community rules. The action may be brought before the national courts if the following conditions are met:

- the existence of rights for the natural or legal person conferred by the Community legal rule;
- the substance of the rights conferred by the Community legal rule is reflected in its content;
- the existence of a causal link between the defective application of the Community legal rules and the damage suffered by the applicant.

The ECT established a specific legal system that has been accepted by all the Member States of the Union and which is followed by the letter in cases brought before the national courts, ensuring the protection of citizens’ rights by making judgments handed down in this area enforceable.

On the other hand, the obligation of the Member States of the Union to recover the damage caused is laid down in Article 5 of the ECT, which requires them to transpose the provisions of Community law into the law.

The primacy of Community law established by the Costa ENEL judgment

The Court of Justice of the European Union² issued the principle of the primacy of Community law in its judgment in *Costa v. ENEL* of 15 July 1964¹ in

¹ *Ius communa* is the principle unanimously accepted by the legal systems of all the Member States of the Union, according to which a state’s failure to administer Community legal rules properly entails an obligation to make good the damage caused.

² The Court of Justice, Home | International Court of Justice (icj-cij.org), (15.09.2022)

circumstances where there was a conflict between the Italian national law on the nationalization of the national electricity system in force since 6 September 1962 and the provisions of the EEC Treaty. In its judgments of 24 February and 7 March 1964, the Italian Constitutional Court ruled, in the spirit of the dualist concept, in favor of the national legal rule, which was of more recent date than the Treaty, on the grounds that a Community Treaty only produces the effects which the ratifying law confers on it.

In substantiating this principle, the Court of Justice took account of the following reasoning:

- **The quality of the Community law to be implemented directly** based on the appropriateness of becoming part of the national legal system, with the argument that this implementation in the law of each Member State of legal rules which are based on a Community source, and on the letter and spirit of the EEC Treaty as a whole, is based on the ground that it prevents Member States from giving precedence against legal rules which they themselves have accepted on the basis of reciprocity, to a decision taken subsequently, arbitrarily;
- **The homogeneity of Community law**, which results in the uniformity of its implementation in practice, such that the binding nature of Community legal rules means that they do not vary in the EU Member States to the advantage of subsequent national law, so as not to jeopardize the achievement of the objectives of the EU Treaties. The doctrine considers this reasoning to be the primary element of non-discrimination in the jurisdiction;
- **The originality of legal rules deriving from the Treaty** and transmission of rights and obligations made by the EU Member States from their national law in favor of Community law, in accordance with the provisions of the Treaties, based on the irrevocable restriction of their sovereign rights, which should not be opposed by a legal rule which gives rise to obligations only for one of the parties and which would be incompatible with the idea of the European Union;
- **The exception to the provisions of the EU Treaties**, according to which EU Member States may not derogate from the provisions of the EU Treaties except by virtue of specific and express provisions.

In conclusion, the Court of Justice, in its judgment, in this case, is in line with the monist concept, prohibiting the fact that, unlike other international treaties, the Community Treaties, in this case, the European Community Treaty, create a legal system which, from the very entry into force of the EU Treaties and from the date of accession of each Member State, becomes implemented into the legal order of all Member States and is binding on the national courts. The provisions of the

¹ Case no. 6/64 – the application having been lodged to the Registry of the Justice of the Peace of Milan for a preliminary ruling and registered at the Supreme Court of Justice of the EC on 20 February 1964, EUR-Lex - 61964CJ0006 - EN - EUR-Lex (europa.eu), (16.09.2022)

national legal rules cannot be invoked before national courts against Community legal rules because the Treaties establishing the EU are independent and have an original character in the combination of Community legal rules and national legal rules, and any contradiction between Community legal rules and national legal rules will be resolved by applying the principle of primacy of the Community law.

The judgment draws the following conclusions, which have given rise to and continue to give rise to important doctrinal¹ debates, as follows:

1. Primacy is a significant feature of Community law because the achievement of the Community *acquis* requires the constant implementation of Community law in practice in all EU Member States, as it is essential for the Community legal system.
2. Originating in the provisions of the founding treaties, the Community law is by its very essence *sui generis*, being pre-eminent over the national law system of each individual EU Member State.
3. The legal system of the European Union by its *sui generis* essence in relation to the legal system of each member state of the Union, makes the legal rules of the European Community prevail over any national provisions, whether of a legislative, administrative, or judicial nature.
4. The principle of primacy of Community law is enshrined in subsequent rulings of the Court of Justice and is enshrined both in the relations between the States and the institutions of the Union and in the national legal system of the Member States of the Union.

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¹ Ovidiu Ținca. *Drept comunitar general*, Editura Didactică și Pedagogică, București, 1999, p.178

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FORENSIC ASSISTANCE IN THE PRIVATE SECTOR

Abstract:	<p><i>The desiderata implemented in forensics at the time of its birth as a special legal science, the knowledge gained during its development and its subject matter, overall determine the possibility of using forensic means, methods, and procedures in judicial and extrajudicial activities.</i></p> <p><i>This scientific paper describes the possibility of using the forensic arsenal not only in a criminal trial, but also in the context of other law enforcement actions, including in the field of civil law relations. In this regard, the methods of using forensic knowledge in civil and contravention processes are described, ensuring the economic and information security of the enterprise, establishing psychological contact in interviews, emphasizing the significant role of forensics in preventing and combating illegal acts. The author also highlighted some causes that prevent the use, outside the criminal process, of the opportunities offered by forensic.</i></p>
Keywords:	Methods; procedures and forensic means; criminal process; extrajudicial; field of law; scope of law
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Introduction

Currently, the speciality literature is addressed the possibility of extending the field of forensic beyond the traditional limits of research and the forms of this activity. On this line, we should talk about completing the system of theories of forensic with new theories, due to the achievements of the fundamental and applied sciences, as well as about the development of methods and forms of use of

the technical-tactical arsenal in the civil law, contraventional law, administrative law, and other fields¹.

In law enforcement activity, the main role is played by the legal norms and recommendations of the law sciences. At the same time, law enforcement practice shows us that non-legal or special legal sciences play an important role, which develops modern technologies for finding legal facts and working with them. Such science is forensics.

Unlike the purely legal sciences, which study certain fields of law and certain types of legal relations, forensics perceives the event, which is the object of the research, as an integral system, which includes the material part, procedural, etc., and for the research of which it is necessary to use both general and special knowledge.

Currently, forensics has an extensive arsenal of technical and tactical means as well as methodological recommendations necessary for the qualitative ascertainment, investigation, and prevention of crimes (or other illegal acts) that could be applied in judicial and extrajudicial activities.

The purpose of the paper is to elucidate the possibilities of using forensic knowledge to solve tasks other than those in the criminal process.

Methods and materials applied. To achieve the purpose, considering the specificity and complexity of the investigated topic, historical, logical, systematic, and comparison methods were used as forms of research. The research undertaken is based on the study of doctrine and legislation.

Results and discussions. It is known that forensic knowledge has been used successfully not only in the field of criminal proceedings but also in other fields of law enforcement, since the beginning of the 20th century, during the birth of this science. Thus, the Russian criminalist Burinsky E.” used the forensic knowledge he had acquired in the forensic study of documents and photographs, both in criminal and civil law proceedings, including the restoration of ancient manuscripts.”²

Discussions about the need for forensics to overcome its traditional research limits intensified between 1960 and 1970. In 1973, in the Soviet area, Vinberg A. initiated this discussion, defining criminology as a science that “develops a system of methods, procedures and special means for collecting, researching and evaluating the evidence used in the criminal proceedings for the prevention.

¹ Tat'yana Aver'yanova, Rafail Belkin, Yuriy Korukhov, Yelena Rossiyskaya, *Kriminalistika. Uchebnik dlya vuzov*, Norma, Moskva, 2000, pp. 74–76; Marina Zhizhina, *Kriminalisticheskoye obespecheniye bezopasnosti predprinimatel'skoy deyatel'nosti — novoye napravleniye v razvitii nauki (soderzhaniye, zadachi, printsipy, sistema)*, "Bezopasnost' Biznesa", No. 1, 2007

² Nikolay Yablokov, Igor' Aleksandrov, *Kriminalistika: uchebnik*, fifth ed., Norma, Moskva, 2017, p. 38

ascertainment, and investigation of crimes, as well as their use in hearing of criminal cases, as well civil cases"¹.

The idea was taken up by other researchers, who in the following years began to address the issue of using special forensic knowledge in civil, contravention, and administrative law cases, etc.² At the same time, no one had any doubts that forensics, like any other science, should have clearly defined boundaries and that the integrity of the forensic knowledge system needs to be grounded by strengthening conceptual approaches at the interdisciplinary level, as well as by improving forensic education³.

However, the development of scientific research –mention that forensics is not an exception – involves the emergence of promising areas related to the study of new objects⁴. But it must be understood that the object of forensics cannot be replaced by the object of scientific investigation of forensics.

Unlike the subject of forensics, the range of potential objects of forensic science research may vary depending on the scientific support needs of certain areas of law enforcement activity⁵. The emergence of new scientific directions (objects) of forensic research should occur in an active theoretical discussion.

Today it is becoming increasingly evident that forensic means, procedures, and methods are important both for criminal proceedings and for other areas of legal practice. The general approach of the evidentiary process allows the abstraction from the particularities of procedural regulations and the use of the possibilities of forensics in any other evidentiary process.

However, those opportunities are unfortunately not yet used properly. Yablokov N. explains this presence for several reasons⁶:

First, legal specialists are not fully aware of the possibilities of forensics in various areas of judicial practice, this refers mainly to specialists in the field of customs, civil procedure, contraventional and administrative law, etc., areas that require the observation and tactical use of legal facts. This situation is a consequence of the existing shortcomings in the teaching-learning process of forensics, which consists in the fact that the possibilities of the technical, tactical,

¹ Yevgeniy Ishchenko, *Kriminalistika XXI veka: strategiya i taktika razvitiya*, Prospekt, Moskva, 2016, p. 179

² Andrey Rozhkov, *Kriminalisticheskoye obespecheniye grazhdanskogo i arbitrazhnogo sudoproizvodstva: dis. kand. Yurid. Nauk, Voronezh*, 2003

³ Sergey Zhuravlev, Krepysheva Svetlana, *Kriminalisticheskaya metodika i taktika: kontekst sovremennogo ponimaniya roli kriminalistiki v yuridicheskoy deyatel'nosti i yuridicheskoy obrazovanii*, in *Sovremennaya kriminalistika: problemy, tendentsii, perspektivy. Materialy mezhdunarodnoy nauchno-prakticheskoy konferentsii, posvyashchennoy 90-letiyu so dnya rozhdeniya prof. N. Yablokova*, Moskva, 2015, p. 48

⁴ *Ibidem*, p. 41

⁵ Aleksey Eksarkhopulo, *Predmet i sistema kriminalistiki*, Spb., 2004, p. 24

⁶ Nikolay Yablokov, *Aspekty primeneniya kriminalistiki v yuridicheskoy deyatel'nosti*, <https://sarjurcomp.ru/index.php/stati/51-aspekty-primeneniya-kriminalistiki-v-yuridicheskoy-deyatelnosti>, (03.08.2022)

and methodological arsenal of forensics are revealed practically only in relation to its use in the field of criminal justice, without disclosure, simultaneous display, a clear and convincing demonstration of its capabilities in other areas of legal activity and law enforcement. The same opinion is identified by author Golubenco Gh: “In order to increase students’ motivation toward the generous discipline of forensics, we believe it is necessary to undertake some concrete activities as well. First, it is required to emphasize and argue at every opportunity before students, that forensic knowledge today can be used and applied not only in the framework of criminal procedures but also in the proof of any legal facts, that the purpose of this discipline is to form a combinatorial forensic thinking, necessary for any civilized man in the modern age¹.

Secondly, the opinion that has taken root among lawyers (in the civil law field) is that in modern conditions, lawyers need mainly knowledge of civil, commercial, financial, banking, and other fields of law close to them, and not forensic knowledge. In their view, forensic knowledge is aimed exclusively at criminal proceedings.

Thirdly, the highly controversial views expressed in forensic literature on the non-legal nature of forensics contribute to strengthening the view on the insignificant role of forensic knowledge in extrajudicial activities.

For a lawyer, knowledge of the possibilities of forensics consists of the ability (ability) to borrow and implement methodically verified and tactically reasoned decisions and to perform actions within certain professional procedures. A significant part of these skills is based on analytical skills and the elementary ability to think, analyze, and compare the received information. The process of presenting and verifying versions, organizing and planning an investigation, analyzing many documents and materials of a criminal, civil, contravention, administrative, and customs case, conducting criminal prosecution and other actions under conditions of risk, the use of professional skills in exposing the offender – requires imposing forensic knowledge from the subject who applies them.

The technical means, tactical procedures, and methodological recommendations necessary for working with criminally relevant information in the process of detection, investigation, and prevention of crimes and adapted for use in other areas of law enforcement, do not lose their original forensic character. The activities of using these means, processes, and methods, by their epistemological nature, are of a general nature.

In forensic science, the results of an investigation can be systematized in different directions, depending on the way investigation will be distributed,

¹ Gheorghe Golubenco, *Criminalistica națională: probleme și tendințe*, in “Științe Penale”, No. 3-4, 2015, <https://ulim.md/sju/nr-3-4-2015/criminalistica-nationala-probleme-si-tendinte>, (02.08.2022)

depending on the strength and importance of the evidence”, according to Hans Gross¹.

“The structure of forensics, established by Gross H., is an ideal model for solving all the basic tasks of law enforcement: Decoding information sources (technical), analyzing interaction in subjects (tactics), managing strategies (methodology)”, Koldin points out².

Forensics today should also focus on serving the professional activities of specialists in various legal and other professions. Being developed by forensics, to ensure the needs of the criminal process, technical means, procedures, and methodological recommendations can be used and are already used in civil law, contraventional and administrative processes, as well as in ensuring the security of the entrepreneurial activity. The finding, consolidation, examination, and assessment of evidence and other (ancillary) indicative information in other (not criminal) judicial proceedings, as well as in the field of ensuring the security of business structures, will inevitably require the use of forensic tools and possibilities.

The task of using forensics tools and methods outside criminal proceedings is related to the purpose of providing scientific aid and assistance to law enforcement agencies and other agencies involved in law enforcement and justice in general. Forensics, as a science, is not only capable of solving basic crime-fighting problems but is also a means of gaining knowledge of factual data for the purpose of objective and fair examination of litigious relationships outside the criminal process (in the civil law process).

One of the techniques developed by forensics, which can be successfully used outside the criminal process, is the situational approach to choosing the most optimal directions of searching for facts and actions to be applied in different circumstances and with different purposes including creating a favorable basis for choosing the most adjusted and effective method of communicating the circumstances of the case³.

Procedural legislation is not able to regulate in detail the entire side of the criminal process, but this is not necessary either. In forensics, as mentioned, the technical, tactical, and methodological bases of criminal prosecution and criminal case judgment have been developed, with help the existing problems in other law enforcement and related fields can be solved.

In this respect, lawyers whose profession is related to the types of legal and procedural activity mentioned above, use on a large scale and skillfully the

¹ Nikolay Yablokov, *Op. cit.*

² Valentin Koldin, *Kriminalistika v universitetskom obrazovanii Rossii*, in *Sovremennaya kriminalistika: problemy, tendentsii, perspektivy. Materialy mezhdunarodnoy nauchno-prakticheskoy konferentsii, posvyashchenoy 90-letiyu so dnya rozhdeniya prof. N. Yablokova*, MGU, Moskva, 2015, p. 67

³ Nikolay Yablokov, Igor' Aleksandrov, *Op. cit.*, p. 38

knowledge and forensic technologies necessary for working with legal facts, obtaining the expected results much faster.

Therefore, no impediments are formed regarding the inclusion in the circle of scientific objects of forensic research of knowledge aimed at applying forensic means, procedures, and methods in civil law, administrative law, and contraventional processes, including in the field of corporate law.

The expansion of the objects of forensic scientific research will not lead to the blurring of the object of forensics. For example, in the civil law process forensic knowledge can be successfully used to work with documents and material means of evidence (while they are discovered, investigated, and examined), to obtain explanations from witnesses, victims, and suspects, to arrange expertise, to obtain samples, to assess expert conclusions, in other words, in legal activities involving working with forged documents, when it is necessary to know and apply the forensics rules in working with documents because forgery complicates the realization of the task of justice.

Tactical procedures and forensic recommendations play an important role in the contravention procedure, which is like the procedural-criminal procedure¹. The contravention procedure regulates the process of hearing the victim and the witness, is concerned with technical-scientific and forensic findings, the study of documents and the investigation of the crime scene, as well as searches, etc. and in all the activities mentioned above, the tactical-forensic procedures are successfully used.

In the process of assessing the accumulated evidence, it is particularly important to use forensic thinking, which can greatly contribute to the adoption of legal and fair decisions in contravention cases or in other areas of law enforcement. However, for practicing lawyers to truly master forensic thinking, it is necessary to guide them to study such thinking and highlight and understand its content. It is also necessary that didactic practice become one of the important directions of forensic investigation. In order to do this, the existence of criminal activity and the specific thinking corresponding to it will be recognized and also the tasks that are solved by it will be highlighted, because only in this way is created the opportunity to select, through the path of forensic transformation, the means, useful procedures and methods to provide effective solutions both for criminal proceedings and for other judicial procedures and areas of legal activity.

Forensic education forms knowledge relevant to a lawyer and determines a forensic style of activity. Being a conductor of forensic knowledge for future generations of lawyers, this is a kind of marketing in the legal environment and related social fields. Through the prism of forensic education, lawyers must demonstrate to the scientific, educational, and administrative community that forensics teaches methodological algorithms and work tactics for various legal activities. The need for such preparation is obvious, which has led to the

¹ Art. 374 alin. (2¹) Cod Contravențional al RM nr.218-XVI din 24.10.2008, in "Monitorul Oficial al Republicii Moldova", No. 3-6/15, 16.01.2009

emergence of relevant sections in a series of forensic textbooks on the use of forensic knowledge in the civil law process and in the field of business security¹.

Today, more attention is paid to business security issues, as the state of security in the implementation of entrepreneurial activities is a vital condition for the normal functioning of any commercial entity, regardless of its form of ownership.

There are also a growing number of various courses and seminars designed to train managers and other business participants with knowledge, skills, and competencies in the field of business protection².

Doing business is often unsafe for the life, health, and financial situation of participants in this activity. The entrepreneur, the activities of the company he runs, the property of his company can be constantly threatened, both from traditional crime and organized crime, which has become particularly active in modern conditions. Here, compared to other types of activity, there can be more threats, accidents and conflicts that would cause people to die, economic, financial, material, and informational losses.

To ensure its own protection and the protection of the assets of the enterprise, it is necessary not only to use traditional security measures, but also to create security services within the enterprise, which operate based on the latest achievements of science and technology, including forensics. Speaking about its security of the enterprise, Jijina M. mentions that in order to accomplish above-mentioned task, the knowledge of forensics will be used as a legal science³.

Obviously, to succeed in countering external and internal threats, it is necessary to know what we want to combat and by what means to ensure this counteraction.

In the field of business property security, forensics develops and applies fingerprint and biometric identification systems, video surveillance, sound recording; uses the methodology of conducting internal procedures and methods of protection against various types of internal fraud (embezzlement, cash theft, securities, abuse of power); provides information recovery and analysis activities in implementing *business intelligence*, including protection measures against corporate espionage.

Forensic information security assurance includes Communication protection; means of information processing; problems of finding, preventing, and suppressing attacks in the information field; main directions of protection of information systems; protection of documents; means and techniques of protection against forgeries (signatures, seals, forms, etc.); document flow (how to work with confidential documents).

¹ Marina Zhizhina, *Op. cit.*

² *Magisterskaya programma „Kriminalisticheskoye soprovozhdeniye i zashchita biznesa”*, [https://www.law.msu.ru/courses/66_\(03.08.2022\)](https://www.law.msu.ru/courses/66_(03.08.2022))

³ Marina Zhizhina, *Kriminalisticheskoye obespecheniye informatsionnoy bezopasnosti predpriyati*, in "Vektor yuridicheskoy nauki", No. 3, 2018, p. 31

In modern conditions, a special importance is given to ensuring the security of the personnel, which includes: The study of the procedure of checking a candidate for a position; the tactics of conducting an interview in special conditions; the use of a polygraph, which makes it possible to determine the reliability of the selected persons, etc.

Judicial practice shows that one of the significant risk factors in ensuring the economic security of business structures is their staff. Almost two-thirds of the crimes in the field of entrepreneurial activity are committed by or with the help of employees of these structures. Their violation of internal rules or technologies for the implementation of official operations is the main reason that contributes to criminal offenses and other illegal acts. Here, of course, all possibilities of forensics should be involved, developing research methodologies for various types of corporate and banking fraud. The means and methods of forensics prevention of crime and other illegal acts should be widely applied in this area.

Speaking about the role of forensic means, procedures, and methods in the prevention of illegal acts in various fields, I support the position of author Jijina M., who mentions: "The basis of the application of forensic methods and means in the field of prevention are becoming more and more in demand. Their aim is to ensure compliance with legal requirements in different judicial and non-judicial areas of public relations, including security"¹.

Important for any legal activity is the ability to establish appropriate psychological contact with stakeholders to obtain the necessary information from them, in conflict situations, as well as during negotiations. This skill is developed precisely in the process of studying and mastering the tactical forensic arsenal.

Forensics technology to collect and work with legally relevant information, organizational recommendations are used, as already mentioned, in banking regulations. Forensic recommendations are used here to protect the security of information from criminal attacks, and to counter the use of payment orders, checks and other forged documents to obtain a credit.

Conclusions. Of great importance for the success of any legal activity is the ability to correctly assess the situations that arise in this case and, consequently, to choose the best methods of action not only in communicating with stakeholders, but also in carrying out other actions necessary for the correct resolution of disputes, conflicts, etc. The theoretical and practical basis of the situational approach to solving research problems, developed by forensics, can be successfully used in any legal and other law enforcement activity.

¹ *Ibidem*, p. 34

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**ASPECTS REGARDING THE RELATIONS
BETWEEN CHINA AND ROMANIA (1949-1965) (PART 2)**

Abstract:	<p><i>The inclusion of Romania in the sphere of influence of the USSR and the takeover of power in China by the Communist Party was followed by an acceleration of political cooperation between Romania and China. Cooperation intensified as both states fought for national sovereignty against the USSR, which wanted to exercise coordinating authority over the other states with state socialist regimes.</i></p> <p><i>After the dispute degenerated into a conflict between China and the USSR worsened, Romania tried to mediate between the two states to end this conflict. Also, at the request of the US government, Romania mediated the establishment of contacts and then diplomatic relations between China and the US. Starting with the eighth decade of the last century, the economic relations between Romania and China experienced an ever-greater development.</i></p> <p><i>The Romania-China relationship had the depth and continuity typical of strategic partners, in its meaning today, with the parties providing mutual support and showing solidarity in difficult moments. This bilateral and multilateral relationship, adopted by the socialist state regime in Bucharest, exceeded the limits of a political game designed to erode Soviet hegemony, by supporting the second pole of power within the world socialist state system. During several generations of leaders, the Romanian side promoted a friendly relationship with China, which was also taken over in the collective mind.</i></p>
Keywords:	Diplomatic relations between China and Romania; Nicolae Ceaușescu; Mao Zedong; Emil Bodnăraș; Henry Kissinger; the Sino-Soviet conflict; Oleg Kalugin; Corneliu Bogdan; Deng Xiaoping; Hua Guo-Feng; Hu Jintao
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In the previous issue of the "Studia Securitatis" magazine, I showed how, in the period from the proclamation of the People's Republic of China, on October 1, 1949, until Nicolae Ceaușescu came to power in Romania, the relations between China and Romania experienced a special development, the two states becoming close, loyal, sincere partners and involved in solving some political-diplomatic objectives of great international importance, such as the objective of promoting relations of full equality between the socialist states, by rejecting the hegemonic role of the USSR within the area of influence which this superpower held, following the treaties concluded by the victors in the Second World War, or the effort to smooth out the conflicts between China and the USSR. Also, the relations between China and Romania, from the period 1949-1965, were a catalyst factor for the promotion of a policy of national independence by the Romanian leadership.

In the continuation of our series, we will show how this political-diplomatic course of Romanian Chinese relations will develop even more, in the next period, to the benefit of both states.

In March 1966, in Moscow, at the reception offered by the hosts in honor of the delegations present at the XXIII Congress of the CPSU, the secretary of the Central Committee of the CPSU, Alexander Nikolaevich Șelepin, first vice-prime minister of the USSR, former chairman of the KGB, asked Nicolae Ceaușescu for advice on how the Soviets could enter dialogue with the Chinese side, which was rejecting diplomatic communication with Moscow. The seriousness of the situation in Sino-Soviet relations, perceived as such by Ceaușescu, also emerged from Ceaușescu's advice, which told Șelepin that he could not expect immediate results. On the same occasion, with the same problem, Brezhnev addressed to Ceaușescu. Ceaușescu told Brezhnev that the Soviet-Chinese rift had a complex character and appreciated the Soviets for wanting to remove the differences, expressing his disagreement with the representative of China who spoke at the congress stating that the USSR had betrayed the cause of socialism. Ceaușescu told Brezhnev that, indeed, the Chinese were right that some mistakes had been made in the internal politics of the USSR, but their repair was not the problem of China, but of the CPSU and the Soviet people. Ceaușescu proposed giving up insults in the Soviet-Chinese dialogue. Brezhnev asked Ceaușescu to request the vice-chairman of the CC of the Chinese Communist Party and chairman of the State Council of China, Zhou Enlai, who was to visit Romania, not to make anti-Soviet statements. Ceaușescu guaranteed this, stating that the Chinese dignitaries come to Bucharest as guests, and he does not allow Romania to become an anti-Soviet tribune or an anti-Chinese tribune. Brezhnev asked Ceaușescu to intervene alongside the Chinese premier for the normalization of China's relations with the USSR, which Brezhnev regarded as "a huge blow to imperialism". The same problem was also

addressed by Brezhnev in the meeting with the Romanian Foreign Minister, Corneliu Mănescu, on June 11, 1966¹.

In 1966, Zhou Enlai visited Romania. The visit had an important international echo, at a time when the visibility of Romania and Nicolae Ceaușescu was growing significantly. The visit also generated an incident between Nicolae Ceaușescu and Zhou Enlai. The Chinese leader came prepared with a speech that included an attack on the leadership of the USSR. Informed, Ceaușescu protested volcanically towards Zhou Enlai, not allowing Romania to become a tribune for attacking the USSR. The adversarial discussions took place in the Palace Hall and lasted for 3 hours, during which the full hall, the written press from the country and abroad, and the Radio and Television waited without any explanation being given to them. In an extremely harsh gesture, Ceaușescu took the papers containing Zhou Enlai's speech from his pocket and, in front of him, tore them up and threw them on the floor. Things calmed down when Ceaușescu threatened to suspend the rally at which the high dignitary of China was supposed to speak, and he agreed to give up attacks against the USSR. In the end, Zhou Enlai agreed to speak only of the bilateral relationship with Romania and not to make any reference to the relationship between China and the USSR. Paul Niculescu-Mizil, at that time a member of the CPEX and secretary of the CC of the RCP, emphasized that the relations between China and Romania were so strong that these divergences and the stormy incident Ceaușescu had with Zhou Enlai were not able to shake this relationship. Moreover, the following year, on October 1, 1967, the anniversary of the victory of the communist revolution, China's biggest holiday, an RCP delegation returning from Vietnam made a stopover in Beijing. Zhou Enlai was absent from the great popular gathering dedicated to China's national day and went to the airport to receive the Romanian delegation. In 1967, Deng Xiaoping returned to the top of China's leadership after being ousted by Mao Zedong's wife Jiang Qing, and Marshal Lin Biao, China's Minister of National Defense, during the Cultural Revolution. He sent Nicolae Ceaușescu a message reminding him that, at the 9th Congress of the RCP, the leader of Romania advised Deng Xiaoping to shake the hand of the representative of the Yugoslav delegation, the Slovenian Edvard Kardelj, in a historic moment when relations between the two countries and between the Chinese Communist Party and the League of Communists of Yugoslavia were broken. In 1967, two years later, Deng Xiaoping told Paul Niculescu-Mizil that Ceaușescu was right and thanked him for his efforts to bring China and Yugoslavia closer together. Three years later, at the 10th Congress of the RCP, the same divergence as that between Ceaușescu and Zhou Enlai arose between Ceaușescu and the head of the USSR delegation at the congress, Konstantin Katușev, who, in the speech with which he came from Moscow to

¹ Vasile Buga, *Sub lupa Moscovei. Politica externă a României (1965-1989)*, Institutul Național pentru Studiul Totalitarismului, București, 2015, pp. 135-136. The author cites documents from the CC Chancellery of the RCP

Bucharest, wanted to attack the leadership of China, a fact that the ruler of Romania did not allow¹.

Romania has been successful in mediating the conflicts between the USSR and China, between the USSR and the USA, and between China and the USA and due to the advantages, that its policy of equidistance between China and the USSR created for it, as well as the general policy of independence of Romania, recognized internationally².

In June 1967, President Lyndon Johnson asked Prime Minister Ion Gheorghe Maurer for Romania to support the mediation of US relations with China, assuring him that the US did not want war with China and did not want to change the form of government in China, but only better economic and diplomatic relations. On this occasion, Lyndon Johnson told Ion Gheorghe Maurer that he could make their discussion public and use any of his remarks if it would be useful for the project of establishing diplomatic relations between the US and China.

During the talks in Bucharest, between US President Richard M. Nixon and Nicolae Ceaușescu, on August 2 and 3, 1969, one of the important topics was the issue of Sino-American relations and China's future active presence in international relations. President Nixon assured Nicolae Ceaușescu and Ion Gheorghe Maurer that the US was not interested in creating any bloc or entering any arrangement with anyone to try to contain China. President Nixon stated that the US does not recognize the People's Republic of China and opposes its admission to the UN not because of its domestic policy but because of its policy towards its neighbors. He said he was referring to China's behavior towards Korea, Taiwan and Indonesia in particular and in general and other neighbors. Next, the high-ranking American guest declared that the USA would not make any arrangement with the USSR against China. He was aware that within 25 years China would have a population of one billion and be a major nuclear power. If this state is walled off and isolated from all sides, it will become an extremely dangerous explosive force that would endanger the entire international peacekeeping structure that was built with painstaking efforts after the Second World War.

Nixon also said that the US would not interfere in the conflicts that the USSR had with China. The US wants to maintain good relations with the USSR, and to the extent that China will change its relations with its neighbors, then the US will also want to have relations with Communist China. Nicolae Ceaușescu told the US president that although Romania is not a nuclear power, is not an Asian country and has no special interests in Asia, but he believes that the world has become so small that if there is no peace in Asia, this it will have a negative impact in Europe and the rest of the world, of course, including Romania. Ceaușescu said that the

¹ Paul Niculescu-Mizil, *Un mare om al secolului nostru*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, pp. 55-57

² Ion Buzatu, *RP Chineză – o superputere pentru mileniul trei*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, p. 35

problems of Asia cannot be solved without considering the existence of China and without involving this country in solving the problems facing Asia. Ceaușescu emphasized that for many years China has not had any wars with other states that it has started.

Secretary of State Henry Kissinger intervened in the discussion, who said that if you look at China's history you will see that it has always treated its neighbors as vassals and that this country has no historical experience in treating other states on an equal footing. Confirming the ideas expressed by Nicolae Ceaușescu, Richard Nixon said that although the US position towards China cannot be changed immediately, "now", the US treats China as a reality of the contemporary world and is aware that there can be no peace in the world if China will not also participate in building this peace.

Nicolae Ceaușescu said that he did not want to engage in a dispute with his guests about history, but after the Second World War, China did not and does not threaten anyone. "In Korea, you know very well what happened... China withdrew its troops from Korea, which represents, I think, a conclusive proof of its respect for the sovereignty of other states", said Ceaușescu. The Romanian leader continued with long arguments favorable to China, by which he offered the US leadership legal and political motivations for the decision-making bodies of the US to want to establish relations with the Chinese people. Ceaușescu also said: "We appreciate that, if a rational, respectful policy will be followed towards China, if its equality and rightful place in the concert of nations will be recognized, a great step will be taken in the direction China's involvement in solving international problems. At the end of the visit, President Richard Nixon said that the discussions held in Bucharest will go down in history because of their importance¹.

After Richard Nixon's visit to Bucharest in 1969, Romania conveyed to Beijing that the US was ready to negotiate with China "through any channels, in any location and at any time". It was obvious that bringing China out of isolation and establishing good relations with the US was leading to a change in the international balance of power. Romania was aware of the very big role it was playing, on this occasion, in international relations. On the other hand, the approach being a secret one, unknown to American public opinion and the US

¹ Constantin Moraru, *N. Ceaușescu: "Îmi exprim satisfacția în legătură cu vizita pe care o faceți în România" și R.M. Nixon: "Am așteptat cu interes să vă întâlnesc din nou"*, article comprising the document *Notă. Convorbirile dintre tovarășul Nicolae Ceaușescu, Președintele Consiliului de Stat al Republicii Socialiste România și Richard M. Nixon, Președintele Statelor Unite ale Americii ("I express my satisfaction about your visit to Romania" and R.M. Nixon: "I looked forward to meeting you again," item containing the Note document. Conversations between Comrade Nicolae Ceaușescu, President of the State Council of the Socialist Republic of Romania and Richard M. Nixon, President of the United States of America)*, in "Dosarele istoriei", Vol. IX, No. 11 (99), 2004, pp. 27-51. The document was discovered in the National Archives of Romania, CC fund of the RCP, External Relations Section, file no. 51/1969, ff. 113-166 (provisional quota, at the time of study and publication of the document).

Congress, the Romanian leaders knew that Romania would not be able to benefit from support from the US Congress to achieve some of its national interests. In this situation, the main motivation of Romania's involvement in this diplomatic approach at the highest level in the world was to succeed in detaching Romania from Soviet domination. The Romanian leaders would have wanted even more, namely the liberation of the whole of Eastern Europe from Soviet domination. This last desired, proved to be unattainable. These were the desires that made Romania get involved in matters that did not concern it directly. In 1968, before leaving office, Lyndon Johnson told President-elect Richard Nixon that he would like to pursue diplomatic relations with China if the new president agreed. Nixon asked him to leave the continuation of diplomatic efforts to the new administration¹.

The American government had noticed the progress of Chinese society and, sensing the transformation of this country into a very great power, wanted to have economic relations, on the one hand, to help create a counterweight to the power of the USSR, on the other hand, and to undermine it from interior. Then, it is known that regarding US relations with the world of socialist countries, Secretary of State Henry Kissinger, one of the most influential and long-lived politicians of the Cold War period, strongly supported the doctrine that the US should have both with the USSR and China, better relations than the USSR had with China. In this way,

¹ Larry L. Watts, *Ferește-mă doamne de prieteni...Războiul clandestin al blocului sovietic împotriva României* (published in English with the title *With Friends like These*), English translation Camelia Diaconescu, pp. 270; 274-277. The American historian also clarifies Pakistan's role in establishing diplomatic relations between the US and China, namely only the role of the transmitter of some messages. In his memoirs, Henry Kissinger, who made a secret visit to China in 1971, lines up with Richard Nixon, attesting to the idea that the initiative belonged to the Nixon administration, not its predecessors. Kissinger does not mention Romania as a mediator between China and the US, but only Pakistan. It is true that after the establishment of direct contact between the Chinese and the Americans, at the suggestion of China, the Pakistani channel was used for the transmission of secret messages. This is because the Chinese leadership knew that the Soviets have many "eyes" and many "ears" in Bucharest. The support offered by the Romanian side to the restoration of Sino-American relations was revealed in all its importance by the appreciation of the American president in the context of Ceaușescu's second visit to the USA (December 1973), on which occasion Nixon publicly praised and thanked the head of the Romanian state for his contribution to the normalization of Sino-American relations.

¹ The launch by the US, during the presidency of George W. Bush, of the so-called "anti-terrorist" wars in Afghanistan and Iraq, made it impossible to further promote the *Kissinger Doctrine* and led to the establishment of the Shanghai Cooperation Organization and then the economic organization BRICS, which led to a multipolarity of world power. At the time of writing these lines, in the midst of the war in Ukraine, the political, economic, and military relations between Russia and China are particularly close, which proves that, from the point of view of the US interests of international dominance, Henry Kissinger has thought deeply and was right, and the abandonment by American governments of the third millennium of the *Kissinger Doctrine* was not beneficial to maintaining the US as the sole world superpower, as it had been in the last decade of the last millennium.

throughout the following period the US ensured that the two largest socialist state powers would not ally against the US¹.

In February 1968, during the meeting of the Political Consultative Committee of the states participating in the Warsaw Treaty, which took place in Budapest, Mihail Suslov, secretary of the Central Committee of the CPSU, harshly criticized China. Nicolae Ceaușescu defended China, and when he saw that the other heads of state-supported Mihail Suslov's position, he left the room, considering that the servility of the other participants in the conference was abject. On this occasion, Poland proposed sanctions against Romania². No sanctions were applied to Romania, the Soviets fearing a withdrawal of Romania from the Warsaw Pact, as Albania had done.

During the crisis in Czechoslovakia, in August 1968, the Romanian Embassy in Beijing organized a reception with the entire diplomatic corps accredited in China. The reception was attended by Zhou Enlai himself, who sent a very strong message to Romania, stating that "The Chinese people support you"³.

After the invasion of Czechoslovakia by five socialist states led by the USSR in August 1968, China accused the USSR of treading the path of "socialist imperialism". The CPSU's launch of the Brezhnev Doctrine, of limited state sovereignty, was criticized both in China and the West, but also in Romania. Among the other socialist states, only Albania and Yugoslavia have been criticized⁴.

On March 2, 1969, an armed border conflict began between the USSR and China over the possession of Damansky Island, the Russian name, Zhenbao, the Chinese name, which was part of the Pozhara district of Primorsky Krai and is located on the Chinese side of the main channel of the river Ussury. Its dimensions are 1500-18 m from north to south and 600-700 m from west to east, this area being about 0.74 km². At certain times of the year, during the rainy season and rising river levels, the island is completely flooded. Otherwise, it is only used for grazing, vegetation exploitation, and fishing. On March 2, 1969, the Chinese

¹ The launch by the US, during the presidency of George W. Bush, of the so-called "anti-terrorist" wars in Afghanistan and Iraq, made it impossible to further promote the *Kissinger Doctrine* and led to the establishment of the Shanghai Cooperation Organization and then the economic organization BRICS, which led to a multipolarity of world power. At the time of writing these lines, in the midst of the war in Ukraine, the political, economic, and military relations between Russia and China are particularly close, which proves that, from the point of view of the US interests of international dominance, Henry Kissinger has thought deeply and was right, and the abandonment by American governments of the third millennium of the *Kissinger Doctrine* was not beneficial to maintaining the US as the sole world superpower, as it had been in the last decade of the last millennium

² *Ibidem*, p. 281

³ Florin Constantiniu, *Revoluția culturală maoistă și minirevoluția culturală ceaușistă*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, p. 53

⁴ For the Western view of the *Brezhnev Doctrine*; Michelle Parks, John L. Moore, *The Soviet Union*, Congressional Quarterly Inc., Washington DC, 1986, pp. 297-298

military invaded Damansky Island to establish Chinese control over the island. The conflict over this island ended only in May 1991, through an agreement between the Russian SFSR and the Chinese PR, with the island officially receiving the status of Chinese territory.

After fighting that resulted in hundreds of deaths, on September 11, 1969, Prime Minister Kosîghin, who had attended the funeral of Vietnamese Communist leader Ho Chi Minh in Hanoi, made a stopover in Beijing, and met the Chinese Premier Zhou Enlai at the airport, the two high officials agreeing to end the border fighting.

In June 1970, Emil Bodnăraş paid a visit to China, with the important object of mediating the improvement of relations between China and the USA. The US wanted to support China as a counterweight to Soviet power, and China also saw the US as a counterweight to Soviet power. Romania encouraged the rise of China, to which it felt very connected, a rise that could block the exercise with the great authority of Moscow's relations with all the satellite states, including Romania.

In 1970, Romania was faced with catastrophic floods. On this occasion, China offered Romania a large amount of money, representing a third of the total aid received from around the world. Also, China offered Romania credits worth 500 million Swiss francs to recover from the great destruction caused by the floods¹.

During November 20-26, 1970, Gheorghe Rădulescu, vice-president of the Council of Ministers, paid a visit to China, at the head of an official delegation. On this occasion, the Romanian side brought to the attention of the Chinese leadership the express desire of President Richard Nixon to undertake a visit to China to discuss with the Chinese leaders the issue of normalizing relations between the Chinese Republic and the USA. The Romanian delegation was entrusted with Zhou Enlai's answer: "if he wants to come, he is welcome". Zhou Enlai's message was reviewed by Mao Zedong and Marshal Lin Biao, Vice Chairman of the CCP and Minister of Defense of China. The message was also transmitted on the Pakistani link of China-US communication. In this revised version, it was stated that the Taiwan issue was a matter of utmost importance between the US and China, and if the US was prepared to resolve the matter, a special envoy would be welcome in Beijing. The message also included a very important mention by Zhou Enlai, namely that if US President Richard Nixon had already visited Romania and Yugoslavia, he would have been welcome in Beijing as well. Zhou Enlai conveyed in his remarks that, regardless of what was conveyed to Washington regarding the important issue of Taiwan, he was primarily interested in the Soviet threat to China. He also said that the Vietnam War, which was in full swing, was not an obstacle to the establishment of normal relations between China and the US. In his

¹ Ion Buzatu, *RP Chineză – o superputere pentru mileniul trei*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, p. 35

memoirs, the US Secretary of State, Henry Kissinger, was surprised by the delay with which the Romanians conveyed the Chinese message to Washington¹.

On the first visit of the Romanian leader to the USA, in October 1970, one year and three months after Richard Nixon's visit to Romania, during the talks between Nixon and Ceaușescu, the topic of China covered a significant part of the time allocated to international relations. The US President expressed the appreciation of the American side to the Romanian government regarding the communication to China of Washington's views on the intention to start talks with Beijing and the conviction of the Chinese leadership that it is good to take this step, at a time when China he had proposed remaining in isolation and internal development so that when he entered into relations with the great powers of the world he could negotiate from the position of a state that had become stronger.

On Ceaușescu's visit to the USA, in a speech delivered on October 26, 1970, President Richard Nixon used for the first time the correct and complete name of the People's Republic of China. In the same circumstance, on October 26, 1970, Nicolae Ceaușescu sent President Nixon a message from Mao Zedong requesting an end to the war in Vietnam².

During his first 6-7 years at the head of the CPSU (1964-approx. 1971), Leonid Ilyich Brezhnev was concerned with organizing a world communist conference, in which the hegemonic role of the Soviet Union in the international communist movement would be established. This approach failed primarily due to Romania's opposition, a follower of national sovereignty, an opponent of proletarian internationalism, and the hegemony of a single center of power. In this way, the globalization (proletarian internationalism) of the Soviet sphere of influence around power in the Kremlin failed. Despite the very good general cooperation between China and Romania in the direction of blocking Soviet hegemony, on this line, there were also divergences between the leaderships of the two countries³.

Nicolae Ceaușescu was the first head of state from Eastern Europe to arrive in Beijing, after the break between China and Russia, caused by the border war of 1969. Ceaușescu's visit to China took place during June 2-11, 1971.

On June 3, 1971, the discussions of the Romanian delegation with Zhou Enlai took place. The issue of Romania's mediation of relations between China and the USA was also discussed. Ceaușescu was in a privileged position. He had been visited by President Richard Nixon in August 1969 and had also visited the USA on a long visit in 1970. During the discussion on June 3, 1971, Nicolae Ceaușescu told Zhou Enlai that he had been also visited by Richard Nixon in 1967 as a private individual on a world tour. On that occasion, in a discussion of several hours, held at the headquarters of the CC of the PCR, the issue of relations between China and

¹ Laurențiu Panaite, *Partenerii regăsiți: RP Chineză și Statele Unite ale Americii*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, p. 21

² "Scînteia", October 27, 1970

³ Paul Niculescu-Mizil, *Op. cit.*, p. 55

the USA was discussed as a priority, although, at that historical moment, the war in Vietnam occupied most of the interest of international diplomacy. Ceaușescu told Zhou Enlai of Richard Nixon's special interest in establishing normal diplomatic and economic relations between the US and China¹.

Ștefan Andrei² accompanied the Romanian delegation and reported that, upon returning from Asia, the Soviets requested a meeting with Romanian officials. Thus, the Romanian presidential plane stopped at Vnukovo Airport in Moscow. The Romanian delegation met with Prime Minister Aleksei Kosîghin, Mihail Andreevichi Suslov, and Konstantin Fiodorovich Katushev, secretaries of the Central Committee of the CPSU. The Soviet leaders formulated reproaches and threats to the Romanians. First, because the Romanian delegation visited China, a country that is the enemy of the Soviet Union. The Soviets criticized Nicolae Ceaușescu for declaring in Beijing that China was an important factor in the struggle for peace. Kosîghin asked the Romanian delegates: "what were you looking for there, what did you do? You cannot be friends with an enemy of the Soviet Union and, in fact, of the community of socialist countries". Ștefan Andrei said that, on the plane flying from Moscow to Bucharest, the atmosphere was oppressive and that Maurer apostrophized Ceaușescu, reproaching him for not listening to him when he advised him not to visit China. During the travel, in the plane, Ceaușescu didn't say anything³.

George Macovescu, first deputy of the Minister of Foreign Affairs, a member of the delegation, also present at the meeting at the Moscow airport, then drew the conclusion that: "The danger of an invasion like the one in Czechoslovakia is not removed"⁴.

The tension with the Soviets was fueled by the leader of Mongolia, Lumjaagiin Ţedenbal. During the visit to Mongolia, Ţedenbal had provoked Ceaușescu, probably at the request of Moscow, complaining about the attacks of the Chinese with "imperialist ideas" on the Mongolian borders. Ceaușescu, imprudent in this case, consoled him with the example of the "Soviet imperialists" who confiscated Romania's treasury. Also, when Ţedenbal asserted that the military intervention of the five socialist states in Czechoslovakia, in August 1968, prevented the occupation of Czechoslovakia by the imperialists, Ceaușescu told him: "I did not come here to listen to your sermons about Czechoslovakia or to

¹ In his memoirs, Richard Nixon will recount his 1967 tour, held in Europe, East Asia, and Southeast Asia, which had an important role in preparing some elements of foreign policy during the presidential term.

² At that time, Ștefan Andrei held the position of first deputy head of the External Relations Section of the Central Committee of the RCP.

³ Ștefan Andrei related this historical moment in the book Lavinia Betea, *Stăpânul secretelor lui Ceaușescu. I se spunea Machiavelli. Ștefan Andrei în dialog cu Lavinia Betea*, Adevărul Holding, București, 2011, pp. 225-228

⁴ George Macovescu, *Jurnal*, vol. I (1952-1982), Editura Domino, București, 2006, p. 90; Florin Constantiniu, *O istorie sinceră a poporului român*, IV-a edition, Univers Enciclopedic, București, 2008, pp. 505; 549

teach me lessons, because we are the ones who know better." Tedenbal's report had arrived in Moscow before Kosîghin's meeting with Ceaușescu at Vnukovo airport.

Two months later, in August 1971, Brezhnev met in Crimea with the leaders of the Warsaw Pact member states, except for Ceaușescu, who was not invited. On this occasion, Leonid Ilich Brezhnev said about Nicolae Ceaușescu that he is leading the fight against the USSR and is the main obstacle to Moscow's political line. Leonid Brezhnev told the Warsaw Pact heads of state that Ceaușescu's most insolent attitude was that of Mongolia, and that the Soviets were patient with Romania's behavior, but must try to exert influence on developments inside Romania. There, in Crimea, it was decided to involve all the leaders of the Warsaw Pact states in the anti-Ceaușescu action. The leaders in Bucharest had information through various diplomatic channels about Brezhnev's position towards Ceaușescu and Romania. At the conference in Crimea, other heads of state also spoke, all condemning Romania for its attitude of disobedience. Bulgaria's leader, Todor Jivkov, whose secret service was tasked with blocking Romania in the entire Balkan region, said that China relies on Romania and Romanians support Chinese policies. The Czechoslovak leader Gustáv Husák spoke about the complicated nature of the socialist countries' relations with Romania and emphasized that in the conditions in which communication with Ceaușescu does not work, another man must be sought to support them. Janos Kádár spoke about Ceaușescu's betrayal and exemplified his visit to Beijing, through which he created a China-Romania-Yugoslavia-Albania axis¹.

These operations to remove Nicolae Ceaușescu, which Brezhnev had referred to at the Crimea conference, did not appear only in 1971. They had already been started in 1969, when, after the abandonment of a military intervention of the type of the one of August 1968 in Czechoslovakia, the Dniester Plan was developed, which provided for the removal of Nicolae Ceaușescu from the head of Romania and his replacement with a socialist leader devoted to Moscow. In this sense, the operations in Romania came under the direct responsibility of the intelligence services².

Romanian security, which was a creation of the Soviet secret services, never disconnected from the relationship with the KGB, not even after the Romanian leaders forbade it to collaborate with the Soviet services. From this point of view, Security violated the law and official orders permanently. In 1972, during a trip to Romania, the head of counterintelligence in the KGB's First Directorate, which dealt with international espionage operations, General Oleg Kalugin, contacted the leaders of the Security. He was warmly received by Minister Ion Stănescu (Szilagy), by the head of the Foreign Intelligence Directorate, General Nicolae Doicaru, and by the other heads of the State Security Council. On this occasion,

¹ Larry L. Watts, *Op. cit.*, pp. 540-543

² Corvin Lupu, *Trădarea Securității în decembrie 1989. Secrete ale intervenției străine împotriva României*, Elion, București, 2015, pp. 73-74

the leadership of Security notified Oleg Kalugin of its intention to remove Nicolae Ceaușescu from the leadership of Romania¹.

After several years since those events, after having held the positions of Foreign Minister and Secretary of the Central Committee of the PCR for a long time and having gathered a great deal of political experience, Ștefan Andrei declared that, in his opinion, the tough talks at Vnukovo Airport from Moscow were the element that stopped the continuation of the positive evolution of the Romanian society. Ceaușescu was concerned with the fact that, as the Soviet Prime Minister Kosîghin had insisted, the economy was subordinated to the political. In his briefing at the CPEx, after returning to Bucharest, Ceaușescu introduced Kosîghin's basic idea: "Don't forget that economic relations are determined by political relations, Comrade Ceaușescu. I mean don't come to me to develop economic relations with the Soviet Union, where to get raw materials and sell us cars, if you do such a policy"².

Romania was 50% economically dependent on the USSR and the other CAER states. Romania was afraid that the Soviet Union would stop imports of light industry, furniture, oil equipment, and others, which would have triggered an economic crisis in Romania that would be difficult to overcome.

In addition to the fear of being replaced by the Soviets, Ceaușescu feared a military intervention against Romania. Because of this, he abandoned the exceptional economic liberalization started after taking power, which allowed the expansion of the economic space for private enterprises, which had made possible the appearance of trustees, the flourishing of the internal market etc. These measures had been adopted during the National Conference of the PCR in 1967. Ceaușescu feared that the existence of these stimulating and profitable economic activities for the population, which had not been implemented in other socialist states, not accepted by the Bolshevik ideology, could be a reason for Romania to be accused by the Soviets of endangering socialism, reason enough for a forceful intervention against the country and its leaders.

So Nicolae Ceaușescu's visit to China represented a moment with great implications and security risks for Romania, from the USSR and its satellites. These security risks have changed both the Romanian political line in the economic field, as well as a heightened ideological rigor, manifested by the establishment of a set of rigid measures, called "Cultural Revolution", proposed in July 1971 by the CC secretary of the RCP with propaganda problems, Ion Iliescu and adopted by the Plenary CC of the RCP from July 3-5, 1971. Romania, by the unanimous decision of the collective leadership, decided to return to the very rigorous Marxist-Leninist ideological dogma, in order not to endanger its national independence which he had conquered it with difficulty and to be able to continue the accelerated development of the country, without brutal intervention from the USSR. The entire socio-economic and political life of Romania took a different

¹ Larry L. Watts, *Op. cit.*, p. 583

² Lavinia Beta, *Op. cit.*, p. 226

turn after Ceaușescu's visit to China and after the conflict with the Soviet Union generated by the visit to China.

In August 1971, after Henry Kissinger had made a secret visit to China (July 9-11, 1971), in a meeting, the Romanian ambassador to the USA, Corneliu Bogdan, congratulated the US Secretary of State for this visit. Corneliu Bogdan mentioned that the Romanians and the Chinese discussed the US on a constructive basis, on Ceaușescu's visit to China in June 1971. The Romanian head of mission stated that Ceaușescu considered the trends at the global level to be positive, one of the arguments being the normalization relations between the USA and China. The Romanian ambassador emphasized the Romanian side's concern for the reaction of the USSR following Nicolae Ceaușescu's visit to Beijing, visible through various gestures or attacks in the press, directly or through intermediaries. Romania's relations with China and the mediation of China's relations with the USA led the USSR to announce that they would carry out military maneuvers of the Warsaw Treaty on Romania's borders.

That year, 1971, Henry Kissinger abandoned the old practice, begun during the terms of President Francis Delano Roosevelt, of briefing the Kremlin authorities on their diplomatic and geostrategic endeavors. Moscow was not informed from Washington about the US Secretary of State's visit to China¹.

¹ Certainly, the Soviets found out, possibly also from the Romanian ambassador in Washington. In fact, the Romanian ambassador to Washington, Corneliu Bogdan, of Jewish ethnicity, real name Corneliu Grünberg, was being pursued by the anti-KGB counter-espionage unit of the Romanian Security, suspected, and then proven of providing secret information to the USSR and the USA. He was married to the ex-wife of one of the first Soviet advisers to the Romanian Security Service, herself a KGB officer. General Ioan Talpeș, former director of SIE and deputy prime minister of Romania with national security issues, said that Ambassador Corneliu Bogdan was a double agent, representing "the most damaging Soviet penetration" of Romanian diplomacy. Because of this, in 1976, after nine years of the diplomatic mission in Washington, Corneliu Bogdan was recalled from his post. Corneliu Bogdan, fearing not to give accounts for his triplesinformation activities, remains in Washington DC, under the protection of the American secret services and asks for political asylum and American citizenship. The granting of US citizenship to an official of a foreign state, other than the sphere of influence of the USSR, is evidence of the fact that he had previously rendered important services to the US government. The State Department protested this replacement of the Romanian ambassador in Washington DC. In his youth, Corneliu Bogdan had worked in the censorship of the press in Romania, then as the chief of staff of the Minister of Foreign Affairs Ana Pauker (Hanna Rabinsohn). In 1989, although he was retired, he was reactivated by the US secret services and sent to Romania, with a view to actions related to the overthrow of the Ceaușescu regime. He was protected and hidden with the knowledge of the Security, which cooperated with foreign secret services for the removal of Nicolae Ceaușescu. On December 22, 1989, he was appointed minister secretary of state at the Ministry of Foreign Affairs, in the first FSN government led by Petre Roman. On January 2, 1990, he was found dead in his office, probably murdered. The death certificate noted "aortic aneurysm". See Larry L. Watts, *Op.*

The difficult situation in Romania had reached because of the privileged relations with China and the mediation of the establishment of relations between China and the USA, which led President Richard Nixon to receive Ambassador Corneliu Bogdan on September 17, 1971, in a symbolic gesture of attention special granted to Romania¹.

In October 1971, during the 26th Session of the UN General Assembly, the People's Republic of China became a full member, including a member of the Security Council. In this way, the People's Republic of China replaced the Republic of China (Taiwan) in the UN. Romania was among the states that initiated the UN Resolution that gave the People's Republic of China the world influence previously held by Taiwan.

On March 21, 1972, President Richard Nixon received Manea Mănescu, Deputy Prime Minister of the Romanian government, at the White House and referred to his historic visit to China in February 1972, emphasizing that the leaders of some socialist states did not regard this visit with good eyes, considering that it was directed against the USSR. President Nixon showed that Romania had a unique position, having good relations both with the USSR and with China, and President Nicolae Ceaușescu correctly evaluated the visit. Manea Mănescu told the US president that his visit to Beijing was publicized at the level of public opinion in Romania, including the full text of the joint communiqué, emphasizing that this diplomatic moment had historical importance for international relations.

In August 1973, a new meeting of the Consultative Council of the states participating in the Warsaw Treaty took place. And on this occasion, the leaders of the socialist states subject to the USSR went on an attack against China and complained that Romania repeatedly blocks the critical point of view of the socialist states regarding China. Ceaușescu protested, defended China, and threatened to leave the meeting if the delegates to the conference continued to criticize China.

As early as July 1973, Mao Zedong had designated the Soviet Union as enemy no. 1 of China, and Romania being friend no. 1 of China had to bear the negative impact on its relations with Moscow and the states totally subject to it. The fact that Romania was friend no. 1 of China was also signaled by a diplomatic report of the Embassy of the German Democratic Republic in Bucharest, Political Section, entitled "The relationship between RS Romania and China and its position towards the current policies of the Chinese leadership". The report indicated that Romania considered China as a counterweight to the power of the Soviet Union.

In May 1974, Emil Bodnăraș had a 2.5-hour discussion with the US ambassador in Bucharest, Harry Barnes Jr. On this occasion, Bodnăraș showed that

cit. pp. 280, 444, 517. The important American historian also showed how Corneliu Bogdan misinformed the American authorities, in that case, in the interests of the USSR.

¹ According to the usual protocol at the White House, ambassadors were not received by the president, but only by the secretary of state

in a meeting between Brezhnev and Ceaușescu, which took place in Warsaw, the leader of the Soviet Union wasted two hours trying to get Ceaușescu to agree to the condemnation of China in an official OTV statement. Considering the principle of unanimity of decisions within the OTV, Romania's veto blocked the approach of the others¹.

On November 3, 1974, Nicolae Ceaușescu received in Bucharest Henry Kissinger, the Secretary of State of the United States of America. The conversation was attended by George Macoveșcu, Minister of Foreign Affairs, Harry Barnes jr., US Ambassador to Bucharest, and Sergiu Celac, interpreter.

Among the international political issues raised by the Romanian leader was China, which he said can no longer be neglected and kept aside in international negotiations. Ceaușescu emphasized the fact that in the coming year China will play an increasingly important role on the world political stage, will become an increasingly powerful force, and will have an increasingly difficult word to say. Also, Ceaușescu said that wrong assessments are being made on some internal problems in China. Kissinger said that he fully agreed with Ceaușescu and that the US had informed the People's Republic of China that it was ready to negotiate with it everything it had negotiated and was still negotiating with the Soviet Union. As for China's rise, Kissinger said it was also due to the US, which diplomatically helped China out of isolation. He said: "We take the Chinese very seriously"².

Since the beginning of the establishment of diplomatic relations between Romania and China, the economic component has been given importance. However, partly due to distance, economic exchange developed much more slowly than political cooperation. It was not until 1976 that these exchanges reached the value of \$1 billion, a value of the dollar approximately 15 times greater than the value of the dollar at the time of writing³. The peak reached by the economic exchanges between China and Romania was the year 1980⁴, when the volume of commercial exchanges exceeded two billion \$⁵.

In May 1978, Nicolae Ceaușescu visited China, and during August 16-21, 1978, the Chinese president, Hua Guo-Feng, visited Bucharest. Prior to this last visit, Radio Moscow and the Soviet press criticized China's aggressive policy, presented in the same context as the aggressiveness of the US and NATO and its

¹ Larry L. Watts, *Op. cit.*, pp. 671, 679 și 686. On this occasion, Bodnăraș told the US ambassador that Romania had considered leaving the Warsaw Pact, as Albania had done in 1968, but decided to stay in order to be able to ask questions, be informed of the intentions of its "allies" and means, to veto certain initiatives that they consider harmful. Bodnăraș also lamented in harsh terms the continuity of Russian and Soviet imperialism. This was a favorite subject of Mao Zedong.

² România BreakingNews – RBN Press / romaniabreakingnews.ro., (12.07.2022)

³ During 1976 the value of an ounce of gold averaged \$120. In January 2022, the value of an ounce of gold was \$1,806, and in July 2022, an ounce of gold cost almost \$2,000.

⁴ Florea Dumitrescu, *Op. cit.*, p. 7

⁵ Ion Buzatu, *RP Chineză – o superputere pentru mileniul trei*, in "Dosarele istoriei", Vol. II, No. 6 (11), 1997, p. 35

support by some partner politicians, alluding to the Romanian leaders. Also, the Soviet press mentioned that Romania has historical debts to the Soviet Union, as the Western powers supported the territorial dismemberment of Romania, an approach blocked by the USSR. It was an allusion to the fact that Stalin was the one who, contrary to the views of the USA, Great Britain, and France, imposed, at the end of the Second World War, that Transylvania should belong to Romania. These assessments from the Soviet press were made one day before the meeting of Leonid Ilyich Brezhnev with Nicolae Ceaușescu, from Crimea.

As a result of these criticisms, Nicolae Ceaușescu broke the usual protocol of the meetings of the leaders of the socialist states with the leaders of the USSR and stayed in Crimea for only a few hours. After returning to the country, the daily newspaper "Scînteia", the official newspaper of the PCR, criticized the fact that artificial problems are being created among the socialist states, which do not exist, and which are harmful to the prestige of the socialist states worldwide. In "Scînteia" it was stated that these artificial problems are created to justify interference in the internal problems of socialist parties and states.

At the same time, the "Spark" rejected the Soviet claim that the Chinese PR was an enemy and that it had turned some socialist states against others. It was shown that the Romanian and Chinese people are linked by "old traditions of solidarity in the fight against foreign domination and oppression"¹.

At the same time, the newspaper "Hsinhua" from China made a report from Bucharest, in which it was reported about the struggle of the Romanian people for freedom against the Roman, Ottoman, and Russian empires, emphasizing that the Russian Empire was "the most cunning and deceitful of all three". The Soviet press, like that of the European states, did not let itself down and in the days following President Hua Guo-Feng's visit to Bucharest, it launched repeated attacks on China's policy and, without mentioning Romania, on the joining states China, selling for "twenty pieces of silver". The Soviets harshly criticized the existence of a Romania-Yugoslavia-Albania "axis", behind which China would have been².

On December 16, 1978, the document titled the Joint Communiqué of the People's Republic of China, and the United States of America on the Establishment of Diplomatic Relations was published simultaneously in Washington and Beijing. It was the culmination of two decades of efforts, to which Romania made an essential contribution³. Taiwan protested vehemently and considered this a betrayal by the Washington administration.

¹ "Scînteia", August 8, 1978

² Larry L. Watts, *Cei dintâi vor fi cei din urmă. România și sfârșitul Războiului Rece* (published in English with the title *Extorting Peace. Romania, the Clash within The Warsaw Pact & The End of the Cold War*), pp. 168-172

³ The proceedings were secret, unknown to public opinion, and not too many politicians from the states involved. US President Richard Nixon was keen to take credit for establishing these diplomatic relations with China. Because of this, although he asked for

The establishment of diplomatic relations between China and the US led to a chain reaction. More than a hundred other states have established diplomatic relations with China, which, as I have shown, entered as a member of the UN. This change in the political orientation of China, in the sense of its exit from the isolation in which it had voluntarily placed itself, from political strategies, led to the crystallization of the political line initiated by Deng Xiaoping, known as "One country, two systems". The model had already been implemented with great success in Yugoslavia, a country that had come to have social-economic indicators above the European Union average. In justifying the political decision of the Chinese leadership, Deng Xiaoping started from a very old Chinese proverb that says that it does not matter what color the cat is, but whether it catches mice or not. China abandoned the Maoist "cultural revolution" and initiated, after 1978, a long series of reforms and openness to the world, which led to remarkable transformations, especially in the economic sphere.

The Ceaușescu regime, under pressure and fear of Moscow, maintained the rigid system implemented in 1971. After 1985, Mihail Gorbachev came to the leadership of the USSR, a leader who switched "with guns and baggage" to the side of the experimental promotion of social-economic models that did not fit the Soviet Union. Romania considered that the Gorbachevist model did not suit it, it considered that the country had gone through some of those experiences, it felt even more threatened by Gorbachev's policy and closed itself even more inside the political line triggered after 1971. China understood Romania's reasons and the good relations were still preserved, until the collapse of the regime in 1989 and the takeover of Romania by the West and the multinational corporations that control it today.

Thus, after 1978, clear differences appeared between China and Romania regarding the approach to the economic model. China was moving towards the Americanization of its expanding economy, and while Romania was becoming increasingly isolated from its adversaries in the socialist camp, Moscow's active measures to isolate Romania gave the expected results. Romania's leadership had decided in 1971 that the deviation from the political-economic line of the Soviet Union was a major risk factor for national security and feared a military intervention against it, which deprived it of important economic-social prospects.

However, in December 1989, the secret services of the USSR and its allies, in close cooperation with the Western secret services, will attack Romania and canceled its sovereignty and independence through which the country had managed to develop economically and socially, and will push the long and destructive road of transition to a colonial-type regime, today the country is at the

Romania's support, although he knew everything that was done in the decade before he took over the US presidency, he presented the events as if they were his work, also invoking Pakistan's support, which he had called, but which had been accepted by China only as a messenger (postman) between the two sides, while Romania had been a negotiator.

mercy of multinational companies that have seized all its natural and human resources. In fact, the whole propaganda against the "communist" regime of Nicolae Ceaușescu was not specifically directed against the political ideology, but especially against the sovereign nationalism promoted by the leadership in Bucharest.

The political lesson of Deng Xiaoping was not ignored by Romania, but it was not implemented for the reason of not giving reasons for aggression to Moscow. No country subject to Moscow has adopted the highly successful Chinese model that has turned China, at the time of writing, into the world's third-largest military power and second-world economic and financial power.

In the 40 years since the establishment of diplomatic relations between the US and China and the launch of China's "One Country, Two Systems" policy, the US economy has grown 10 times, and China's has grown 100 times.

In 1979, when the Soviets invaded Afghanistan to prop up the client government there, the Chinese saw it as an aggressive move by Moscow to surround their country with satellite states of the USSR. As a result, the Chinese allied with the US and Pakistan to support the Mujahedeens, respectively the Afghan guerrillas who successfully opposed the Soviet invasion.

When Saddam Hussein invaded Iran, causing the Iran-Iraq War (1980-1988), the US, USSR, and France supported Iraq. China, North Korea, and Libya helped the Iranians. Before the war, Romania had sold weapons to both states. As a result, during the war, both states requested the Bucharest government for equipment, armaments, ammunition, and servicing, Romania selling these products to both belligerent camps.

In the last years of the socialist state regime in Romania, several official visits took place between the party, state, and government leaderships of the two countries. These visits were in line with the very good relations between the two countries and parties but did not bring new elements to bilateral and international relations. Nicolae Ceaușescu's visits to China from April 13-17, 1982, October 7-12, 1985, and October 14-18, 1988, are worth mentioning. From May 5-10, 1983, the general secretary of the CPC, Hu Yaobang, visited Romania. On August 27-29, 1984, the president of the Chinese Republic, Li Xiannian visited Romania. During July 2-6, 1986, the Premier of the State Council of China, Zhao Ziyang, visited Romania. Also, during November 21-25, 1983, the Prime Minister of Romania, Constantin Dăscălescu, made an official visit to China.

The Romania-China relationship had the depth and continuity typical of strategic partners, in its meaning today, with the parties providing mutual support and showing solidarity in difficult moments. This bilateral and multilateral relationship, adopted by the socialist state regime in Bucharest, exceeded the limits of a political game designed to erode Soviet hegemony, by supporting a second pole of power within the world socialist state system. During several generations of leaders, the Romanian side promoted a friendly relationship with China, which was also taken over in the collective mind.

Romania's relationship with China was not one that should be viewed only from the perspective of determining an erosion of Soviet hegemony, by supporting the second pole of power among the socialist states, but a much broader one that went beyond the strict framework of specific political and economic interests.

During the Euro-Atlantic regime, Romania also maintained the red thread of respectful relations with China, including the recognition of one China and the fact that Taiwan is a component part of China. The consolidation of traditional political relations, supported by all Romanian political leaders, regardless of political color, led in 2004, Chinese President Hu Jintao's visit to Romania, to the signing of the Joint Declaration on the establishment of an Ample Partnership of Friendship and Cooperation. Its implementation has always been tacitly blocked by the European Commission and the Western states which, for over two decades, have been making the most important decisions concerning the political, economic-financial, and social-cultural life of Romania.

Abbreviations

CC = Central Committee

CPEx = RCP CC Executive Political Committee

CPSU = Communist Party of the Soviet Union

FSN = National Salvation Front

KGB = USSR State Security Committee

NATO = Organization of the North Atlantic Treaty

RCP = Romanian Communist Party

SIE = Foreign Intelligence Service

USSR = Union of Soviet Socialist Republics

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**THE IMPACT OF ILLEGAL TRAFFICKING OF MIGRANTS IN
THE EUROPEAN UNION**

Abstract:	<i>The article aims to investigate the impact of the migration phenomenon in the European Union (EU). It briefly examines the concept of smuggling of migrants and the main routes of illegal migration as well as the measures adopted by the EU institutions, in view of the priorities set by the EU institutions and the Member States, to step up efforts to establish an effective, humanitarian, and safe European migration policy. The article also pays particular attention to the illegal nature of this phenomenon and highlights the multiple and far-reaching implications of the activities surrounding illegal migration which generate and reinforce numerous other criminal activities.</i>
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Introduction

*Migration. A gain or slavery without chains?*¹

1.8 million years ago, Homo Erectus migrated from Africa to Eurasia in search of better survival conditions. No wonder humans settled in the environment that offered them the best conditions, which should not be controversial. Today,

¹"Figures on abuses of foreign legal workers vary, but the methods are the same. It's slavery without chains. Rarely do perpetrators resort to violence or threats of violence, as the workers targeted are buried in debt even before they leave their home countries. The danger of being fired and deported is enough". Editorial,"New York Times" "Forced Labor", (7 September 2010)

our globalized society is the result of countless migrations. Such movements have been essential factors in the formation of mankind: from the beginning, man has known nothing but migration: one could say that after so much cultural diversity, citizenship, ethnicity, or skin color should no longer matter. However, this is only a dream that has yet to become reality. It can be realized if we understand the advantages of migration, but also its inherent disadvantages¹.

A particularly important factor for the European Union is the integration of migrants. The successful integration² of migrants is essential for the well-being, prosperity, and future cohesion of European societies. While the main responsibility for integration lies with the Member States, the EU supports national and local authorities, helping them to coordinate their policies and share knowledge and providing them with financial resources.

Integration is a concept that is only valid when foreigners, and migrants, are ready to take the step to integrate into their adopted country. The language of the adoptive country, at least at a conversational level, is an advantage and is one of the most important factors of integration into the local society. However, there is never a complete integration: every migrant comes with a baggage of cultural experiences and customs, which are part of his/her personality and way of being.

Opinions in society are thus divided: some see migration as a contribution to society, and others see it as a source of dissent. But many destination countries see migration as a trigger for conflict rather than a means of cultural enrichment. Although migration has the potential to teach us a lot and allow both sides to develop in harmony, it is often abused for lack of common ground. This often leads to misunderstandings between locals and immigrants.

Migration is the movement of people (individuals, families, or groups) from one place to another with the intention of settling permanently or temporarily in a new location. Migration can be voluntary (job-seeking) or forced (war, natural disasters). Depending on the migrant's place of origin, there are two types of migration in the European Union (EU): intra-EU migration (from one Member State to another) and extra-EU migration (outside the EU)³.

Illegal trafficking of migrants

Migrant smuggling, like global criminal activity, is influenced by poverty, and political and social instability, and so is transit or unauthorized stay in the EU. This transit to EU states can sometimes be extremely dangerous, and traffickers

¹ Ștefan Romulus Lazăr, *Migration-an advantage, not a burden*, <https://www.goethe.de/prj/fok/ro/akt/21609357.html>, (25.07.2022)

² European Commission, *Inclusion of migrants and refugees in cities*, https://ec.europa.eu/info/eu-regional-and-urban-development/topics/cities-and-urban-development/priority-themes-eu-cities/inclusion-migrants-and-refugees-cities_ro, (25.07.2022)

³Alina Ligia Dumitrescu, *Fenomenul migrației în UE*, in "Revista de Economie Mondială", Vol. 10, No. 2, 2018, pp. 82-96

frequently expose migrants to both life-threatening risks and violence. The loss of life in the Mediterranean demonstrates the need for a strong and urgent EU response.

The smuggling of migrants by sea is one of the most dangerous forms of migrant smuggling and often requires serious humanitarian assistance. To save the lives of those in danger at sea, the coastguard and naval services of EU countries are making major efforts with the assistance of the European Border and Coastguard Agency (FRONTEX). Since the height of the migration crisis in 2015, the EU has put in place and continues to implement measures to improve control of external borders and migration flows. As a result, illegal arrivals in the EU have been reduced by more than 90%¹.

Most illegal migrants initially enter the EU legally on short-stay visas but remain in the EU for economic reasons once their visa expires. Effective and credible management of external borders is essential. The EU has developed an integrated border management strategy, which aims to maintain a high level of security using information technology such as the Visa Information System and biometrics (e.g., fingerprints) for identification.

Illegal migration is a form of organized crime which, because of its scale and the sophisticated way it is carried out, has direct consequences for the economic, social, and security situation in the countries of transit of migrants² or refugees³ and in the countries of destination.

Illegal migration routes

Frontex⁴, the European Authority responsible for border management and control of the European Schengen Area, coordinates the border and coast guards of the member states of the Schengen Area. They collect monthly data on illegal migrants arriving in Europe via the main South-North migration routes, which are the Central Mediterranean, the Albania/Greece Circular Route, the Eastern Land Border, the Eastern Mediterranean, West Africa, the Western Balkans, and the Western Mediterranean.

¹ Frontex is the European Authority in charge of border management and control of the European Schengen Area, in coordination with the border and coast guards of Schengen Area member states. They collect monthly data on irregular migrants arriving in Europe through major South-North migration routes, which are Central Mediterranean, Circular route from Albania/Greece, Eastern Land Border, Eastern Mediterranean, Western African, Western Balkans, Western Mediterranean, <http://frontex.europa.eu/>, (9.11.2022)

² Frontex, *Migratory Map*, <https://frontex.europa.eu/we-know/migratory-map/>, (27.05.2022)

³ *Idem*

⁴ Frontex, *Frontex provides support for Lithuania, Latvia at their borders with Belarus*, <https://frontex.europa.eu/media-centre/news/news-release/frontex-provides-support-for-lithuania-latvia-at-their-borders-with-belarus-hqTC5M>, (25.07.2022)

Route	Zones included ¹
Black Sea	Bulgaria and Romania sea borders
Central Mediterranean	Italy and Malta sea borders
Circular route from Albania to Greece	Greece's land border with Albania and the former Yugoslav Republic of Macedonia
Eastern Land Borders	Romania, Hungary, Slovakia, Poland, Lithuania, Latvia, Estonia, Finland, and Norway land borders with Moldova, Ukraine, Belarus, and Russian Federation
Eastern Mediterranean	Cyprus, Greece sea border, Greece, and Bulgaria land borders with Turkey
Other	Areas not included in the other routes. E.g.: Baltic Sea, North Sea.
Western African	Canary Islands
Western Balkans	Greece, Bulgaria, Romania, Hungary, and Croatia at the land borders with countries from the Western Balkan region
Western Mediterranean	Spain's land and sea borders without the Canary Islands

Central-Mediterranean route

The stretch of the Mediterranean Sea between North Africa and Italy is one of the main migration routes to Europe, although the number of arrivals has declined since the peak years of 2014-2016.

The figures made available by Frontex show that in 2021², the central-Mediterranean route continued to be the most used route to Europe, with 67,724 migrants detected, respectively an increase of 90% compared to the previous year and representing 23% (or approximately one quarter) of all illegal crossings reported at external borders.

It was also noted that Libya was the main country of departure, but departures from the coasts of Tunisia and Turkey also contributed to increased migratory pressure along this route.

Tunisian migrants were most frequently detected in this region, although many Egyptian migrants were also recorded in 2021, a number increasing almost sevenfold compared to the previous year. Bangladeshi citizens were also among the top nationalities detected.

Central-Mediterranean route

On this route, the numbers remained at the same level as the previous year, namely 20,567³ (in 2021), but a decrease in illegal border crossings in Greece was

¹ Frontex, *Migratory Map*, <https://frontex.europa.eu/we-know/migratory-map/>, (27.05.2022)

² *Idem*

³ *Idem*

noted, as well as an increase in migration to Cyprus, compared to previous years, growth driven by a higher proportion of Africans among detected migrants.

Western Mediterranean route

In recent years, on this route (which stretches across the sea between Spain, Morocco, and Algeria) migration has increased significantly with a record of over 56,000 detections registered in 2018¹. It should be noted, moreover, that this route was also the main route used by criminal networks to bring drugs into Europe.

The number of arrivals in Europe on the Western Mediterranean route increased slightly in 2021 as 18,466 cases were reported. Algeria was the main country of departure. Algerians and Moroccans continued to remain the main migrant nationalities detected on this route.

West African route

The West Africa Route links Senegal, Gambia, Mauritania, and Morocco (including the Western Sahara region) with the Canary Islands in Spain. In response to the steep increase in arrivals in the Canary Islands in the second half of 2020, Frontex has mobilized officers to support the authorities in collecting and sharing information. After remaining relatively low for many years, the number of migrants choosing this route to Europe started to increase in 2018 and reached an all-time high in 2020. This increase in arrivals is partly due to measures taken by many African countries to combat the COVID-19 pandemic, which has hindered movement along traditional migration routes and worsened social and economic conditions in many countries of origin.

In 2021, the total number of illegal border crossings was 22,504, remaining at the same level as in 2020. It can be seen from Frontex statistics² that migration pressure was reached, as in previous years, in September and the main nationality detected was Moroccan, followed by various West African nations.

Western Balkans route

The Western Balkans route was one of the main migration routes to Europe, reflecting the influx along the Eastern Mediterranean route. After the record number of arrivals in the European Union in 2015, the number of illegal migrants choosing this route has been steadily decreasing for several years and has started to increase again since 2019.

In 2021 the Western Balkans route was the second most used route to Europe as detections of illegal border crossings doubled to a total of 61,735. As in previous years, they mostly used the southern common borders with Greece and Bulgaria before heading north and trying to leave the region mostly at the northern common borders of Hungary, Romania Croatia, or Serbia.

Eastern land borders

On the 6000-kilometer land border between Belarus, Moldova, Ukraine, the Russian Federation, and the eastern EU Member States - Estonia, Finland, Hungary, Latvia, Lithuania, Norway, Poland, Slovakia, and Romania - the scale of

¹ *Idem*

² *Idem*

illegal migration has been much lower than on other migration routes. However, this route to Europe still presents significant challenges for border control, and in 2021 experienced unprecedented migration pressure. A record of 8,184 illegal border crossings was detected, an increase of more than tenfold compared to 2020.

This significant increase was artificially created by the Lukashenko regime and there was intense migration pressure with continuous border crossing attempts in all three EU Member States neighboring Belarus, prompting them to declare a state of emergency.

In the summer of 2021, Frontex deployed European permanent corps teams to Lithuania and Latvia to support the countries in responding to increased migration pressure¹.

Canal route²

This migration route from mainland Europe to the UK became increasingly active even before the UK's withdrawal from the European Union on 31 January 2020 and increased exponentially in 2021 after the Brexit transition period.

In 2021, over 52,000 illegal border crossings (IBCs) by small craft were detected on both sides of the Channel, a 241% increase from the previous year. France and Belgium detected around 22,000 attempted crossings at sea, while over 30,000 successful crossings were detected by UK border authorities.

In response to increased migration pressure, Frontex deployed an aircraft to the Channel in December 2021 to support Member States with air surveillance.

Routes through Romania

Geographically, Romania is at the crossroads of several migration routes, starting from the Middle East, South-East Asia, and Africa, and the Romanian area is considered mainly a transit and temporary residence area for migrants, regardless of their origin.

In terms of migration routes, the major corridors currently crossing the region may undergo changes, depending on the measures adopted by the countries through which they transit.

The routes that may be used more intensively by migrants, and which transit Romania, are:

- the eastern maritime route (on the Black Sea).
- Southern land route (Asia/North Africa - Syria/Iraq - Turkey - Bulgaria - Romania - Hungary - Western/Northern European countries).

Romania, which is not one of the countries directly affected by the migratory flow created by the movement of populations from the Middle East, Africa, and South Asia towards the European continent, is engaged in the

¹Frontex, *Frontex provides support for Lithuania, and Latvia at their borders with Belarus*, <https://frontex.europa.eu/media-centre/news/news-release/frontex-provides-support-for-lithuania-latvia-at-their-borders-with-belarus-hqTC5M>, (25.07.2022)

²Frontex, *Migratory Routes*, <https://frontex.europa.eu/we-know/migratory-routes/the-channel-route/>, (25.07.2022)

European effort to control and put the crisis under coherent and articulated coordination or monitoring.

Thus, the Romanian authorities are consistent in their attitude towards the European policy on the phenomenon, as reflected in the operational contribution to joint missions (it is the second largest contributor among the Member States, after Germany, to the FRONTEX missions in Greece and Italy)¹.

In November 2015, the Valletta Migration Summit² brought together European and African heads of state and government to strengthen cooperation and address the current challenges and opportunities of migration.

Summit leaders adopted a political declaration and an action plan to:

- address the root causes of irregular migration and forced displacement;
- strengthen cooperation on legal migration and mobility;
- strengthen the protection of migrants and asylum seekers;
- prevent and combat irregular migration, smuggling of migrants, and trafficking of human beings;
- closer cooperation to improve teamwork on return, readmission, and reintegration.

Romania will have to assume the role of the eastern border of the European Union, as it is well known that, at the world level, at least from a demographic point of view, but also from the point of view of the difficulties encountered economically, Asia is considered the main migratory reservoir of the 21st century, and we are linked to this continent by a green border, relatively easy to cross, and the legal/illegal migration routes already formed are sufficiently flexible and able to adapt to the circumstantial changes³.

The effects of illegal migration

The perpetuation of political and military instability in areas with migration potential, the precariousness of the standard of living felt by large masses of the population in many external spaces, combined with the flexible attitude and inventiveness of members of criminal networks, interested in obtaining substantial income, who find solutions in real-time to the restrictions or repressive actions of the authorities, are factors that favor the maintenance of the phenomenon of illegal migration at significant levels, including in Europe⁴.

¹ Georgiana Chirilă, *Migrația ilegală sau cum se importă riscurile de securitate*, www.intelligence.sri.ro, (26.07.2022)

² *Planul de acțiune al Summit-ului de la Valletta 2015*, https://www.consilium.europa.eu/media/21839/action_plan_en.pdf, (26.07.2022)

³ Daniela-Luminița Constantin, Valentina Vasile, Diana Preda, Luminița Nicolescu, *Studiul nr. 5, Fenomenul migraționist din perspectiva aderării României la Uniunea Europeană*, Institutul European din România, București, 2004, p. 7

⁴ Georgiana Chirilă, *Migrația ilegală sau cum se importă riscurile de securitate*, www.intelligence.sri.ro, (26.07.2022)

The increase in migratory flows from conflict zones in Africa, the Middle East, and Asia, which are dominated by instability and poverty, coupled with the humanitarian crises that accompany the often-unsuccessful attempts to reach European shores, is a sign of the pressure to which the countries on the migrants' travel routes are exposed¹.

The blocking of illegal transit at EU borders has taken on new dimensions due to the recent migration phenomenon, with the prevention work carried out by public order and security forces being a specific challenge for the cross-border crime.

The danger associated with the phenomenon of organized crime is maintained by the existence of areas largely unused and uncontrolled by law enforcement, of course, the phenomenon is maintained by the continuous adaptation of strategies and routes to areas outside the control of public order forces.

As a key destination for this phenomenon of illegal migration, EUROPOL and INTERPOL intervene through legal and operational capacities to identify the modus operandi, routes and structure of criminal groups involved in illegal migration. The Migrant Smuggling Networks² report jointly produced by Europol and Interpol in May 2016 shows that more than 90% of migrants arriving in European countries used the services of smuggling networks at least at some point during their journey. The report also shows that facilitators are organized and work with multinational networks, spread along migration routes (in and out of the EU), in more than 250 hotspots for illegal migrant smuggling.

The report also shows that facilitators are organized and work with multinational networks, spread along migratory routes (in and outside the EU), in over 250 hotspots for illegal migrant smuggling. The basic structure of the networks includes leaders who loosely coordinate activities along a given route, organizers who manage activities at the local level through personal contacts, and opportunistic facilitators, who earn illicit income from guiding activities along certain segments of the route. In some cases, facilitating migration to the EU has become a traditional occupation for local families and groups in North Africa³.

It is worth noting that migrant smuggling is a highly profitable method of doing business, involving low overall running costs and smuggling operations carried out on a demand-for-services basis. It has also been shown that legally established businesses are used, and the main vulnerable sectors include catering, hotels, transport companies, shops, hairdressers, internet cafes, and travel agencies. These businesses can be used along the routes to support network facilitation

¹ Raluca Galaon, *Migranții: Povești de milioane de dolari*, <https://intelligence.sri.ro/migrantii-povesti-de-milioane-de-dolari/>, (25.07.2022)

² Europol, *Migrant Smuggling Networks-Joint Europol-INTERPOL Report*, https://www.europol.europa.eu/cms/sites/default/files/documents/ep-ip_report_executive_summary.pdf, (27.07.2022)

³ *Idem*

activities (e.g., by providing logistical support) but also to launder the incomes of smuggling activities¹.

An example of limiting the activities of illegal migration groups was EUNAVFOR MED Operation Sophia. The operation's main mission is to contribute to the EU's efforts to undermine the activities of smugglers and traffickers in the central-southern Mediterranean. The operation also had several supporting missions, such as providing training for the Libyan coastguard and naval forces, monitoring the long-term effectiveness of the training, and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. In addition, the operation has been conducting surveillance activities and collecting intelligence on illegal oil exports from Libya in accordance with UN Security Council resolutions. The operation contributed imperatively to the EU's efforts to restore stability and security in Libya, as well as to maritime security in the Central Mediterranean region², thus the mission's main mandate was to undertake systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers or traffickers of migrants and to prevent further loss of life at sea.

EU NAVFOR MED Operation Sophia was launched on 22 June 2015. It is part of the EU's comprehensive approach to migration. The Operation Commander is Italian Rear Admiral Credendino. The operation's headquarters is in Rome.

Beyond efforts to reduce illegal activities, the authorities involved in the operation have obtained evidence of an operational pattern depending on the area of origin of the migrants. For example, more than 100 Senegalese who were captured admitted that each had been financed by the local communities from which they came, on condition that, once in Europe, they would send the money to Senegal for other members of the community. Eritreans use intermediaries in Tripoli to provide accommodation and shipping for new arrivals.

We note that the trend towards poly-criminality is one of the major effects of the illegal trafficking of migrants

Given that suspects involved in illegal migration activities already have a consistent criminogenic background, the poly-criminality associated with the phenomenon is increasing. Migrants arriving in the EU are vulnerable to drug trafficking, sexual exploitation, and illegal or undeclared labor.

Documents produced by the European Commission show that criminal groups are taking advantage of the dysfunction created by the migration crisis in

¹ UNODC, *Smuggling of Migrants, A Global Review and Annotated Bibliography of Recent Publications*, https://www.unodc.org/documents/human-trafficking/Migrant-muggling/Smuggling_of_Migrants_A_Global_Review.pdf, (28.07.2022)

² European Council, *EU NAVFOR MED Operation Sophia: mandate extended until 30 September 2019*, <https://www.consilium.europa.eu/ro/press/press-releases/2019/03/29/eunavfor-med-operation-sophia-mandate-extended-until-30-september-2019/>, (28.07.2022)

Europe to subject more people to prostitution and slavery. Specifically, the authors of the report pointed to the “worrying increase in the number of Nigerian women and girls being transported via Libya to Italy”¹.

As minors have become the preferred targets of human traffickers, fears about the fate of unaccompanied refugee children have intensified. Although the number of people who have fallen victim to criminal gangs is not estimated, the report “Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration” warned that child trafficking has been increased by the current migration crisis. Criminal gangs choose to traffic children aged between 6 months and 10 years because they are easier to manipulate. Children are sold for between €4,000 and €8,000, although there have been cases where as much as €40,000 has been paid².

The exploitation of these vulnerabilities has been identified as a risk factor related to illegal migration in the National Strategy for Public Order and Security 2015-2020. According to the document, the migration phenomenon manifests itself in various forms, “the most common being the illegal crossing of green borders between crossing control points, hiding in various means of transport and the use by migrants of forged or counterfeit identity or travel documents or valid documents belonging to other holders”.

The migrants have provoked mixed reactions from the population of the host European countries. Some members of the host communities who have benefited from immigrants (used them as a cheap labor force) have taken advantage of the situation and developed their businesses or solved the problems caused by the lack of labor in some sectors. Others, especially after the recent economic crisis, have expressed their dissatisfaction at losing their jobs to immigrants willing to work in harsh conditions and for lower wages³.

Immigration has also been taken up as a theme for speeches by politicians in countries affected by migration. Some of them have preferred to draw attention to the negative consequences of immigration and have highlighted the relationship between increased crime and immigration. This idea has also been taken up by some European researchers interested in the issue of immigrants in Europe. For example, many Italians associated the increase in crime with the presence of immigrants in their country, and this view of Italians was the result of the way the Italian media presented immigrants.

Since politicians/citizens/journalists’ discourses have frequently conveyed the idea of increased crime in communities with large numbers of immigrants,

¹ Raluca Galaon, *Migrații: Povesti de milioane de dolari*, <https://intelligence.sri.ro/migrantii-povesti-de-milioane-de-dolari>, (25.07.2022)

² Comisia Europeană, *Implementing the European Agenda on Migration: Progress on Priority Actions*, https://ec.europa.eu/commission/presscorner/detail/en/IP_16_271, (28.07.2022)

³ Ecaterina Balica, *Migrație, criminalitate și siguranță personală în marile orașe europene*, in “Revista Română de Criminologie, Criminalistica și Penologie”, No. 3-4, 2016

researchers have sought to test this hypothesis. Few studies in the European area, however, have addressed the relationship between crime and immigration. In his paper, Bell and colleagues studied the possible effects of crime in two recent large flows of immigrants into the UK economy. These large flows provide an opportunity for attention to evaluating whether the populist view that immigrants can cause crime. Their evidence supports the analysis of the crime-immigration relationship and sets out a general conclusion that focusing on the limited opportunities for asylum seekers in the labor market could have a beneficial effect in reducing crime¹.

The situation was slightly different for studies that linked immigration status and exposure to violence against women. Several studies in Europe have drawn attention to violence against immigrant women.

Thus, Marta Perez's study analyses the humanitarian clause in the Spanish immigration law concerning beaten women (without identity documents). In Spain, beaten women (without identity documents) who accuse their male partners of abuse and win legal cases against them become eligible for five-year residence and work permits. Women who lose the case must be deported. Several non-governmental organizations (NGOs) have criticized the arbitrary application of the clause, arguing that the protection of abused women should take precedence over legal status. Putting this argument in dialogue with philosophical and anthropological studies, this study shows how NGO advocacy strategy could conceal the close link between gender-based violence and the legal status of migrant women who do not have identity documents².

In the article "Social and immigration factors in intimate partner violence among Ecuadorians, Moroccans, and Romanians living in Spain", the authors conducted a cross-sectional study on 1607 adult immigrant women living in Barcelona, Madrid, and Valencia (2011). Different personal (demographic), family, social support, and immigration status characteristics of women were considered as explanatory and control variables. All analyses were divided according to women's country of origin.

The data for Moroccan, Romanian, and Ecuadorian women living in Spain were similar. The index regarding intimate partner violence was recorded to be very high among Romanian women in vulnerable social situations, and in the case of Moroccan and Ecuadorian women, this index seems to be evenly distributed.

¹ Brian Bell, Stephen Machin, Francesco Fasani, *Crime, and Immigration: Evidence from Large Immigrant Waves*, London School of Economics and Political Science, Centre for Economic performance. 2010, [http://eprints.lse.ac.uk/59323/1/CEP_Bell_Fasani_Machin_Crime-and-immigration_2013.pdf_\(28.07.2022\)](http://eprints.lse.ac.uk/59323/1/CEP_Bell_Fasani_Machin_Crime-and-immigration_2013.pdf_(28.07.2022))

² Marta Perez, *Emergency Frames: Gender Violence and Immigration Status in Spain*, in "Feminist Economics", 2012, pp. 265-290, (28.07.2022)

The importance of intervention in separation and divorce processes was common to all women¹.

Migrant smuggling is a crime that is interdependent with human trafficking, document forgery, drug trafficking, and benefits fraud. According to the European Commission report² - Communication on the state of implementation of the priority actions under the European Agenda on Migration – “the migration crisis has been exploited by criminal networks involved in human trafficking to target the most vulnerable, especially women and children”.

Conclusions

According to migration theories, in the context of formulating public policies on migration in the EU, a clear distinction must be made between economically motivated migrants, who are generally in search of better-paid jobs and are mostly young, entrepreneurial, skilled, and political migrants or refugees, among whom there are many people who cannot be active on the labor market (children, elderly people), but also people with low qualifications, who are much more vulnerable to discrimination, both on the labor market and in society, and require additional social protection from the state³.

The smuggling of migrants into and within the EU and trafficking in human beings are considered major criminal threats for the EU⁴ and are among the priorities set by the Council for the fight against serious and organized crime. Both practices use human beings as a source of profit. The smuggling of migrants and the trafficking of human beings are different crimes. Migrant smuggling is a globally widespread crime that endangers the lives of migrants and threatens the integrity of international borders. It is a lucrative type of criminal activity for

¹ Carmen Vives-Cases, Jordi Torrubiano-Domínguez, Diana Gil-González, Daniel La Parra, Andrés A. Agudelo-Suárez, M. Carmen Davó, M. Carmen Pérez-Beldaand, M. Asunción Martínez-Román, *Social and Immigration factors in intimate partner violence among Ecuadorians, Moroccans and Romanians living in Spain*, in "European Journal of Public Health" Vol. 24, No. 4, 2014, pp. 605-61

² European Commission, *European Agenda on Migration: further efforts needed to sustain progress*, https://ec.europa.eu/commission/presscorner/detail/ro/IP_18_1763, (28.07.2022)

³ Alina Ligia Dumitrescu, *Fenomenul migrației în UE*, in "Revista de Economie Mondială", Vol. 10, No. 2/2018, pp. 82-96

⁴ Europol, *European Union Serious, and Organized Crime Threat Assessment 2017*, <https://www.europol.europa.eu/publications-events/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>, (28.07.2022)

organized criminal groups¹ and has posed a major humanitarian and security threat to the EU in recent years².

Multi-disciplinary cooperation between EU Member States, EU third states, EU institutions, and agencies, as well as other relevant actors such as Interpol, is at the core of the fight against criminal threats. Transnational cooperation implies an awareness of the need to articulate and strengthen the efforts of all states to combat and control international criminal forces and groups.

Transnational criminal acts and crimes, such as grand corruption, money laundering, mafia-type activities, and terrorism, affect an increasing number of States and represent a real threat to democracy and to the implementation of various reforms in the political, economic, financial, and social spheres while respecting the principles of the rule of law³.

Given the legislative instruments developed by the EU institutions, as well as prevention and enforcement measures, we can simply conclude that the EU's interest in the detection and subsequent prosecution in the Member States is very high. This interest is often in competition with the parallel activity of criminal organizations and perpetrators within the territory of EU Member States, who are proving increasingly capable of establishing alliances and operating across borders throughout Europe, which enhances efforts at the EU level. All the above measures strengthen the international legal basis for the fight against the organization of illegal migration, with the aim of limiting the number of illegal migrants and reducing the activities of criminal structures involved in the organization of illegal migration.

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**INTERNATIONAL MECHANISMS FOR THE PROTECTION OF
HUMAN RIGHTS IN THE CONTEXT OF PUBLIC ORDER AND
SECURITY (PART 1)**

Abstract:	<p><i>Public order and security of any state become the field that transposes the obligations of the status, or, namely in the process of their maintaining, ensuring, and restoring, the entire spectrum of competencies and activities that interfere with human rights is reflected.</i></p> <p><i>At the same time, the protection of human rights and freedoms in the context of public order and safety has always been and continues to be a permanent concern of the international community, an aspect that should not be neglected by positioning the interest of the state as a priority over the interests of the individual or of the community.</i></p>
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Introduction

The mechanisms for the protection and respect for human rights are divided, in contemporary society, into international and internal (national) mechanisms. In turn, they presuppose a political-legal complex of international guarantees that includes the system of international pacts and conventions related to human rights and freedoms and the system of specialized international institutions, intended to ensure their application and realization.

Under international law “the State has the primary duty to promote and protect human rights, which includes guaranteeing “everyone the right,

individually and in association with others [...]”¹. These duties are both positive and negative.

The concept of human rights is accepted by human communities and by each of their members as a natural institution that allows:

a) a more complete and accurate understanding of the status of the human being in its various poses;

b) knowledge of the political, legal, social, and economic means necessary for the regulation of this status;

c) guaranteeing the maintenance of this status through appropriate measures to punish those guilty of violating the rights and freedoms inherent to all the people. Human rights came to be analyzed as a primordial condition in the maintenance of international peace and security and to be on the basis of contemporary international law².

In order to achieve this desideratum, internal public order and security of any state comprises the field that transposes the obligations of the status, or, namely, in the process maintaining, ensuring, and restoring public order and security, the whole spectrum of competencies and activities that interfere with human rights is reflected.

At the same time, the protection of human rights and freedoms in the context of public order and security has always been and continues to be a permanent concern of the international community, an aspect that should not be neglected by positioning the interest of the state as a priority over the interests of the individual or of the community.

At present, it is unanimously recognized that the rights and freedoms of the person are privileges conferred by law. Pursuant to them, the holder of the right, i.e. any person, can do certain conduct and ask others to behave in accordance with his right in order to capitalize on a personal, legitimate, and legally protected interest, in accordance with the general interest and the rules of coexistence.

For instance, according to article 15 of the Constitution of the Republic of Moldova, citizens benefit from the rights and freedoms established by the supreme law and by other laws³. This constitutional norm directs the activity of the state authorities toward ensuring the protection and respect for the rights of each person.

¹ International Legal Framework Committee, *The International Legal Framework Applicable to Threats Against Human Rights Defenders: A review of the relevant Jurisprudence in international law*, 2019, Washington D.C., p.71, <https://cejil.org/wp-content/uploads/2021/10/Protocolo-Esperanza-FINAL-051021.pdf>, (01.08.2022)

² Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chișinău, 2012, p. 33

³ *Constituția Republicii Moldova, nr. 1 din 29.07.1994*, Monitorul Oficial al Republicii Moldova, nr. 78 din 29.03.2016

The citizen also has constitutional levers aimed at ensuring him/her active behavior in relation to public authorities¹.

The aspects related to the protection of public order and security are regulated by the norms of international law, and, over time, the international community aims to achieve certain objectives, such as to realize recommendations and to develop standards regarding the activity of police bodies from different states, so that public order and security is ensured, maintained or, as the case may be, restored, primarily by protecting and ensuring human rights.

“In humanitarian law, the terms *public order* or *law and order* describe the general conditions that must exist so that individuals can enjoy their rights and freedoms. States are responsible for defending public safety. However, in all circumstances, even when taking measures to defend the public order, governments must always respect certain fundamental human rights. [...] The government has the duty to maintain or re-establish law and order through legitimate means. The obligation to respect these “legitimate means” denotes the fact that, even during efforts to restore public order in situations of unrest or conflict, the State must protect the fundamental guarantees to which individuals are entitled under international human rights instruments [...]”².

“Human rights norms and standards are derived from two principal types of international source, “customary international law” and “treaty law”. **Customary international law** (or simply “custom”) is international law that develops through the general and consistent practice of States and is followed because of a sense of legal obligation. In other words, if States perform in a certain way over a period of time because they all believe that they are required to do so, that behavior comes to be recognized as a principle of international law, binding on States, even if it is not laid down in a particular agreement. Thus, while the Universal Declaration of Human Rights is not in itself a binding treaty, provisions of the Declaration have been identified as having the character of customary international law, and States are therefore bound to respect them. **Treaty law** includes the law of human rights as set out in the many international agreements (treaties, covenants, conventions) that have been collectively (either bilaterally or multilaterally) developed, signed, and ratified by States”³.

The author Corneliu Popescu considers it important to mention that human rights are not conferred, or granted by the international legal norms in the field, but they are only recognized and affirmed by them. Human rights are essential for the human being and they derive directly from the existence of human beings, from

¹ Anotolie Munteanu, Svetlana Rusu, Olga Vacarciuc, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chișinău, 2015, p. 104

² *The Practical Guide to Humanitarian Law*, <https://guide-humanitarian-law.org/content/article/3/public-order/>, (07.10.2021)

³ Office of the United Nations High Commissioner for Human Rights Professional Training, *Human Rights and Law Enforcement a Trainer's Guide on Human Rights for the Police*, Series 5/Add.2, United Nations, New York, Geneva, 2002, p. 13

human dignity, independently of their international legal formalization. International norms only enshrine and guarantee human rights, inseparable from them¹.

This is why the mechanism for the protection of human rights is implemented in stages, consistently and dedicatedly, thus, initially, the international community is the one that accepts and formalizes human rights. Subsequently, it is at the latitude of the states to determine the incorporation and adjudication of the given provisions in the national legal system. At the same time, their guarantee at the state level needs to be not only declarative but assumed and responsible.

International context

We support the idea, that the global order in the twenty years of the 21st century is an order that encompasses the entire planet, an order that brings states, societies, and people into contact, but at the same time creates and maintains fissures. In this global order, human rights and governance issues transcend national borders. At the same time, the current configuration of democracy, human rights, and governance indicates a global consensus on how they are analyzed and perceived. These are legitimized by such values as human individuality, freedom, human rights, equality before the law, the rule of law, etc.²

Even if a certain period of time has passed, since the international community reached a common agreement, human rights and their protection are also current, being attested by more and more voices expressing the need to re-evaluate the existing system, to determine and reformulate the new rights that appear, especially in the context of existing risks and challenges, for example, in the context of hybrid threats, the right not to be misinformed or the right to compensation for damages caused as a result of armed conflicts.

The given fact, one of major importance, first puts pressure on the international community, which has the obligation, but also the commitment to come up with a reaction, to find an answer to the social, economic, and political transformations that are taking place permanently, in the context of the cadence with which the processes and phenomena with a direct impact on human rights and freedoms change and is ever greater, and the response must be immediate.

If we look in retrospect, respect for human rights and fundamental freedoms became the subject of global regulations in the 20th century, in particular, in the second half³.

¹ Corneliu Popescu, *Protecția internațională a drepturilor omului – surse, instituții, proceduri. Note de curs*, All Beck, București, 2000, p. 7

² Rodica Ciobanu, *Perspective ale unei abordări de tip integrat în traterea guvernării și a drepturilor omului, Contextul multidimensional actual al guvernării și drepturilor omului în Republica Moldova*, Artpoligraf, Chișinău, 2021, p. 17

³ Victoria Arhiliuc, *Aspectul juridic universal al drepturilor omului*, Artpoligraf, Chișinău, 2020, p. 19

Thus, after the Second World War, accompanied by serious violations of human rights, they went beyond the limits of an internal problem, becoming the object of special attention of the international community. The recognition of the Universal Declaration of Human Rights and the Covenants on civil, political, economic, social, and cultural rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and other international legal acts contributed enormously to the development of civilization and culture of the 20th century¹.

Human security, or more precisely “security of person”, has always been in the attention of international public opinion, being a priority, starting with the **Universal Declaration of Human Rights**² adopted by the United Nations General Assembly in 1948.

Thus, the modern vision of human rights really began with the adoption of the Declaration, and later, based on it, the international and regional communities adopted other conventions by which they completed the list of rights that a person must have within the collective. By its nature, the Declaration is a political document and, accordingly, has no binding power, expressing only an ideal. The Declaration does not involve legal consequences, it is a complementary, interpretive act that prepared the ground for the codification of fundamental human rights and freedoms³.

In this sense, at the European level, an important number of legal instruments have been developed and negotiated, which establish means of protection and guarantee human rights, and the main document is the **European Convention on Human Rights**, signed in 1950⁴. It was amended by numerous protocols and includes, above all, provisions related to civil and political rights, respectively, the right to life, freedom, and security of the person, the inviolability of the person and home, of correspondence, the right to freedom of conscience, to the association, etc.⁵

As we can see, a stage of deepening and development of human rights was carried out specifically in the second half of the 20th century. At the same time, the dynamics of the movement for human rights, during this period, have been and continue to be marked both by the activity of certain international organizations, as

¹ Ștefan Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea Poliției, suport de curs*, Cartea Militară, Chișinău, 2019, p. 10

² *Universal Declaration of Human Rights. Adopted by the United Nations General Assembly in 1948*, https://www.un.org/en/about-us/universal-declaration-of-human-rights_, (04.10.2021)

³ Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chișinău, 2012, p. 34

⁴ *European Convention on Human Rights. Concil of Europe, Rome, 1950*, https://www.echr.coe.int/documents/convention_eng.pdf_, (20.10.2021)

⁵ Mihai Neag, Daniela Coman, *Drepturile omului și perspectiva securității individuale*, http://www.arduph.ro/domenii/protecție-persoane-si-bunuri/drepturile-omului-la-pace/drepturile-omului-si-perspectiva-securitatii-individuale_, (04.10.2021)

well as by certain ideologies. While ideologies provided the basis and legitimacy of human rights, international organizations played a key role in codifying the norms of international law as well as monitoring the implementation of human rights by member states¹.

In order to develop the described system, a series of international mechanisms for the promotion and protection of human rights was established, with an increasing influence on the laws and practices of the states. Their jurisprudence and recommendations have led, in many European countries, to legal and institutional reforms, including police reforms².

Following the analysis of the provisions of the Declaration, we conclude that it includes rules regulating fundamental human rights and freedoms in the field of public order protection, as well as the possibilities of restricting rights and freedoms at the level of national legislation. And art. 28 of the Declaration characterizes public (social) order as an integral part of the law, ensuring that all rights and freedoms are fully realized³.

The interest shown by the inscription of human rights in international documents is due not only to a real concern for the need to promote and guarantee the rights and freedoms inherent to the human being – an essential element of ensuring progress, well-being, and civilization in any society, democracy and the rule of law – but also as a result of the fact that many times, through the neglect and flagrant violation of these rights and freedoms, conflict situations have been created that endanger the climate of peace, stability, and security⁴.

This climate concerns mostly the internal order of the state, when the national mechanism, based on the international one, does not exceed the borders of the state, but it can break out on a much larger scale, for example, at the regional level in the case of armed conflicts.

The European Convention on Human Rights constitutes one of the most important and effective international instruments for the protection of human rights in the world, and this is for two main reasons⁵:

a) the profound influence it exerts on the legislation and jurisprudence of the states that have ratified the Convention; and

b) the fact that, unlike other international instruments of this kind, the Convention also includes a supranational jurisdictional mechanism whose

¹ Anatolie Munteanu, Svetlana Rusu, Olga Vacarciuc, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chișinău, 2015, p. 11

² Agenția pentru Drepturi Fundamentale a Uniunii Europene, Oficiul pentru Publicații al Uniunii Europene, *Manual pentru formatorii polițiștilor „Formare pentru polițiști din perspectiva drepturilor fundamentale*, Luxemburg, 2018, p.35

³ Ion Guceac, Pavel Voicu, *Experiența statelor europene în asigurarea ordinii publice și respectarea drepturilor omului*, Administrarea Publică, nr. 3, 2018, p. 32

⁴ Nicolae Nicolae-Anghel, *Garantarea libertății persoanei*, Universitatea Titu Maiorescu, București, 2002, p.11

⁵ Vasile Pătulea, *Proces echitabil. Jurisprudența comentată a Curții Europene a Drepturilor Omului*, I.R.D.O., București, 2007, p. 189

solutions are imposed on the contracting states, thus effectively guaranteeing respect for the human rights proclaimed in its text.

The provisions of the Convention were designed in such a way as to create a European public order in the matter of fundamental rights and freedoms. At the same time, the provisions of the Convention do not impose an absolute uniformity of national norms, the states maintain their right to implement the provisions by taking into account the principle of sovereignty. We support the idea that the European Convention on Human Rights enshrines the general core of civil and political rights. For its part, the Romanian Constitution has a wider sphere of protection and includes social, economic, and cultural rights. An even wider sphere of protection is provided by the Charter of Fundamental Rights signed within the European Union¹. The Republic of Moldova, as a member state of the Council of Europe, and, at the same time, as a state that seeks to achieve the aspiration of integration into the European Union, ratified the European Convention on Human Rights through Parliament Decision no. 1298 of 24.07.1997².

From a structural point of view, the European Convention consists of three sections, as follows: “Rights and freedoms” (Section I); “European Court of Human Rights” (Section II); “Miscellaneous provisions” (Section III).

A legal instrument of wide resonance, the European Convention constitutes a fundamental document in the field of the protection and guarantee of human rights and fundamental freedoms, both through the procedure it has established and through the wide spectrum of rights and freedoms to which recognition and guarantee are dedicated. In this context, Section I of the Convention, as well as its additional Protocols, establishing new rights and freedoms, constitute the material law protected by the Convention. All the rules of the Convention, which regulate the procedure for setting up the European Court, its competence and organization, the procedure for examining applications and the execution of the Court's decisions form the procedural law of the European Convention on Human Rights³.

We will not refer to all the provisions of the Convention, but only to those that establish rights and freedoms. Thus, in Section I, the following fundamental rights of the person are proclaimed: right to life (art. 2); prohibition of torture (art. 3); prohibition of torture and forced labor (art. 4); right to liberty and security (art. 5); right to a fair trial (art. 6); no punishment without law (art. 7); right to respect for private and family life (art. 8); freedom of thought, conscience, and religion

¹ APADOR-CH, *Manualul Drepturilor Omului, Asociația pentru Apărarea Drepturilor Omului în România – Comitetul Helsinki*, București, 2008, p. 4

² Hotărârea Parlamentului Republicii Moldova Nr. 1298 din 24.07.1997 privind ratificarea Convenției pentru apărarea drepturilor omului și a libertăților fundamentale, precum și a unor protocoale adiționale la această, in: *Monitorul Oficial al Republicii Moldova*, No. 54-55 din 21.08.1997

³ Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de Administrare Publică, Chișinău, 2014, pp. 19–20

(art. 9); freedom of expression (art. 10); freedom of assembly and association (art. 11); right to marry (art. 12); right to an effective remedy (art. 13); prohibition of discrimination (art. 14).

The implicit requirements of the European Convention derive, in particular, from the right to life, according to art. 2, and from the prohibition of torture, inhuman or degrading punishments or treatments, provided by art. 3 (which are important for certain matters, such as the use of force in a law enforcement action, the investigation of alleged crimes, and the conduct of interrogation); the right to respect for private and family life, residence, and correspondence – art. 8 (which establishes not only important limits to the investigation of crimes and the accumulation of evidence but is also relevant for the evaluation of the restrictions applicable to persons detained and pre-arrested, including some aspects of the public character of the criminal procedure¹).

At the same time, in order to evaluate the relevance of the given Convention for public order and security, the rights and freedoms it guarantees, in particular, those regarding freedom of assembly and association, freedom of expression, protection of private life, freedom of religion, provided by articles 8-11, but also the prohibition of retroactive application of the criminal law, according to article 7 must not be ignored.

According to the opinion of the academician Ion Guceac the mentioned international act has indisputable importance through the fact that it establishes in its content the right to public order and determines the way to realize this right by recognizing and strengthening the man's obligations in relation to the society².

In many countries, including the Republic of Moldova, the Convention has been integrated into national law, in the sense that any individual can file a complaint or appeal to a national court or another authority based directly on its provisions. However, even if a country has not integrated the Convention into its domestic law, the latter must not be in conflict with the content of the Convention. Or, the Convention is not defined to replace national human rights protection systems, but to represent an international guarantee that joins the right of appeal within each state³.

Thus, the regulations provided by the European Convention, as well as the judgments issued by the European Court have a legal force superior to the internal norms that represent the national legal systems. The judgments of the European Court do not only have the authority of a *res judicata*, but also the authority of an interpreted matter, an authority that exceeds the limits of concrete cases resolved

¹ Jeremy McBride, *Drepturile omului și procedura penală, Jurisprudența Curții Europene a Drepturilor Omului*, Second Edition, Consiliul Europei, 2018, p. 6

² Ion Guceac, Pavel Voicu, *Experiența statelor europene în asigurarea ordinii publice și respectarea drepturilor omului*, Administrarea Publică, nr. 3, 2018, p. 33

³ Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de Administrare Publică, Chișinău, 2014, p. 18

by the Court.

We agree with the opinion of the authors Ștefan Belecciu and Albert Antoci, who claim that the very idea that beyond the borders of the state there is someone who watches over the respect for human and citizen rights, who can, in the end, do justice is really mobilizing, aiming, in essence, at arming the individual with the power to persevere in the fight for the defence of his fundamental rights¹.

At the same time, in the context of exercising its contentious jurisdiction, the European Court, in order to guarantee fundamental rights and freedoms, formulated several obligations towards the signatory states. According to the content and character of the regulations, obligations can be both material (substantial) and formal (procedural). The material category refers to the obligations resulting from the interpretation of substantive rights, and the formal category refers to the obligations resulting from the interpretation of procedural rights.

For its part, the state, depending on the actions/inactions it must perform/refrain from, has both negative and positive obligations. The positive obligations can be divided into two categories: the condition that the legal system provides protection against attacks by other individuals and not only by state agents, and the procedural obligations to proceed to a thorough and effective official investigation, in order to identify and punish individuals responsible for maltreatment.

Thus, the state is obliged to present a plausible explanation about the origin of the bodily injuries in the event that the person in the custody of the authorities – a penitentiary institution, police subdivision, psychoneurological hospital, or any place where the person or could be deprived of liberty - will invoke application of torture or ill-treatment². In the order of ideas set out above, states are considered to have a dual responsibility to respect and protect human rights. Respectively, “respect” represents the negative obligation to refrain from any action that would restrict human rights, and “protect” refers to the positive obligation to act in order to ensure the exercise of human rights³.

As we can deduce, two categories of basic obligations are imposed on all state powers, including those that are part of the field of public order and security:

1. The obligation to respect is reflected in the fact that the state must refrain from illegal and disproportionate actions, and unjustified interferences in human rights constitute violations of these rights;
2. The obligation to protect is manifested by the fact that the state is obliged

¹ Ștefan, Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea Poliției*, Cartea Militară, Chișinău, 2019, pp. 26-28

² Anatolie, Munteanu, Svetlana Rusu, Olga Vacarciuc, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chișinău, 2015, pp. 44–45

³ Agenția pentru Drepturi Fundamentale a Uniunii Europene, Oficiul pentru Publicații al Uniunii Europene, *Manual pentru formatorii polițiștilor. Formare pentru polițiști din perspectiva drepturilor fundamentale*, Luxemburg, 2018, p. 23

to take administrative, legislative, and/or judicial actions to protect human rights, so as to ensure that people can fully exercise their rights, and failure to take appropriate measures is a violation of human rights.

Jean-François Akandji-Kombe comes up with a more extensive approach, in the sense that in order to define “the latitude of the force of the states' commitments, different control bodies have manifested their commitment in different ways. One of the most interesting is the consideration of the fact that each right can involve three kinds of obligations: *the obligation to respect*, which imposes on state bodies and officials, first of all, that they do not commit violations; *the obligation to protect*, which requires the state to protect rights holders against infringements from third parties and to punish the authors; the *obligation to put into action*, finally, to demand the adoption of positive measures to materialize and give full effect to this right”¹.

As we can see, a third element related to the implementation of human rights concerns the applicative part of the competencies of public authorities passed through the most important international and national provisions and mechanisms fixed in this regard.

The police, a state-appointed authority, has both the obligation to respect and protect human rights. As for the obligation to respect human rights, it assumes that police officers must not violate the rights of various people arbitrarily or without justification. At the same time, police officers also have the obligation to defend/protect human rights, which requires them to take concrete measures at the organizational and operational level to guarantee the exercise of human rights².

Conclusions

We can mention that the international mechanism for the protection of human rights in the context of public order and security requires a complex political-legal system of international guarantees that includes the system of international pacts and conventions related to human rights and freedoms and the system of specialized international institutions.

International regulations, in this sense, determine the primary duty of states to promote and protect human rights and fundamental freedoms. In turn, internal public order and security of any state become the area that transposes the obligations of the status, or, namely, in the process of their maintaining, ensuring, and restoring, the entire spectrum of competencies and activities that interfere with human rights is reflected.

¹ Jean-François, Akandji-Kombe, *Obligațiunile pozitive în virtutea Convenției europene a Drepturilor Omului, Ghid pentru punerea în aplicare a Convenției europene a Drepturilor Omului*, Strasbourg, 2006, p. 5

² Agenția pentru Drepturi Fundamentale a Uniunii Europene, Oficiul pentru Publicații al Uniunii Europene, *Manual pentru formatorii polițiștilor. Formare pentru polițiști din perspectiva drepturilor fundamentale*, Luxemburg, 2018, pp. 31–32

The aspects related to the protection of public order and security are provided for by the norms of international law, and the international community continues to have as objective the realization of certain recommendations and the elaboration of standards regarding the activity of police bodies in different states so that public order and security be ensured, maintained or, as the case may be, restored, primarily protecting and ensuring human rights.

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**NEGATIVE INFLUENCE MARKERS OF
RELIGIOUS FANATICS IN SOCIETY**

Abstract:	<p><i>Religious fanaticism is a ubiquitous phenomenon in society, shaping and generating complex individual and collective behaviors and duplications both in relation to members of the community they belong to and those outside them. An important role in determining such behaviors has the religious precepts adopted by fanatics.</i></p> <p><i>They definitely influence the behavior of the followers as well as the way those with extreme and intolerant religiosity relate, ie the religious fanatics to themselves and to those with whom they interact. For some fanatics, their behavior has a component represented by that of violence committed in the name of their divinity.</i></p> <p><i>What is worse is that they think they are right and the rest of the members of society are not, which is why the latter are guilty before the supreme being for not following the sacred precepts and consequently not adapting their behavior to those precepts.</i></p> <p><i>For these reasons, the article will analyze the common landmarks of all the entities that fanaticize their followers, as well as the uniqueness of the repercussions on the other members of society.</i></p>
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Introduction

Contemporary society is dominated by the fear induced by religious fanatics and their actions in the name of divinity. The recurrence of religious fanaticism began in the second half of the twentieth century with the reappearance in the public space of religious teachings that seek to trigger such a phenomenon.

The success is given by the fact that the exteriorization of this extreme religiosity is done, especially, based on strong affections, such as hatred or anger of religious beliefs or totally opposite, through exaggerated joy in the name of the divinity acquired, even to death.

Regardless of the religious entities they belong to, all fanatics keep the same line of manifestation by interpreting religious precepts to justify their actions, which often hide non-religious goals. Religious behavior is the visible or physical expression of the externalization of religiosity, it is the link that binds religion to the actions of its followers, and such behavior is influenced and shaped by the leaders of religious entities.

In this regard, James H. Leuba¹ says that distorted religiosity determines a behavioral pattern transposed into everyday life under the personal belief of religious individuals that they are under the protection and influence of divinity. In the daily relation of the religious man to the societal landmarks appear certain types of manifestations transformed into "attitudes, rites, beliefs, in his subjective expression, consists in impulses, desires, goals, feelings, emotions, and ideas related to religious actions and institutions", a fact which determined the religious life of man to make a difference in the conduct of religious followers².

The repercussions of Islamic religious doctrines that have caused a series of reverberations throughout the societal spectrum in the last quarter of a century are best observed, fundamentally changing the way of thinking and conceptualizing strategies for preventing interfaith violence. That is why, as William A. Wilson said³, the goal „must be to discover what it means to be human and religious”⁴.

This is determined by the fact that the violent manifestations of some followers of the official religion are not in accordance with the general precepts of worship and the fundamental book of confession. However, many collateral casualties were suffered as a result of the exacerbation of religious zeal doubled by intolerance of those, they considered enemies. In this regard, Wesley Raymond Wells⁵ says that the opinions of religious individuals are subjective, and the

¹ James Henry Leuba (1868 - 1946) was an American psychologist specializing in religion. It focused on scientific research into the phenomenon of mysticism and religious experiences.

² James H. Leuba, *The Definition of Religion: A Propos of Mr. W. K. Wright's Definition*, in "The American Journal of Theology", Vol. 16, No. 4, 1912, p. 642

³ William Albert Wilson (1914 - 2009) was the first US Ambassador to the Vatican between 1984 and 1986.

⁴ William A. Wilson, *The Concept of the West: and Other Hindrances to the Study of Mormon Folklore*, in "Marrow of Human Experience, The: Essays on Folklore" by William A. Wilson, edited by Rudy Jill Terry and Call Diane, Denver, University Press of Colorado, 2006, p. 169

⁵ He was a professor of philosophy at Syracuse University, Syracuse, New York, United States of America.

conduct indicated and adopted by such persons is not always correctly understood because this type of behavior, that is, the religious one, is difficult to identify¹.

This means of course that everything relates to the interpretation of religious beliefs, saying it would fail the request only if it developed a type of philosophy of religion to study, observe, issue opinions and signal drift behavior without you refer to the value of cultic instruments in terms of metaphysical problematization².

At present, can be seen that both Christian and Islamic teachings have been altered by some doctrinal currents propagated by religious leaders and have acquired an ambiguous value that has become a basis for followers of religious fanaticism. Thus, the suicides who gave their lives and will continue to do so in the name of divinity will do so in the sense and direction established by the leaders of religious entities whose members aim for a place in Heaven through martyrdom. Ionel Datcu³ says in this regard that the results are being seen today because from a religion that learns obedience and self-control to a religion of thinking minorities to which several people adhere who are fanatical and contrary to religious doctrines, kill innocent people in the name of pseudo-beliefs⁴.

Religious conflicts, as well as terrorist attacks, are based on a series of causes, including in fact a complexity of factors, the most important of which are religious and cultural, because they cause the most atrocious violence, especially in other communities. beliefs. This behavior is appropriated against the background of religious fanaticism that develops within such communities, due to the indoctrination of religious leaders who pursue only their interests and goals without regard to the right to life and people of other faiths. Such is the case of the suicide bomber Salman Abedi from Manchester Arena, a Briton of Libyan origin, who blew himself up on March 23, 2017, killing 22 people and injuring another 120 people⁵.

The same statement issued by the representatives of the Islamic State in Iraq and Syria revealed the religious aspect, the adopted conduct, and the risks and threats to the individual and collective security of the British, including its own, British, or non-British citizens. This statement said that "A Caliphate soldier managed to plant an explosive device at a meeting of the crusaders in Manchester"⁶, thus revealing the fact that a civilian became a soldier of a religious-

¹ Wesley Raymond Wells, *On Religious Values; A Rejoinder*, in "The Journal of Philosophy, Psychology and Scientific Methods", Vol. 15, No. 18, 1918, p. 488

² *Ibidem*, p. 497

³ Ion Anton Datcu is a writer, memorialist, biographer and commentator, established in 2008 in Canada.

⁴ Ionel Datcu, *Religie și toleranță*, Mihai Duțescu, Craiova, 2002, p. 57

⁵ Viorica Marin, *Cine este atentatorul sinucigaș de la Manchester Arena: Salman Abedi, un britanic de origine libiană*, in "Adevărul", 23 mai 2017, http://adevarul.ro/international/europa/atac-terorist-manchester-politia-cunoaste-identitatea-atentatorului-barbat-suspect-fost-arestat-1_59241e995ab6550cb85ee65d/index.html, (19.02.2022)

⁶ *Idem*

military organization, executed the tasks of the leaders of this entity, and, because of his actions, the civilians were targeted as religious enemies deserving to die.

Douglas Yeung¹ and Margret T. Martin considered that "religious beliefs and practices influence imitation and well-being and exclude religious or spiritual research independent of any association with stress or well-being"². Consequently, we will continue to address the type of religious behavior adopted by fanatics according to various external or internal factors on them, and which shapes such behavior that subsequently translates into risks to the security of the other members of society.

Religious behavior in the context of its repercussions on society

The exacerbation of religious beliefs generates in a very short time in the followers of sects or religious organizations contradictory feelings that later turn into clear ones only in their vision, which makes them become very violent and intolerant of those of other religions and sometimes even with own co-religionists. This is because priorities are not set, as Mary I. O'Connor says³ it is very important to identify the religious individual who exacerbates the double zeal of intolerance towards those of another faith, to the detriment of the community, "as an agent who decides the beliefs and religious behavior"⁴.

This is because they have the impression that others are not pursuing their own goals, are sacred, and therefore do not deserve to be part of their community. Consequently, most of the time their conduct exceeds the limit of reason and becomes a real threat to the security of the state in which they operate, or often against other targeted states.

In this regard, Robert M. Hayden⁵ says that "if we pay special attention to such low manifestations of religious behavior" to groups and followers outside the

¹ Douglas Yeung is a social psychologist at RAND Corporation as well as a member of Pardee RAND Graduate School. His crunching area is centered on types of communication, behaviors, and mental health, currently analyzing the impact of social recipes on the mental health of the military.

² Douglas Yeung, Margret T. Martin, *Spiritual Fitness Definition and Key Constructs, in Spiritual Fitness and Resilience: A Review of Relevant Constructs, Measures, and Links to Well-Being*, RAND Corporation, 2013, p. 6

³ Mary I. O'Connor is a professor at the Institute for Social, Behavioral, and Economic Research at the University of California, Santa Barbara. His work is centered on field studies in Mexican states: Oaxaca, Sinaloa, Sonora, and Baja California, as well as in California, Oregon, and Washington in the United States of America. She was the recipient of two scholarships for teaching.

⁴ Mary I. O'Connor, *Mixtecs, and Modernity in Mixtec Evangelicals: Globalization, Migration, and Religious Change in an Oaxacan Indigenous Group*, Boulder, University Press of Colorado, Colorado, 2016, p. 39

⁵ Robert M. Hayden is a professor of law and policy anthropology at Pittsburgh University, his research has focused on the Balkans, but also on other areas like India.

official church we could "see indicators of sharing space at a low level, even and after this division has been dissolved at official levels"¹.

This is confirmed by Francis Bowes Sayre² who said that the influence of religious dogmas determined the mental state of some people, in this case, presented by him, being a defendant³, that is, a person accused of violating the rules of social conduct. Religious behavior is modeled by various factors, which in turn are determined by certain causes. These are also those that generate and maintain religious conflicts because they often reduce to religious, cultural, linguistic, social, demographic, economic, or territorial aspects.

Often these are generated and manipulated by the precepts preached by religious leaders that transform administrative issues such as economic, social, demographic, or territorial issues into doctrinal-religious issues to give meaning to actions carried out in the name of their divinity, violent actions known as terrorists⁴.

This conduct is inexplicable for people who are not religiously fanatical but for those under the rule of such a phenomenon is mandatory. In this sense, Simon Coleman⁵ says that this diametrically opposed difference between the two mentalities, respectively two types of behavior dominated by religious ideology, can be identified by analyzing and observing "the most obvious centers of religious activity" to identify and highlight "inconsistency in religious behavior and attitudes"⁶.

New members of religious organizations, sects, cults, or religious groups that adopt a theology that generates fanaticism, if they become fully religious, they live with the feeling that they are an important pillar of the organization without which it will not function properly to achieve their own objectives.

Eric Hoffer says in this regard that for demoralized people who do not find their place in society, "faith in a holy cause is largely a substitute for lost confidence" in themselves. In such a state, in which an individual is adrift, he believes that he has the right "to claim excellence for his nation, his religion, his

¹ Robert M. Hayden, *Intersecting Religioscapes in Post-Ottoman Spaces: Trajectories of Change, Competition, and Sharing of Religious Spaces*, in *Post-Ottoman Coexistence: Sharing Space in the Shadow of Conflict*, edited by Bryant Rebecca, New York; Berghahn Books, Oxford, 2016, p. 80

² Francis Bowes Sayre Sr. (1885 - 1972) was a professor at the Harvard Law School, as well as the Philippine High Commissioner for the Government of the United States of America. He was also the son-in-law of US President Woodrow Wilson.

³ Francis Bowes Sayre, *Mens Rea*, in "Harvard Law Review", Vol. 45, 1932, pp. 983-984

⁴ Cristina Cornilă, *De la religie la terorism - Fundamentalismul islamic și sectele creștine versus mediul actual de securitate*, Anamarol, București, 2008, p. 123

⁵ Simon Coleman is a British anthropologist who served as Chancellor Jackman, Chaired Professor in the Department of Religious Studies at the University of Toronto.

⁶ Simon Coleman, *Pilgrimage as Trope for an Anthropology of Christianity*, in "Current Anthropology", Vol. 55, No. S10, 2014, p. 290

race or his holy cause"¹. The phenomenon determines followers' feelings of full submission to the divinity, and life begins to be comfortable from a psycho-socio-religious point of view, but this is not possible only through personal efforts.

For example, some fanatical Muslim followers have committed crimes committed in the name of Allah for many years on the European continent because of their inner feelings. Transformations of followers are possible, according to Angel Rabasa², because they are encouraged by religious leaders or preachers to adopt such anti-social behavior. There is no "moderate" opposition to them as "they seem to be intimidated by Islamists, who are making progress in moving society towards their supposed goal of an Islamic state"³. This type of behavior can be hijacked by religious leaders and can be directed to achieve occult goals. New members of religious sects and cults join such religious organizations for various reasons, but most have a religious background. Such people make such a decision because of their social maladaptation, although their social and financial status places them at least in the middle of the society in which they live, which excludes them from the poor.

Religious terrorists, according to Fang Jinying⁴, believe that they are "responsible only to God" and the only standard to which they refer is divinity. Their desire to "serve God" is diverted from a balanced direction "by the needs of the self that arise from despair and helplessness." The problems they create are because "they can be quite devoted to the desire to serve God, but quite violent in their behavior toward others"⁵. This type of behavior is generated by the fact that religious terrorists amalgamate true and false ideas, whether religious or not, "of love and hate and purity of devotion combined with an extreme desecration of what purity really is". The most prone to religious fanaticism and to becoming religious terrorists are "individuals who are quite spiritually focused". Such a mixture of ideas is found in most of those "who advance the cause of terrorism in the name of God"⁶.

From this analysis of the type of behavior that terrorists have, most of them are under the influence of religious doctrines and therefore become religious fanatics for whom divinity represents absolutely everything, the rest of society

¹ Eric Hoffer, *Adeptii fanatici - reflecții asupra naturii mișcărilor de masă*, Polirom, Iași, 2013, p. 26

² Angel Rabasa is Senior Political Scientist at RAND Corporation from January 1999 to date. It specializes in counterterrorism, counter-radicalization, political violence, extremism, and the phenomenon of insurgency. He has fieldwork in Turkey and the Balkans as well as East Africa, among others.

³ Angel Rabasa, *The Ethno-Religious Landscape of East Africa*, in *Radical Islam in East Africa*, RAND Corporation, Santa Monica, CA; Arlington, VA; Pittsburgh, PA 2009, p. 38

⁴ Dr. Fang Jinying is a professor and Deputy Director of the Center for Religious and Ethnic Studies at the Chinese Institute for Contemporary International Relations (CICIR).

⁵ Fang Jinying, *Terrorism, Religion and World Peace*, in "Policy Perspectives", Vol. 3, No. 2, 2006, p. 13

⁶ *Idem*

becoming dispensable elements, even close to them or members of their own community.

The behavioral marks of religious fanatics

Religious fanatics manifest themselves according to the factors that act on them. That is, depending on the education they received, the environment in which they were born and raised, the workplace, the relationship circle, the place of prayer, and the clergy who guide their religious life. Also, behavioral landmarks do not always represent reality, they are not projected in real life, some being perceived from the outside as deviant or on the contrary only religious, but the situation is completely different. For example, Islam, in some geographical areas and in some local cultures as in India, "includes beliefs that are conditioned by religious behavior that may or may not be in accordance with scriptural texts"¹.

In many cases, the people who are part of the so-called lower strata of society determine the evolution of the community and the nation they belong to, through their behavior, i.e., the external form of the religiosity of the followers.

The motivation is very simple, namely that such people show disinterest in what is happening or will happen to them, having an indolent attitude towards their own life permanently disintegrated but also the fateful personal projection on the present. He thus develops revengeful feelings towards the rest of society, on which he takes revenge at a certain moment according to his inclinations towards disorder and civic disobedience².

The clear difference between religious and secular conduct, says James H. Leuba, can be highlighted by the elements of "different character" and religious beliefs are a fundamental pillar in the formation of an attitude. Religion has always been "part of the human experience in which man feels in connection with the powers of psychic nature, usually personal powers, and uses them"³.

The adoption of norms of social-religious conduct must be the prerogative of all members of society. Adherents of religious precepts to whom certain vindictive and violent feelings may appear should not be instigated, nor should exacerbation of religious zeal be allowed because they will pose risks to citizens because of terrorist attacks, extremist religious attacks, or religious conflicts by groups. or lonely actors.

Regarding the emergence of dissident elements or groups in official cults, says William A. Wilson, that only by revealing unofficial doctrinal elements or "so-called folk religions" in their manifestations can we say that we understand the "religious behavior" of fanatical followers⁴.

¹ Rollie Lal, *Islam in India*, in *The Muslim World After 9/11*, edited by Rabasa Angel M., RAND Corporation, 2004, p. 301

² Eric Hoffer, *Op. cit.*, p. 37

³ James H. Leuba, *Op. cit.*, pp. 643 – 644

⁴ William A. Wilson, *Op. cit.*, p. 175

There are members of some religious communities in which the predisposition to violence is latent and the trigger occurs as a result of contradictory doctrinal discussions that often turn into real warlike differences. Following such discussions, the situation escalates and causes many victims, often being collateral victims, against the background of religious intolerance and religious zeal of the followers, because of the religious fanaticism they show.

In this regard, Thomas Robbins¹ states that some researchers studying human behavior reject theories that "any form of social action, especially religious behavior and beliefs" can be defined and delimited "in purely mechanical and reactive terms as mental dysfunction or products of external compulsions without a serious distortion"².

An edifying example of behavior influenced by religious fanaticism is the one generated by the statements of Pope Benedict XVI on September 12, 2006, which turned into a religious dispute with the Muslim community. The trigger that produced such behavior was a lecture "Faith, reason and university - memories and reflections" given by the sovereign pontiff at the University of Regensburg, Germany, the role of the lecture being to highlight and condemn religious conflicts³.

To demonstrate the role of religious violence, Pope Benedict XVI quoted the learned Byzantine emperor Manuel Palaeologus II⁴, in a lecture, who told a Persian in a dialogue between the two that the Prophet Muhammad had spread Islam. through "evil and inhuman" military campaigns⁵.

It is obvious the conduct adopted by religious people, according to the way they reacted immediately to a trigger, in the present situation to the statements of a high Christian clergyman. But Christians react just as easily to a click. An example of this is the case of right-wing extremists in the United States who were

¹ Thomas Robbins (1943 - 2015) author and researcher specialized in religion sociology. It is known for studies about mass religious suicides such as those about Russian Old Believers and Jonestown, or at present such cultic phenomena that surround Catholicism or Mormonism.

² Thomas Robbins, *Church, State and Cult*, in "Sociological Analysis", Vol. 42, No. 3, 1981, pp. 210 – 211 analyzing the studies conducted by: Robert Bellah, *Beyond Belief*, Harper and Row, New York, 1970; Barbara Hargrove, *Evil Eyes and Religious Choices' Society*, 1980, p. 17; Roy Wallis, *The Elementary Forms of Religious Life*, in "Annual Review of the Social Sciences of Religion", Vol. 3, 1979, pp. 191-212

³ *Bilanț controversat - cinci ani de Pontificat pentru Benedict al XVI-lea*, in "Deutsche Welle", 19.04.2010, <https://www.dw.com/ro/bilanț-controversat-cinci-ani-de-pontificat-pentru-benedict-al-xvi-lea/a-5482098>, (19.02.2022)

⁴ Byzantine emperors from 1391 to 1425.

⁵ *BENEDICT XVI, Faith, Reason, and the University - Memories and Reflections, Lecture of The Holy Father in Aula Magna of the University of Regensburg on Tuesday, 12 September 2006 at Meeting with the representatives of science*, http://www.vatican.va/content/benedict-vi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html, (19.05.2022)

"delighted by the anti-Muslim inappropriate attitudes and behaviors of a small American minority," says researcher Todd C. Helmus¹. More precisely, the right-wing extremists intended to organize at a parish church in Gainesville, Florida, the "Burn a Koran Day", a ceremony that also took place following the requests of the American authorities. Only his "simple planning and publicity" of the event under the auspices of the clergy "stimulated violent threats on extremist websites"².

As a prophecy, as early as 1915, Alexander A. Goldenweiser³ predicted the return to religion and religiosity of people as a reaction to modern, secularized, and globalized society, including by modeling human religious behavior, stating that parallel to the behavior of individuals in relation to the surrounding materiality, against the background of the dissatisfaction of material well-being, the man takes refuge in spirituality⁴.

Conflicting religious behavior is generally fueled by sects, cults, or extremist religious organizations that resort to provocative methods and actual violent actions in the name of divinity. In this sense, religious fanaticism is transmitted and permanently maintained by the followers. Some experts believe that "in any case, the current state of research on the physiological and neurological mechanisms underlying aggression and violence supports the existence of alternative ways of biological and violent behavior"⁵.

Religious fanaticism blocks any logical thinking of a follower of the phenomenon, thus shaping his behavior, making him no longer fit into the existing social logic at the level of the community he belongs to and considering enemies including his co-religionists, but otherwise rite, although I believe in the same divinity.

Often the modeling of religious behavior is done without negative intentions, but only by developing mechanisms to determine such conduct

¹ Todd C. Helmus is a senior behavioral scientist at RAND Corporation, specializing in terrorism, strategic communications, and social media. He has conducted numerous studies to develop a strategy against the recruitment of followers by terrorist organizations. In 2008, he was a Councilor of the Multi-national Forces in Iraq.

² Todd C. Helmus, *Our Own Behavior Can Be Our Weakest Link - Our Strongest Weapon*, in *The Long Shadow of 9/11: America's Response to Terrorism*, edited by Jenkins Brian Michael, RAND Corporation, Pittsburgh, 2011, p. 124

³ Alexander Aleksandrovich Goldenweiser (1880 - 1940) was an American anthropologist and sociologist born in Ukraine. He was a professor at several American universities, including Rand School of Social Science, between 1915-1929.

⁴ Alexander A. Goldenweiser, *Spirit, Mana, and the Religious Thrill*, in "The Journal of Philosophy, Psychology and Scientific Methods", Vol. 12, No. 23, 1915, p. 634

⁵ Paul K. Davis, Walter L. Perry, Ryan Andrew Brown, Douglas Yeung, Parisa Roshan, Phoenix Voorhies, *Immediate Pre-Execution*, in *Using Behavioral Indicators to Help Detect Potential Violent Acts: A Review of the Science Base*, RAND Corporation, 2013, p.

according to their own religious doctrines. Peter O'Brien¹ says that "doctrinally this has involved the establishment of a new school of Islamic jurisprudence" which has been given the right "to issue rulings on what constitutes pious behavior for Muslims living in the majority non-Muslim societies in Europe"².

Religion has become an important factor in society in the last 3 decades, and religious fanaticism has come to directly affect the citizens of the states but often also the states themselves, as is the case of Syria which has been affected by Islamic State activities because of this. Terrorist organizations have migrated about half of their citizens to neighboring countries or even to Western European countries.

Catherine Goetze³ believes that this behavior is due to the feeling of "uselessness and social harmfulness of violence" as they "depoliticize and cultural situations of violent conflict and simply make them problems of deviant antisocial behavior to be resolved"⁴. Thus, religion manifests itself in armed conflicts as a distinct imprint, and as a direct but subsequent consequence, the typology is violent and suicidal. Some religious groups or sects are dangerous to society due to the fanatical behavior of members as they will result in violent actions.

The motivation for developing such behavior, says Agnès Nilüfer Kefeli⁵, is the lack of mechanisms to help the individual inhibit attitudes that do not conform to societal norms, and an example of this is the "paradigm of behavior for Muslims living in a predominantly non-Muslim state". More specifically, they believe that any relaxation of one's religious or social behavior could lead to the arrival of a despot or a false prophet (ad-Dajjal, literally, "deceiver" or "impostor")⁶. When the possibilities of personal development of everyone do not project a possible success of the approach, there is an intense need to carry out extra-personal activities, being developed a religious-fanatical behavior.

For example, Soheib Bencheikh el Hocine says that leaders play an important role in fanaticism, as they focus on winning "the most economically

¹ Peter O'Brien is a professor at Trinity University, San Antonio, Texas, United States of America. It concentrates its efforts to investigate how Europeans interact with non-Europeans, especially Muslims, as well as how European identity is defended.

² Peter O'Brien, *Secularism*, in *The Muslim Question in Europe: Political Controversies and Public Philosophies*, Temple University Press, Philadelphia, Rome, Tokyo, 2016, p.158

³ Catherine Goetze is a Senior Lecturer at the University of Tasmania in August 2016.

⁴ Catherine Goetze, *The Nomos of the Field: The Fatalism of Saving Lives*, in *The Distinction of Peace: A Social Analysis of Peacebuilding*, Ann Arbor, University of Michigan Press, 2017, p. 205

⁵ Agnès Nilüfer Kefeli is a publisher of Foreign Affairs

⁶ Agnès Nilüfer Kefeli, *Popular Knowledge of Islam on the Volga Frontier*, in *Becoming Muslim in Imperial Russia: Conversion, Apostasy, and Literacy*, Cornell University Press, Ithaca London, 2014, p. 85

frustrated masses" and "the most intellectually limited"¹. Religious fanaticism generally manifests itself in the form of extreme violence, especially among newly converted followers or followers who rediscover their own religion because they oppose their own religion to beliefs and a Western culture that promotes secularization but supports religious policies promoted at the level of some societies and communities².

The behavior of religious individuals is perpetually influenced by religion. This can be seen in the conduct of fanatical followers of religious entities that promote a religiosity that generates them and increases the degree of exacerbation of religious zeal doubled by intolerance.

Against the background of clear objectives of indoctrination of members, such religious entities deliberately determine religious conduct that generates risks and threats to the security of individuals, as well as to collective security.

Conclusions

Suicidal and terrorist religious sects and organizations are doping their followers with divine rewards for the precise purpose of establishing and determining their behavior, a method that is successful because most of them are frustrated people today.

The organization of society on secular principles, those of a non-religious education to promote the discovery of new technologies that generate progress and secular culture because it determines the intellectual development of present generations, are the reasons for the decline of religious fanaticism and landmarks of behavior influenced by this phenomenon.

Frustrated followers are not filled with the emptiness they feel in their souls, blaming society for these personal dissatisfactions, being satisfied only with the feeling of belonging to a group that gives them due attention and draws a behavior. religious, regardless of its origin, and correct reporting to the generally accepted norms of society.

Behavioral changes are impossible for religious fanatics because such followers will never change their attitude due to their high confidence in their own religious beliefs. They do not compromise because a passionate action pattern fills the feeling of personal failure and generates a certainty of the fulfillment of life by persuading those beliefs.

In such moments the personal conduct is one, namely that of submission to the divinity and to his messengers on earth, thus highlighting the availability of fanatics for personal sacrifice.

¹ Soheib Bencheikh el Hocine, *Prezentarea Islamului*, in Philippe Gaudin (ed.), *Marile Religii. Iudaismul, creștinismul, islamismul, hinduismul și buddhismul*, Orizonturi, București, 1995, p. 121

² Nadia Anghelescu, *Introducere în Islam*, Editura Enciclopedică, București, 1993, p. 129

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**FREEDOM OF ASSEMBLY AT STAKE: THE WARSAW POLICE'S
PARTISANSHIP DURING POLISH PROTESTS IN TIMES OF
PANDEMIC¹**

Abstract:	<p><i>By focusing on the most important agents of social control, this paper goes beyond the legal aspects of protecting freedom of assembly in pandemic-ridden Poland. It gives insight into a gap between the declared police neutrality and the balance between neutrality and partisanship in practice. Embedded in the scholarship on protest policing, the study aims to determine the extent of police partisanship over the critical public assemblies in Warsaw. By drawing upon a qualitative frame analysis, the study deals with the following research question: where does the model of police partisanship developed by the Warsaw Police during the coronavirus pandemic lie on a continuum of antinomic ideal types of neutral and partisan policing?</i></p> <p><i>The major argument is that protest policing lies close to partisan policing when the government's ruling position is threatened. In such situations, freedom of assembly is at stake, and protesters' behaviour takes the form of civil disorder. Neutral policing is peculiar to events that do not pose any threat to the government. Such events are peaceful, and assembly participants' freedom is respected. Proper recognition of the characteristics of police bias is particularly important to understand the essence of the practice of safeguarding freedom of assembly and the process of political contestation.</i></p>
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Introduction

Legal scholars and political scientists argue that the restrictions on freedom of assembly introduced in Poland during the Covid-19 pandemic aimed at limiting the spread of the virus and were justified by a need to protect public health. However, it did not justify a total ban on assembly because existing protective measures, such as social distancing, could have been implemented to avoid putting freedom of assembly in jeopardy¹. Moreover, researchers draw scholarly attention to the method of the limitation of freedom of assembly. The government was accused of restricting this and other fundamental rights without introducing constitutional states of emergency. The statutory and sub-statutory solutions implemented during the crisis failed to meet constitutional standards, especially since they did not pass “the test of proportionality”. It was due to breaching “the principle of the exclusivity of the act by ‘transferring’ statutory matters to lower-level acts which then served as a basis for interfering with the essence of constitutional freedoms and rights”².

At the same time, the protection of public health was of relative value since the ban did not apply to the politicians of the ruling party that ran the presidential election campaign, held state gatherings, e.g., to commemorate the anniversary of the Smoleńsk catastrophe, or participated in other political meetings³.

While the researchers’ attention focuses on the legal aspects, the practice of protecting freedom of assembly during the pandemic crisis remains insufficiently researched⁴. In Poland, the most important social control agent

¹ Aldona Domańska, *Constitutionality of Restrictions on Freedom of Assembly during the COVID-19 Pandemic in Poland*, in “Białostockie Studia Prawnicze”, Vol. 27, No. 2, 2022, pp. 147–161

² Aleksandra Syryt, Bogusław Przywora, Karol Dobrzeńcki, *Freedom of Assembly in the COVID-19 Pandemic and the Limits of its Restraints in the Context of the Experiences of the Republic of Poland and the United States of America*, in “Białostockie Studia Prawnicze”, Vol. 27, No. 2, 2022, pp. 55–73

³ Joanna Rak, *Framing Enemies by the State Television: Delegitimation of Anti-Government Protest Participants During the First Wave of the Pandemic in Poland*, in “Journal of Contemporary Central and Eastern Europe”, Vol. 29, No. 2-3, 2021, 157–175; Kamila Rezmer-Płotka, *Contentious Politics in Defense of Neo-Militant Democracy in Poland: The Rationale Behind Fighting a Quasi-Militant Democracy*, in “HAPSc Policy Briefs Series”, Vol. 2, No. 1, 2021, pp. 24–29

⁴ István Hoffman, Jarosław Kostrubiec, *Political Freedoms and Rights in Relation to the COVID-19 Pandemic in Poland and Hungary in a Comparative Legal Perspective*, in “Białostockie Studia Prawnicze”, Vol. 27, No. 1, 2022, pp. 31–53

responsible for protecting law enforcement was the police. Its engagement in respecting freedom of assembly remains a puzzle. The current studies shed light on the apparent drift of the protest policing model from negotiated management to escalated force and the resulting increase in the use of violence by protesters¹. Nevertheless, they remain silent about the officially neutral police's political involvement in policing protests. The signalled problem of inequality in the face of the ban on assemblies directs the research attention towards biases in the law enforcement service.

That translates into a bias in protest policing is the selectiveness of protest policing, including partiality (when police repress some protesters and support or ignore others) and partisan actions (when police actions perform political interests of the ruling and act as their loyal supporters)². Recent studies consider police partisanship and the political function of public order policing as one of its most under-theorized aspects³. They emphasize that policing researchers must engage with police's dependence on the government, the political context of their activity, and resulting bias "to develop a comprehensive understanding of protest policing in the current era"⁴.

Studying police bias allows us to understand not only the level of protection of freedom of assembly but also the dynamics of mass mobilization and violent behavior that occurs during it. Current case studies provide significant empirical evidence supporting the thesis that the lower level of police political neutrality during a contention, the more likely it is that a collective action transforms into civil disorder⁵. Proper recognition of the characteristics of police bias is, therefore, essential to understanding the essence of the practice of safeguarding freedom of assembly and the process of political contestation.

This paper aims to determine the extent of police partisanship during critical public assemblies in pandemic-ridden Poland. By drawing upon a qualitative frame analysis, the study deals with the following research question: where does the model of police partisanship developed by the Warsaw Police during the coronavirus pandemic lie on a continuum of antinomic ideal types of neutral and partisan policing?

¹ Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, in "Teorija in Praksa", Vol. 58, No. SI, 2021, pp. 598–615

² Chan S. Suh, Sidney G. Tarrow, *Suppression by Stealth: The Partisan Response to Protest in State Legislatures*, in "Politics & Society", Vol. 50, No. 3, 2022, 455–484

³ William Smith, *The Politics of Protest Policing: Neutrality, Impartiality, and "Taking the Knee"*, "The Harvard Review of Philosophy", Vol. 28, 2021, pp. 125–142

⁴ Joanna Gilmore, William Jackson, and Helen Monk, "That is Not Facilitating Peaceful Protest. That is Dismantling the Protest": *Anti-fracking Protesters' Experiences of Dialogue Policing and Mass Arrest*, "Policing and Society", Vol. 29, No. 1, 2019, p. 48

⁵ Julia Hornberger, *We Need a Complicit Police! Political Policing Then and Now*, "SA Crime Quarterly", Vol. 48, 2014, pp. 17–24

The study draws on an observed gap between the declared police neutrality and the balance between neutrality and partisanship in practice. Its major argument is that protest policing lies close to partisan policing when the government's ruling position is under threat. In such situations, freedom of assembly is at stake, and protesters' behaviour takes the form of civil disorder. Neutral policing is peculiar to events that do not pose any threat to the government. Such events are peaceful, and assembly participants' freedoms are respected. The study contributes empirically to our understanding of the relationships between protest policing and political contestation in Poland during the public health crisis. It uncovers the influence of partisan policing on the dynamics of civil dis(order).

The remainder of the article consists of three parts. The first one presents methodological and theoretical assumptions for the study. By shedding light on the dataset and research procedures, it unpacks a research process. The second part discusses research findings concerning three case studies in the field that concentrate on different public assemblies. Each case study finishes with locating a particular case of protest policing on a continuum determined by antinomic ideal types of neutral and partisan policing. The final part delivers conclusions on the nature of the Warsaw Police's engagement in protecting freedom of assembly in crisis-driven Poland.

Research design

Based on a scholarship on protest policing, the study delves analytically into the level of the Warsaw Police's partisanship during protest policing in pandemic-ridden Poland. The research field includes the behaviour of the Warsaw Police. This entity was responsible for ensuring security and public order during the most important and largest public gatherings in Poland, which took place in Warsaw.

The study addresses the research question: where does the model of police partisanship developed by the Warsaw Police during the coronavirus pandemic lie on a continuum of antinomic ideal types of neutral and partisan policing? Police partisanship is understood as a form of law enforcement that targets protesters based on their political attributes¹. This latent variable takes on values that can be placed on a continuum determined by antinomic ideal types of neutral and partisan policing.

The analysis covers three critical assemblies policed by the Warsaw Police. They are the Strike of Business Owners (May 7-20, 2020), the 2020–2021 All-Polish Women's Strike protests (October 22, 2020-January 29, 2021), and the commemoration of the Smoleńsk catastrophe (April 10-13, 2022). These events had different dynamics. Whereas civil disorder emerged during the first two waves of contention, the third event was peaceful. Only the first two waves posed any threat to the ruling camp.

¹ Gary T. Marx, *Civil Disorder, and the Agents of Social Control*, in "Journal of Social Issues", Vol. 26, No. 1, 1971, p. 33

Although the pandemic started in March 2020 in Poland, the Strike of Business Owners was the first uneasy test for the declared neutrality of Polish police. It was a wave of demonstrations held by one of the presidential candidates Paweł Tanajno and the Facebook group Strike of Business Owners. At the same time, Tanajno was a counter-candidate of the incumbent president Andrzej Duda originating from and supported by the ruling party, Law, and Justice (Prawo i Sprawiedliwość, PiS), and might have been perceived as a potential threat. Then there was controversy about the socially unfair application of the ban on public assembly¹. In line with a new Law on Public Assembly² and government restrictions, Duda and the ruling party politicians were free to run a campaign under governmental restrictions because they were classified as state entities. Tanajno, as a candidate not belonging to the group referred to as state authorities, had limited opportunities to meet voters and implement his political agenda. At the same time, the ruling party and its partisan institutions were illegitimate participants of anti- and non-government assemblies, pointing out that their behaviour was a threat to the public health, life, and health of Poles³.

The All-Polish Women's Strike was the wave of the biggest protests in democratic Poland. They were directed against the decision of the Constitutional Tribunal, the consequence of which was the tightening of the anti-abortion law and the restriction of Polish women's reproductive rights. The protests were anti-government in nature and were consistently supported by 70 percent of Poles⁴. Such a high level of contestation translated into a revolutionary situation in which the position of the government was under threat⁵. Due to the scale of the protests,

¹ Kamila Rezmer-Płotka, *"I Am Not Going": Determinants of Social Activity before Poland's Ghost Election*, "Polish Political Science Yearbook", 2022, pp. 1–10

² In 2015, the new Law on Assemblies introduced a legal definition of a public assembly as a grouping of people in the open gathered to serve joint deliberations or manifest a joint position on public matters. Importantly, however, since then, the Law on Assemblies does not apply to gatherings organized by state institutions, churches, and other religious associations. Therefore, the ban imposed on public assembly during the pandemic did not apply to assemblies held by the president and the government. Act of 24 July 2015 Law on Assemblies, <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20150001485/U/D20151485Lj.pdf>; Act of 13 December 2016 on Amending the Law – Law on Assemblies, Article 1, <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000579/O/D20170579.pdf>; Mariusz Bidziński, *Freedom of Public Assembly in Poland*, in "Przegląd Prawa Konstytucyjnego", Vol. 5, No. 51, 2019, pp. 201–213

³ Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, in "Teorija in Praksa", Vol. 58, No. SI, 2021, pp. 598–615

⁴ Przemysław Osiewicz, *Limitations to the Right to Freedom of Assembly in Poland during the COVID-19 Pandemic: The Case of Women's Strike*, in "HAPSc Policy Briefs Series", Vol. 1, No. 2, 2020, pp. 195–200

⁵ Cf. Charles Tilly, *From Mobilization to Revolution*, Random House, New York, 1978

the level of public support for the protesters, and the threat perceived by the ruling camp, this was another critical test for police neutrality.

The third assembly is also crucial due to the police involvement in controlling an event of political importance. State institutions, Law and Justice politicians, and their supporters spread conspiracy theories accusing the Russians and the opposition of causing the attack and disguising the catastrophe whose victims were to be commemorated during the assembly. Since 2010, the interpretation of tragic events has been the subject of political disputes¹. Politicians from the ruling party expected great counterdemonstrations, and they engaged police officers from all over Poland to police order during the state assembly. It was one of the most important events involving the police before the end of the pandemic in Poland.

These three case studies rest on a qualitative frame analysis of police tweets. Frames are interpretative schemas that present situations by simplifying and explaining them to make sense to the intended audience². The source corpus includes a population of 393 tweets released on the Warsaw Police Headquarters' official Twitter profile (@Policja_KSP). Tweets are the units of analysis. The Warsaw Police was directly involved in policing public order in Warsaw. It served as a means of communication between the police, assembly participants, and journalists. The police used it to comment on ongoing protests and respond to journalists, politicians, and ordinary people's comments and inquiries. The verified account was a reliable source of the official police views. Other social media profiles of the police were used less frequently and were of minor importance when communicating about public order policing.

Collecting data began with finding all tweets that concerned the three critical events. Then, we inductively chose frames that occurred as the research progressed by doing a pilot study. We read them several times to decide on codes for two categories: neutral and partisan policing. This stage was followed by formulating their operational definitions and producing a codebook.

Neutral policing is when police enforce the law equally regardless of political attributes³. The set of codes for neutral policing is as follows: (i) "emotionless reporting" by describing a situation that carries a political meaning without its evaluation, (ii) "avoiding labelling" by showing a situation in a way that precludes identification and political stigmatisation of its participants.

¹ Leszek Koczanowicz, *The Politics of Catastrophe: Poland's Presidential Crash and the Ideology of Post-post-communist*, "East European Politics and Societies", Vol. 26, No. 4, 2012, pp. 811–828

² Michelle D. Bonner and Lucia Dammert, *Constructing Police Legitimacy during Protests: Frames and Consequences for Human Rights*, "Policing and Society", Vol. 32, No. 5, 2022, p. 632

³ This is a premise underlying an analysis, even though some researchers argue that even neutral policing implies a political judgment. See a discussion: David R. Mansley, *Collective Violence, Democracy, and Protest Policing*, Routledge, New York, London, 2014, p. 48

Partisan policing emerges when police enforce the law unequally depending on the political attributes of those participating in collective action. The set of codes for partisan policing is as follows: (i) “labelling participants of anti-government assemblies” by maintaining that participants of anti-government assemblies are violators of law and pandemic restrictions and ignoring similar behaviour of state assembly participants, (ii) “socio-political labelling” calling protesters mad, irrational, abortionists, abortion supporters, pro-abortion, anti-clerical, and anti-Church, the leftists, left-leaning, anarchists, feminists, supported by or associated with politicians from the opposition despite their claims.

By drawing upon the above set of categories and codes, we identified frames characteristic of policing. The occurrence of at least one frame in a tweet meant classifying it under a category covering this frame (Table 1). We relied on a constant comparative technique for manual qualitative analysis. It commenced with the comparative assignment of tweets to categories and then to codes. After ordering tweets, we elaborated and refined the data. Then, we searched for relationships and themes among frames within each category and between the two categories to learn about the nature of protest policing during each of the three critical events. Finally, we located each case on a continuum determined by neutral and partisan policing.

Research findings

In 2020, with the spread of the coronavirus pandemic, the ability to conduct certain business activities was limited, and entrepreneurs organised themselves and decided to fight against the illegally imposed restrictions.¹ The entries on policing the Strike of Business Owners, published on the official Twitter account of the Warsaw Police Department, were characterised by negative emotions towards the protesters. In most of these tweets, they were labelled as a threat to public health, as well as disobeying the existing law and pandemic-induced restrictions while gatherings held by the ruling party were ignored.

The model of protest policing	Neutral policing		Partisan policing	
	emotionless reporting	avoiding labelling	labelling participants of anti-government assemblies	socio-political labelling
The frame types				
The critical event				
The Strike of Business Owners	0	0	39	4
The Women’s Strike	23	23	346	21

¹ Adam Szymański, Lukasz Zamecki, *The Impact of the COVID-19 Pandemic on the Model of Governance and Democracy in Poland*, in “Siyasal: Journal of Political Sciences”, Vol. 31, No. 1., 2022, p. 70

protests				
The commemoration of the Smoleńsk catastrophe	4	4	0	0

Table 1. The models of protest policing during the Warsaw Police’s engagement in public gatherings¹

Importantly, reminding the public of the restrictions and prohibitions on assembly did not appear in the case of subsequent coverage of the gathering commemorating the victims of the Smoleńsk catastrophe. This may suggest that the police assumed in advance to act against the Strike of Business Owners, unlike in the following case. Based on the entries, it is impossible to categorize the police actions in this case as neutral, as one could see signs of partisan actions in favor of the ruling party. Given that the present strikes were anti-government in nature, the police tried to portray the protesters as criminals so that the public would focus on their violations of the law to distract attention from the actions taken by police officers. Such labeling is the fulfilment of one of the characteristics of the category of partisan policing (Table 1).

Furthermore, the police entries repeatedly criticised journalists and politicians who opposed police actions and provided evidence of the non-transparent nature of the actions taken against the strikers. Constantly in the entries, the Warsaw Police denied that direct coercive measures were used in situations and suggested that journalists spread fake news about officers’ actions during the ongoing strikes. Nevertheless, when the evidence against the police version was published by a *Gazeta Wyborcza* journalist, the Warsaw Police Department was forced to issue a statement and stop denying the use of direct coercion. Several posts also suggested that it was the strikers who were aggressive toward the police acting under the law.

Based on the analysis, police actions meet the essential features of partisan policing. Indeed, the tweets provided empirical evidence of the fulfillment of the essential features of this model. There were both labeling manifestations at the level of defining the participants of the gatherings as a threat to public health and socio-political labeling by implying and indicating that the opposition and its politicians were responsible for spreading “fake news” about the actions taken by the Warsaw Police. As it turned out, they were part of an information campaign, not disinformation.

However, the most doubts about the political bias of the police and the motives of their actions were raised by the policing of strikes that took place in connection with the Constitutional Tribunal’s verdict from October 2020. From the very beginning of the outbreak of demonstrations, the Warsaw Police portrayed the protesters as breaking the law and disregarding sanitary restrictions².

¹ Source: own study

² @Policja_KSP, Twitter,

In addition, the Warsaw Police emphasized that they asked for lawful behaviour, but it was nevertheless disregarded by the protesters. It served as a justification for the use of force against them. Besides, the police asserted that the use of force was the only adequate solution to the situation, given the aggressive behavior of the protesters. Negative emotions towards the demonstrators characterized the tweets. They portrayed them as crazy, irrational, and prone to risky behaviour, provoking police reactions, which could exacerbate the conflict between the protesters and the police. In most of the tweets, the Warsaw Police used the phrase “illegal assembly” repeatedly and stressed that any assembly under the current legislation was a violation of the law, which meant that anyone who participated in it committed an act prohibited by the law. Protesters were also frequently called “violent”, “aggressive”, and “aggressors”¹. At the same time, assemblies organized by the ruling party were silenced.

The police suggested that individual media outlets were overlooking the issue of these conflicting behaviours, and the Warsaw Police appealed for coverage of this facet of the Women’s Strike protests as well. It was also pointed out that the Warsaw Police, in cooperation with the authorities responsible for public health and security in Poland, was primarily trying to provide for the demonstrators and bystanders. Nevertheless, special attention was paid to the failure to comply with the illegally applicable restrictions on the organization of the ongoing demonstrations. At the same time, however, the same accusations were not directed at participants in pro-government gatherings, such as so-called Church defenders or the ruling party’s meetings.

The analysis of the policing of the Women’s Strike protests reveals the above-average activity of the Polish Police on Twitter undertaken to legitimize their own actions and illegitimate participants of anti-government protests. Unemotional reporting of events infrequently occurred at the end of social mobilization regarding traffic obstructions and detours. Negative assessments of the activists’ behavior predominated. The Warsaw Police repeatedly tried to ensure that direct coercive measures were applied only because of the improper conduct of the protesters. Multiple entries informed on the use of these measures and the justification in terms of the failure of the demonstrators’ behaviour to conform to the standards of peaceful assembly². These entries, as previously mentioned, were characterized by negative emotions towards the protesters, as if they bore all the blame for using direct coercive measures. In addition, they were depicted as irresponsible and endangering the lives and health of bystanders. These tweets meet the characteristics of partisan policing (Table 1).

https://twitter.com/Policja_KSP/status/1333079857094406149?ref_src=twsrc%5Etfw, (11.07.2022)

¹ @Policja_KSP, Twitter, https://twitter.com/policja_ksp/status/1333080409916235777, (11.07.2022)

² @Policja_KSP, Twitter, https://twitter.com/policja_ksp/status/1332751763561132035, (12.07.2022)

As mentioned earlier, the gathering commemorating the victims of the Smoleńsk catastrophe was not viewed as a threat by the ruling party. Thus, perceiving the event in this way might have influenced police behaviour and their Twitter coverage. The first characteristic regarding the policing of this gathering is that, despite the shortest duration of all three critical events, there was disproportionately little information on the Warsaw Police Department's engagement. The tweets were purely informational. As the police indicated, the assembly took place, and its reason was given. Messages regarding important political figures participating in the celebration were also included¹. No labeling of the gathering participants emerged. Those tweets were neutral due to reporting without emotion and avoiding labeling (Table 1). These are the essential features of neutral policing.

Conclusions

As was mentioned earlier, what translates into partisanship in protest policing is political selectivity when approaching participants of neutral, pro-, and anti-government gatherings. The analysis provides empirical evidence that the Warsaw Police at two of the three critical events met these theoretical requirements to qualify their actions as partisan. The first requirement was the biased coverage of unilateral aggression, which always in protests that could pose a threat to the ruling party had its origin in the protesters. It allowed police to justify the use of direct coercion as a necessity to ensure the safety of officers, peaceful protesters, and bystanders². Moreover, during the Strike of Business Owners, it did not allow information about the use of batons for an initial period and even tried to dismiss this information. Only after irrefutable evidence was provided, was the law enforcement agency published a tweet on taking the necessary investigative steps.

In the case of the Women's Strike protests the Constitutional Tribunal's verdict, one could see the above-mentioned above-average police activity on Twitter in which demonstrators were stigmatized. It could result in an increase in violent behaviour among the gathering participants, as the police were characterized by a political bias when publishing these posts. This conclusion would confirm previous case studies on the impact of neutrality on protesters' violent reactions to police bias, which, after time, turns into civil disorder. However, as mentioned earlier, researchers have focused heavily on legal aspects, while the practice of protecting freedom of assembly has not been sufficiently studied. Hence, this study seems even more important to understand the dynamics of political contention in pandemic-ridden Poland.

¹ @Policja_KSP, Twitter, https://twitter.com/policja_ksp/status/1513184762969702401, (12.07.2022)

² @Policja_KSP, Twitter, https://twitter.com/Policja_KSP/status/1331639807282384897?ref_src=twsrc%5Etfw, (11.07.2022)

Analyzing the entries after the occurrence of all three gatherings and during the events, one can conclude that the neutral police performed only as intended in one case, i.e., during the gathering commemorating the victims of the Smoleńsk catastrophe. This event in no way aroused a sense of threat in the ruling party; hence there was no need for it to take a partisan stance as was the case with the other two events. In the latter cases, the actions of the police place them on the side of the partisanship model. Hence, the Warsaw Police, during the coronavirus pandemic, are on a continuum of neutral and partisan policing very close to the latter model.

The placement of the Warsaw Police on a continuum of ideal types of protest policing supports the argument regarding the ruling party's sense of threat. It highlights the use of different measures depending on this sense of security of those in power and their position during the gatherings. In other words, the study uncovers that protest policing lies close to partisan policing when the government's ruling position is threatened. In such situations, freedom of assembly is at stake, and protesters' behaviour takes the form of civil disorder. Neutral policing is peculiar to events that do not pose any threat to the government. Such events are peaceful, and assembly participants' freedom is respected. Proper recognition of the characteristics of police bias is particularly important to understand the essence of the practice of safeguarding freedom of assembly and the process of political contestation.

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**VIOLATIONS OF THE RELIGIOUS FREEDOMS IN THE
EUROPEAN UNION MEMBER STATES IN 2015-2019: SELF-
DEFENCE UNDER A NEO-MILITANT DEMOCRACY RULE?¹**

Abstract:	<p><i>In 2015, a serious crisis called the “refugee crisis” took place. Migrations had already taken place before, primarily in connection with armed conflicts, but the largest number of asylum applications was received in 2015 and was therefore described as the beginning of the crisis. One of the apprehensions in the European Union Member States about the reception of migrants was cultural differences and religion. The purpose of this study is to determine violations of various types of religious freedoms in all the EU Member States. The period 2015-2019 was considered in connection with the largest influx of refugees and before the next crisis on a huge scale, i.e., the coronavirus pandemic.</i></p> <p><i>The study will provide an answer to the question: what religious freedoms were violated in the years 2015-2019 in the EU Member States? In connection with increased migrations, were there more violations of the types of religious freedom related to refugees? The source analysis of the United States Department of State reports was used for the study. An assessment of restrictions on religious freedom will be made at the level of what extent and against whom were supposed to protect political nations. On this basis, it will be possible to compare all countries in terms of solutions characteristic of neo-militant democracies regarding respect for religious freedom.</i></p>
Keywords:	Neo-militant democracy; religious freedom; European Union; Member States; United Department of State
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Introduction

In 2015, one of the most serious crises took place in Europe, which was related to the mass influx of refugees from war-torn areas. Although in practice the first refugees arrived in the previous year, it was in 2015 that the largest number of asylum applications were submitted, and the Member States of the European Union (EU) began to feel the consequences of this situation on an increasing scale. For this reason, this phenomenon has been called the refugee crisis¹. As a result of the increased influx of people to Europe's borders, questions began to arise about the status of respect for human rights, as many people drowned on their way to land, and others became victims of smugglers and human traffickers. Moreover, the media used stereotypical narratives about security threats, economics, and victimization on a large scale². In the countries of destination, there was a fear of a potential terrorist threat, above all acts of violence by jihadists. In addition to the many concerns about providing shelter, and food and determining the number of refugees and the possibilities of states, there have also been arguments related to the origin of the incoming people. This was due to the fact that most of them came from a different cultural background than Europe³. Religion is one of the elements of culture and religious freedom is one of the fundamental values of democratic and European countries. Respect for it is often regulated in the constitutions of individual states.

Religious freedom covers a wide spectrum of rights and possible actions, and violations. On the 25th anniversary of the adoption of resolution 1986/20 of the Commission on Human Rights, the Special Rapporteur on freedom of religion or belief prepared a document in which the freedom of religion or belief is clearly and precisely defined. The document distinguishes three main categories such as

- (1) Freedom to adopt, change or renounce a religion or belief;
- (2) Freedom from coercion;
- (3) The right to manifest one's religion or belief.

Within the last category, the following freedoms have been distinguished: freedom to worship; places of worship; religious symbols; observance of holidays and days of rest; appointing clergy; teaching and disseminating materials

¹ Pew Research Center, *Number of Refugees to Europe Surges to Record 1.3 million in 2015*, <https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>, (20.08.2022)

² Esthet Greussing, Hajo G. Boomgaarden, *Shifting the refugee narrative? An automated frame analysis of Europe's 2015 refugee crisis*, in "Journal of Ethnic and Migration Studies", Vol. 43, No. 11, pp. 1749–1774

³ Mette Buchardt, *The „Culture” of Migrant Pupils: A Nation- and Welfare- State Historical Perspective on the European Refugee Crisis*, in "European Education", Vol. 50, No. 1, pp. 58–73

(including missionary activity); the right of parents to ensure the religious and moral education of their children; registration; communicate with individuals and communities on religious matters at the national and international level; establish and maintain charitable and humanitarian institutions/solicit and receive funding; and conscientious objection¹.

Further, there is discrimination based on religion or belief/inter-religious discrimination/tolerance, state religion, categories vulnerable groups and intersection of freedom of religion or belief with other human rights². However, for the study proposed in the article, three main categories will be crucial. Respect for religious freedom may also depend to a large extent on the adopted official religion policy in a given country. Jonathan Fox distinguishes two types, within the first, i.e., the state with official religions, which are the religious state; state-controlled religion, positive attitude; active state of religion. Within the second type, i.e., a state without an official religion, Fox distinguishes: preferred religion; multi-level preferences – one religion; multi-level preferences - many religions; cooperation; supportive; accommodation; separatist; non-specific hostility; state-controlled religion; specific hostility. Most Member States of the European Union can be classified as multi-level preferences-one religion or multi-level preferences-multiple religions³. This may be due to efforts to promote political pluralism, the viewing world.

The study aims to provide an answer to the question: what religious freedoms were violated in years 2015-2019 in the EU Member States? In connection with increased migrations, were there more violations of the types of religious freedom related to refugees? The source analysis of the United States Department of State reports was used for the study. An assessment of restrictions on religious freedom will be made at the level of what extent and against whom were supposed to protect political nations. On this basis, it will be possible to compare all countries in terms of solutions characteristic of neo-militant democracies regarding respect for religious freedom.

The article adopts the following structure: presentation and explanation of the theoretical category used in the study and the methodological assumptions adopted to answer the research questions posed; presentation of the results of the analysis carried out and their discussion and clarifications.

¹ *Rapporteur's Digest on Freedom of Religion or Belief. Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications*, <https://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf>, (20.08.2022)

² *Rapporteur's Digest on Freedom of Religion or Belief*, <https://www.ohchr.org/sites/default/files/RapporteursDigestFreedomReligionBelief.pdf>, (11.11.2022)

³ Jonathan Fox, *An Introduction to religion and politics. Theory and Practice*, Routledge, London, New York, 2018, pp. 130–135

Theoretical background and methodological remarks

Karl Loewenstein first applied the category of militant democracy to the Weimar Republic, seeking an explanation of the reasons for its failure to fight Nazism. Militant democracy is a type of political system in which parliament and the judiciary are equipped with legal means to restrict individual democratic freedoms to defend democracy, and thus its survival, against those who are considered its internal but also external enemies¹.

Contemporary researchers noted that after the financial crisis of 2008, the multitude of restrictions on the rights and freedoms of citizens may indicate an acceleration of the process of militant democracy. However, due to other social and political conditions, nowadays the categories of neo-² or quasi-militant democracy³ should be applied to delve analytically into the details of modern militant democracies. In quasi-militant democracies, the ruling progressively implement elements of an authoritarian regime to the political structure and create appearances of action in accordance with existing legal means⁴. Governments use democratic tools to self-destruct the democratic regime. In the case of the analyzed period, it will be more appropriate to use the category of neo-militant democracy, since the potential enemy from which the political nation should be protected are refugees whose rights are protected under the international law. This category covers the restrictions of fundamental rights to protect the sovereignty of the political nations.

The restrictions specific to neo-militant democracy are: restrictions on press freedom⁵, religious freedom⁶, assemblies⁷, speech⁸, association⁹, active voting

¹ Roman Bäcker, Joanna Rak, *Trajektora trwania opancerzonych demokracji*, in "Studia nad Autorytaryzmem i Totalitaryzmem", Vol. 41, No. 3, 2019, pp. 63–82

² Joanna Rak, *Conceptualizing the Theoretical Category of Neo-militant Democracy: The Case of Hungary*, in "Polish Political Science Yearbook", Vol. 49, No. 2, 2020, pp. 61–70

³ Joanna Rak, Roman Bäcker, *Neo-militant Democracies in Post-communist Member States of the European Union*, Routledge, London, New York, 2022

⁴ Kamila Rezmer-Plotka, *Contentious Politics in Defense of Neo-Militant Democracy in Poland: The Rationale Behind Fighting a Quasi-Militant Democracy*, in "HAPSc Policy Briefs Series", Vol. 2, No. 1, 2021, pp. 24–29

⁵ Giovanni Capoccia, *Defending Democracy Reactions to Extremism in Interwar Europe*, Baltimore, London, 2005, pp. 57–61

⁶ Jan-Werner Müller, *Militant Democracy*, in Rosenfeld, Michel; Sajó, Andras (Eds.), *The Oxford Handbook of Comparative Constitutional Law*, Oxford University Press, New York, 2012, p. 1119

⁷ Miroslav Mareš, *Czech Militant Democracy in Action: Dissolution of the Workers' Party and the Wider Context of This Act*, in "East European Politics and Societies", Vol. 33, No. 26, 2012, p. 34

⁸ Ivars Ijabs, *After the Referendum: Militant Democracy and Nation-Building in Latvia*, in "East European Politics and Societies and Cultures", Vol. 2, No. 30, 2016, p. 289; Miroslav Mareš, *Op. cit.*, p. 36

⁹ Miroslav Mareš, *Op. cit.*, p. 36

rights¹ and passive², related to the organization of referendums³, regulations related to terrorism and counteracting this phenomenon⁴, restrictions in the registration and activities of political parties⁵, in the acquisition of citizenship⁶, in access to public employment⁷, anti-extremism⁸, freedom of movement⁹, as well as judicial independence¹⁰.

Other crises that emerged in Europe, the so-called refugee crisis and the coronavirus pandemic, also confirm the acceleration of the process of militant democracy. Citizens' rights and freedoms are being restricted on a larger scale than before.

The article focuses on the refugee crisis and respect for religious freedom due to the influx of huge numbers of people in need of help from another cultural background. It determines violations of various types of religious freedoms in all UE Member States. The period 2015-2019 was considered in connection with the largest influx of refugees and before the next crisis on a huge scale, i.e., the coronavirus pandemic.

The study will provide an answer to the question: what religious freedoms were violated in 2015 in the EU Member States? In connection with increased migrations, were there more violations of the types of religious freedom related to refugees? The source analysis of the United States Department of State reports¹¹ was used for the study. All available reports relating to the Member States of the European Union in the selected period were used. The reports focused mainly on the government practices section, which will allow you to check the level of what extent, and against which were supposed religious freedom restrictions to protect political nations. In order to better illustrate the data obtained during the analysis of the reports, coding was used by using ISO 3166 symbols to designate the Member States of the European Union, i.e., Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CE), Czech Republic (CZ), Denmark (DK), Estonia (EE),

¹ Ivars Ijabs, *Op. cit.*, p. 289

² *Idem*

³ Ivars Ijabs, *Op. cit.*, p. 288

⁴ Patrick Macklem, *Militant Democracy, Legal Pluralism, and the Paradox of Self-determination*, in "International Journal of Constitutional Law", Vol. 3, No. 4, 2006, pp. 488-489

⁵ Miroslav Mareš, *Op. cit.*, p. 36.

⁶ Ivars Ijabs, *Op. cit.*, p. 289.

⁷ Miroslav Mareš, *Op. cit.*, p. 36.

⁸ Giovanni Capoccia, *Op. cit.*, pp. 57–61; Andras Sajó, *From Militant Democracy to the Preventive State*, in "Cardozo Law", Vol. 5, No. 27, 2005, p. 2280

⁹ Andras Sajó, *Op. cit.*, p. 2280.

¹⁰ Alexander Kirshner, *A Theory of Militant Democracy: The Ethics of Combatting Political Extremism*, Yale University Press, New Haven, London, 2014, p. 21

¹¹ U.S. Department of State, <https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-of-international-religious-freedom/>, (25.08.2022).

Finland (FI), France (FR), Greece (GR), Spain (ES), Ireland (IE), Lithuania (LT), Luxemburg (LU), Latvia (LV), Malta (MT), Netherlands (NL), Germany (DE), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Sweden (SE), Hungary (HU), Italy (IT), Great Britain (GB).

For restrictions on religious freedom, the following designations were adopted: Freedom to adopt, change or renounce a religion or belief (R1); Freedom from coercion (R2); The right to manifest one's religion or belief: freedom to worship (R3a); Places of worship (R3b); Observance of holidays and days of rest (R3c); Appointing clergy (R3d); Teaching and disseminating materials (including missionary activity) (R3e); The right of parents to ensure the religious and moral education of their children (R3f); Registration (R3g); Communicate with individuals and communities on religious matters at the national and international level (R3h); Establish and maintain charitable and humanitarian institutions/ solicit and receive funding (R3i); Conscientious objection (R3j); religious symbols (R3k).

An assessment of restrictions on religious freedom will be made at the level of what extent and against which were supposed to protect political nations. On this basis, it will be possible to compare all countries in terms of solutions characteristic of neo-militant democracies in terms of respect for religious freedom.

Restrictions on religious freedom in the Member States of the European Union in the years 2015-2019

An analysis of the 2015-2019 period showed that restrictions on religious freedom in Europe covered virtually the same areas in all countries. In addition to incidental examples of other restrictions, the violations mainly related to the issue of financing churches. The countries that finance the Churches are Greece, Belgium, Luxembourg, Malta, Slovakia, Croatia, and the Czech Republic. In some countries, churches operate on the basis of mandatory taxes, specifically in Germany, Austria, Denmark, Finland, Switzerland, and Sweden. In Italy, Spain, Portugal, and Hungary, the Churches are supported by voluntary taxes. The countries in which the Churches maintain themselves practically independently, with little financial support from the state, are France, Poland, and Lithuania¹.

Typically, religions considered to state, registered, or for various reasons occupying important positions in the state, received more funding. Often, government funds were directed primarily to the Catholic Church, e.g., for its pastoral activities in prisons based on existing laws on the mutual relations between the government and the church. It happened that other religious associations may not receive funds or financing from external sources has been

¹ Pew Research Center, *In Western European Countries with Church Taxes, Support for the Tradition Remains Strong*, <https://www.pewresearch.org/religion/2019/04/30/in-western-european-countries-with-church-taxes-support-for-the-tradition-remains-strong/>, (23.08.2022); *Kto finansuje Kościół w krajach Unii Europejskiej*, <https://www.ekai.pl/kto-finansuje-kosciol-w-krajach-unii-europejskiej/>, (25.08.2022)

prohibited. For example, bans on financing mosques from abroad were introduced in order to limit the potential threat from radical circles, or residence permits for foreign imams financed from foreign sources were denied. These solutions were the result of, among others, terrorist attacks that took place in Europe and also involved carrying out information campaigns on jihadism and the consequences of proclaiming radical views and the abuse of religion for political purposes.

However, it happened that, as in Belgium, solutions were adopted to finance Buddhism to facilitate the building of the institutional capacity. The adopted method of financing and violating religious freedom in this area can be a significant tool of neo-militant democracy in the hands of the rulers. First, it allows the ruling to control the activity of churches and religious associations. Financing only a particular community or group of communities, or increasing resources for them, allows us to emphasize its primacy over others. In this way, churches that do not receive help or a small part of the funds are treated as less important, can be marginalized, and do not have the approval of the government. Thereby, it is possible to diminish their rank.

In addition, in the case of bans related to external financing, these churches may be treated as an enemy of the political nation, because it is assumed that receiving such support will serve harmful purposes, e.g., undermining the democratic order, will pose a threat to the security of the state and its citizens. Further restrictions often linked to funding, which have appeared regularly in all EU Member States, are the issue of registration, which is often associated with privileges for registered religious associations and their absence for others. There has also been litigation over lengthy registration procedures. Also, the inability to register and lengthy procedures lead to the non-recognition of the church or community by the government, often depriving them of many of the benefits provided by these institutions.

Among the most common violations of religious freedom, there is also a broadly understood freedom to manifest one's beliefs, i.e., through religious symbols. In many countries, there are prohibitions related to covering the head or face in public places, specific workplaces, and schools. In Austria, for example, there is an exception for photographs in documents, where partial obscuration is allowed if it results from religious views. Ritual slaughter was also interfered with, by prohibiting it or, as in Finland, the practice of circumcision was discouraged outside of medically justified cases. In this way, material things, or rather the content they carry, become a threat to the political nation. It is the transfer of the threat to the symbolic dimension. The removal of symbols from the public space and adaptation in terms of clothing allows the government to incorporate followers of other religions into a given community, a political nation on its own terms, their separateness is rejected. This may lead to actions for assimilation, but also to emphasizing the applicable rules and imposing on them strangers due to their origin or religion.

Other regular restrictions applied to places of worship. In this case, it was both about new places of worship and procedures related to them, as well as

restrictions on existing temples, cemeteries, or interference of security services in rituals, during which radical views were proclaimed. Lengthy procedures for putting objects into use, closing them, controlling them, or limiting their number are a way to interfere with where, how, and on what terms religious gatherings can take place. However, places of worship are also cemeteries that are created or exist and the regulations associated with them.

The right of parents to the religious education of their children or its refusal was also violated. In Greece, for example, there has been pressure from various organizations to respect the possibility of exemption from religion without the need to provide further explanations regarding the reasons or to declare one's religion, and to point out that the courts do not always enforce the right to take an alternative, secular oath. In France, the action was taken to promote secularism and the government adopted a policy change at the beginning of the school year back in 2013 before the refugee crisis (it now happens that the granting of state subsidies to non-governmental organizations depends on signing the charter of secularism and republican values), whereby parents were asked to sign a charter for secularism. Interfering with worldview and religious issues during school education creates the opportunity to create attitudes of citizens and their tolerance for other challenges. It is also an opportunity to create an enemy people of a different religion, coming from other cultural circles.

From the incidental violations, one can point to those concerning the respect of holidays. The European Court of Justice has delivered a judgment in relation to Austria in which it found that granting paid leave on religious holidays to workers belonging to certain religious groups constitutes religious discrimination¹. In the case of discrimination against people professing a religion other than the current one or several binding ones, it becomes possible to further marginalize the followers of other religions and strengthen the position of the religions preferred by the government.

In addition to the main restrictions indicated, there were protests against the admission of refugees in 2015 and controversial statements by key politicians. Furthermore, over the analyzed period, there were numerous examples of discrimination based on religion. In Romania, which is an extreme example, in public speeches, some politicians and the media identified Romanian Orthodoxy with national identity, suggesting a lack of patriotism for followers of other religions. Often, in the Member States of the European Union, religions and churches that do not have a state status or a significant place within the state in political and public discourse are treated as inferior. Belonging to a given church can be used as a tool of division within one political nation. In this case, however, research should be undertaken in relation to quasi-militant democracy, because the

¹ *Case C-193/17, Cresco Investigation GmbH v Markus Achatzi*, <https://www.europeansources.info/record/case-c-193-17-cresco-investigation-gmbh-v-markus-achatzi/>, (22.08.2022)

internal enemy is the citizens of the state, i.e., religious minorities that are part of the political nation.

Conclusions

Based on the study, it cannot be concluded that after the refugee crisis there were violations of religious freedom on a larger scale than in the previous period. This may also be since, of all the Member States of the European Union, Italy and Greece were the most affected by the crisis. Although Greece became the main target for 85 percent of all migrants and refugees, far fewer people used the “Italian route”¹. The source analysis of the reports focused primarily on the part devoted to Greece, as this country was most affected by the crisis related to the reception of the incoming population from different regions of the world, as evidenced by the launch of EU aid for Greece and Italy as the frontline countries. The study used the category of militant democracy, which allows for the theoretical validation of the research and explanation of the activity undertaken by this state in relation to refugees.

Apart from controversial statements by politicians, protests of citizens, or incidental violations and attacks, the religious freedom of refugees would not be noticed. There have been regular violations that have already taken place before. Violations related to the right to manifest one’s religion and beliefs, places of worship, issues related to the registration of churches and religious associations and funding, and restrictions on religious symbols are the most common in EU Member States. Official religion policy was also of no particular importance for the restrictions on religious freedom, regardless of the analyzed state, there were similar problems and difficulties related to respecting religious freedom.

Regarding the highlighted restrictions, which appeared regularly and most often during the prescribed period, there are several ways to protect the political nations by the governments. Most of all, these are actions aimed at marginalizing a specific group, church, or community, emphasizing the primacy of those recognized by the government, pointing to possible threats, lack of approval for symbols in public space, control, and creation of attitudes of citizens. This means that religion and the church can be treated instrumentally by the government. Specifically used as a tool of neo-militant democracy to discipline citizens and limit their rights and freedoms.

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**LIMITATIONS ON THE FREEDOM OF THE PRESS IN THE FACE
OF CORRUPTION SCANDALS AS INSTRUMENTS OF QUASI-
MILITANT DEMOCRACY IN MALTA¹**

Abstract:	<p><i>In this paper analyses the problem of limiting the freedom of the press in Malta after published leaks about corruption in public administration. A turning point was murdering Daphne Caruana Galizia in 2017, which drew the international community's attention. The study verifies the following hypothesis: after disclosing corruption scandals, the ruling elite decided to use the means characteristic of quasi-militant democracy to limit the freedom of the press against journalists who reported that issue and recognized them as enemies of the state. This measure was used in practice, despite the legal framework that guarantees the protection of this freedom. The level of using quasi-militant democracy means to limit independent media did not decrease after Galicia's murder, despite pressure made by international opinion. On the one hand, this phenomenon is the effect of solid foundations for legitimizing corruption in domestic policy. Therefore, public opinion did not seek to disclose abusing power by journalists. On the other hand, NGOs' failed efforts to increase the protection of the freedom of the press result from a lack of efficient measures to improve media freedom. Therefore, ruling elites only declared changes to calm down international opinion but, in practice, adopted other, more personal, non-direct restrictions on independent media. I decided to use quasi-militant democracy as a theoretical category to explore the motivations and consequences of limiting the freedom of the press. The paper's conclusions will be useful in analyzing restrictions against independent media in the name of protecting democratic regimes in semi-consolidated democracy and explaining the reasons behind this phenomenon.</i></p>
Keywords:	Freedom of the press; media capture in Malta; militant democracy

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Introduction

According to the 2020 Democracy Index drawn up by “The Economist”, Malta has remained a “flawed democracy” having an even lower score than the previous year. Until 2018, Malta was considered a “full democracy” but dropped from a score of 8.21 in 2018 to 7.95 in 2019, becoming a “flawed democracy”. In the civil liberties category, it scored 8.24¹. For a better understanding of the circumstances of the current Maltese political system, it is necessary to outline the origins of this post-colonial state. The Republic of Malta was proclaimed on December 13, 1974. It was a turning point in reclaiming independence and ending control by the British on the island. Malta adopted a policy of neutrality in the 1980s and started liberalizing the country's economy. After the Cold War, Malta was an economically and politically marginal post-colonial state², prepared to access the EU, which was the centre of Maltese political thought. For that purpose, crucial was the modernization of public administration and governance, especially in eradicating corruption and clientelist practices, signalled by the EU Commission in 1993. Therefore, corruption has been recognized as one of the weak points of young Maltese democracy for years.

Therefore, the Maltese post-colonial political system may be recognized as semi-consolidated democracy, dealing mostly with public administration corruption. This challenge is observed in the media system. There is no doubt that the economic breakdown in 2007–2008 significantly influenced media entities’ economic conditions, especially newspaper outlets³, and strengthened corruption in

¹ Kevin Schembri Orland, *Malta remains a “flawed democracy”, gets a lower score in 2020 – Economist report*, <https://www.independent.com.mt/articles/2021-02-05/local-news/Malta-remains-a-flawed-democracy-gets-lower-score-in-2020-Economist-report-6736230761>, (7.06.2022)

² Jon P. Mitchel, *Corruption and Clientelism in a “Systemless System”: The Europeanization of Maltese Political Culture*, in “South European Society and Politics” Vol. 7, No.1, pp. 43-62

³ Núria Almiron, *Journalism in crisis: Corporate media and financialization*, Hampton Press, New York; Wayne Hope, *Time, Communication and Financial Collapse*, in “International Journal of Communication”, No. 4, 2010, pp. 649–669; Dwayne Winseck, *Financialization and the “crisis of the media”: The rise and fall of (some) media conglomerates in Canada*, in “Canadian Journal of Communication”, No. 35, pp. 365–393; Elsa Costa e Silva, *Crisis, financialization and regulation: The case of media industries in*

public space¹. Moreover, the recovery of the media after the biggest recession since 1929–1933 was hindered by another challenge – the coronavirus pandemic – when advertising expenses were reduced to rescue advertisers’ budgets. During the last decade, not only economic issues, and declining expenses on advertising in media had an impact on news outlets. Another challenge was the development of ICT technologies in social communication, headed by social media. Leading newspapers around the globe launched web portals to maintain the attention of their readers. These two challenges became a real danger to the functioning of independent media based on traditional coverage. Even if some of them used professionally designed websites, in the digital age, news and the number of sources grows every day, including outlets based only on duplicating information. In that situation, owners of leading media, which lost the competition with Facebook and other giants, decided to sell outlets to domestic government-friendly oligarchy (e.g., the Czech Republic) or state-owned companies (e.g., Poland), which was a rescue for their functioning. However, selling these media led to their politicization, which limited their independence. In the face of declining private media incomes and reducing the number of workplaces, another issue was that journalists practiced self-censorship to not publish anything against their supervisors.

Therefore, this paper analyses the problem of limiting the freedom of the press in Malta after published leaks about corruption in public administration. A turning point was murdering Daphne Caruana Galizia in 2017, which drew the international community's attention. The study verifies the following hypothesis: after disclosing corruption scandals, the ruling elite decided to use the means characteristic of quasi-militant democracy to limit the freedom of the press against journalists who reported that issue and recognized them as enemies of the state. This measure was used in practice, despite the legal framework that guarantees the protection of this freedom. The level of using quasi-militant democracy means to limit independent media did not decrease after Galizia’s murder, despite pressure made by international opinion. On the one hand, this phenomenon is the effect of solid foundations for legitimizing corruption in domestic policy. Therefore, public opinion did not seek to disclose abusing power by journalists. On the other hand, NGOs' failed efforts to increase the protection of the freedom of the press result from a lack of efficient measures to improve media freedom. Therefore, ruling elites only declared changes to calm down international opinion but, in practice, adopted other, more personal, non-direct restrictions on independent media.

Portugal, in “The Political Economy of Communication”, No. 2; Antonis Skamnakis, *Accelerating a freefall? The impact of the post-2008 economic crisis on Greek media and journalism*, in “Journal of Greek Media & Culture”, Vol. 4, No. 1, pp. 9–25

¹ Prasad Padmanabhan, Chi-Hui Wang, Chia-Hsing Huang, *Did the 2008 global financial crisis influence the host country corruption and inward foreign direct investments relationship? An empirical examination*, in “The Journal of International Trade & Economic Development”, Vol. 29, No. 5, pp. 566-603

In the presented context, I decided to use quasi-militant democracy as a theoretical category to explore the motivations and consequences of limiting the freedom of the press. The paper's conclusions may be useful in analysing the use of limitations against independent media in the name of protecting democratic regimes and explaining the reasons behind this phenomenon. Malta's case delivers useful evidence for analyzing putting pressure on media by politicians and the limited freedom of the press in semi-consolidated democracy.

The paper's structure is following. The Literature Review and Theoretical Background section discusses the most significant studies on militant and quasi-militant democracy and justifies choosing these theoretical categories to explore limitations on the freedom of the press in Malta. Moreover, it presents crucial studies on restrictions on media freedom to indicate dominant approaches to exploring this phenomenon. Based on the literature review, we decided to apply militant democracy and quasi-militant democracy to studies on media freedom in Malta to answer the question about the real intentions of restrictions and their consequences, which we classify as a non-exploring area. The Methods and Sources section presents a research question, a justification for selecting sources, and a research procedure. Then, the role of corruption in contemporary Maltese domestic policy and the subject of Galizia's journalistic investigation are discussed. We analyze restrictions on the freedom of the press, considering the Maltese legal framework. The next section explores the role of the Panama Papers and Galizia's assassination in disclosing corruption scandals in Malta. The section Muzzle Press Freedom in Malta refers to NGOs' remarks about media freedom. Finally, we formulate conclusions about the character of restrictions on media freedom and the dynamics of using selected quasi-militant democracy means in Malta. I explain why despite putting pressure on international opinion, Maltese authorities did not improve the protection of the freedom of the press and did not stop using quasi-militant democracy means in the face of the murder of Daphne Caruana Galizia.

Literature review and theoretical background

The presented literature review consists of three elements to indicate relations between selected theoretical categories (militant democracy and quasi-militant democracy) with the analyzed phenomenon (restrictions on the freedom of the press in the face of disclosing corruption scandals). First, I discuss militant democracy and quasi-militant democracy – theoretical categories that indicate real intentions and consequences of restrictions on the freedom of the press. Moreover, we refer to scholars who applied these categories to explore limitations on media freedom in other states to justify choosing these theoretical frameworks and present main conclusions about that. Second, thanks to studies on the role of the freedom of the press in democratic societies, we explain its meaning for the sovereignty of the political nation, which guarantees the survival of democratic

regimes¹. We also refer to motivations and justifications for using restrictions on the freedom of the press in democratic regimes to indicate which of them may protect or destroy the political system. Finally, we bring up the definitions of corruption and clientelism, used by scholars to address Malta's case. Thanks to that, we indicate the character of dominant relations in the Maltese public sphere, disclosed by independent journalists.

Quasi-militant democracy is an antinomy of new-militant democracy², a modern type of militant democracy, a theoretical category conceived by Karl Loewenstein in the mid-1930s. The latter focused on preserving a democratic regime by eliminating its opponents through legal means³. Nowadays, political science scholars continue their studies on militant democracy. Alexander S. Kirshner pointed out that restrictions on certain rights and freedoms defend democratic values while respecting the right to participate in public life⁴. Giovanni Capoccia proposed understanding militant democracy as the "use of legal restrictions on political expression and participation to curb extremist actors in democratic regimes"⁵. Therefore, the body of literature was dominated by the approach that militant democracy means may be used against extremists and anti-democrats. However, in the literature, we can also find some critical approaches. Carlo Invernizzi Accetti and Ian Zuckerman⁶, as critics of militant democracy, alleged its use to cover authoritarian politics and expand executive power by political elites. However, their approach is closer to a concept of quasi-militant democracy, in which instruments may be used against enemies of ruling elites. For this reason, to avoid confusing the aims and goals of restricting rights and freedoms, Joanna Rak and Roman Bäcker proposed the differentiation between neo-militant democracy and quasi-militant democracy. Essential features of neo-militant democracy rest on democracy's self-defense ability without decreasing the level of the political nation's sovereignty. In turn, quasi-militant democracy attempts to expand the power competencies of the ruling elite while reducing the level of the sovereignty of the political nation⁷. In neo-militant democracy, restrictions on the freedom of speech and the press allow ruling elites to reduce the

¹ Roman Bäcker, *Kategoria narodu politycznego*, in Jacek Wojnicki, Justyna Miecznikowska, Łukasz Zamecki, *Polska i Europa w perspektywie politologicznej*, Tom II, (ed.) Warszawa, 2019, p. 38

² Joanna Rak, Roman Bäcker, *Neo-militant Democracies in Post-communist Member States of the European Union*, London, New York, 2022, p.5

³ Karl Loewenstein, *Militant Democracy and Fundamental Rights I*, in "The American Political Science Review" Vol. 31, No. 3, pp. 417–432

⁴ Alexander Kirshner, *A Theory of Militant Democracy*, in *A Theory of Militant Democracy*, Yale University Press, 2014

⁵ Giovanni Capoccia, *Militant democracy: The institutional bases of democratic self-preservation*, in "Annual Review of Law and Social Science", Vol. 9, No. 1, pp. 207-226

⁶ Carlo Invernizzi Accetti, Ian Zuckerman, *What's wrong with militant democracy?*, in "Political Studies", Vol. 65, No. 1, p. 195

⁷ Joanna Rak, Roman Bäcker, *Op. cit.*, pp. 8-9

possibility of spreading discrimination, hate speech, and fake news by anti-democratic forces. In quasi-militant democracy, the same restrictions are used to limit the independence of journalists and media workers.

In modern studies on militant democracy, some scholars conducted research considering changes in scope and level of protecting the freedom of the press¹. Limiting the freedom of the press may be classified as a symptom of “hard” militant democracy, which openly leads to the exclusion of certain entities considered enemies of democracy². In that approach, restrictions against media are a type of countermeasure to the threat of democratic regimes by abusing the freedom of the press. For analyzing Malta’s case, it is worth referring to comparative studies on that phenomenon in Western European consolidated democracy³. Maltese trajectory is like Austria’s case, where quasi-militant democracy rules were a response to disclosing pieces of evidence of abusing power by ruling elites and public officers⁴. In order to verify which restrictions can be classified as neo-militant or quasi-militant democracy means, variants of restrictions on the freedom of the press may be classified in the following catalog: 1) politicians or political-friendly businessmen’s actions to link the media sector with the politicians’ sphere by putting pressure on independent outlets, 2) interference in the process of media management (personnel policy, economic decisions, etc.), 3) limiting free speech in the name of protecting personal beliefs, public safety and constitutional order, 4) limitations to manifest own opinions during public assemblies, 5) Internet censorship⁵. In this study, we intend to verify which of these variants occurred in Malta, or another type, allowing us to expand this catalog.

The freedom of the press and all other media, which is a derivative of the freedom of speech, guarantees the media’s pluralism, commonly referred to as the “fourth power”. In a democratic system, limitations lead to abuses by the ruling elite, influencing the publishing process and published content. Nowadays, we observe increasing acts of violence against journalists in Europe, especially by

¹ Przemysław Osiewicz, Maciej Skrzypek, *Is Spain becoming a militant democracy? Empirical evidence from Freedom House Reports*, in “Aportes. Revista de Historia Contemporánea”, Vol. 35, Nr. 103, pp. 7–33; Maciej Skrzypek, *Between neo-militant and quasi-militant democracy: restrictions on freedoms of speech and the press in Austria, Finland, and Sweden 2008–2019*, in “European Politics and Society”; Kamila Reźmer-Płotka, *Restrictions of freedom of the press as an indicator of militant democracy in Lithuania*, in “Polish Political Science Yearbook”, Vol. 49, No. 4, pp. 204–210

² Jan-Werner Müller, *Protecting Popular Self-Government from the People? New Normative Perspectives on Militant Democracy*, in “Annual Review of Political Science”, No. 19, p. 258

³ Maciej Skrzypek, *Op. cit.*

⁴ *Idem*, pp. 8-9

⁵ *Idem*, pp. 3-4

uniformed service representatives¹. Decreasing media content quality, self-censorship, and politicization endanger the formation of public opinion, which, as Karl Popper said, is powerful enough to overthrow governments, even undemocratic ones².

Wojciech Adamczyk explained that informal control over institutions of power by media serves to increase the transparency of the area of behind-the-scenes activities of political elites. These activities significantly impact citizens' quality of life and observance of the standards of a democratic state of law. He also argued that journalistic unmasking abusing power by politicians is used to stimulate public opinion to pressure the nation's representatives to take actions such as legislative or personal changes. Informing about the activities of political elites as effective means of informal control of the government confirms the important role of mass communication in the political decision-making system. Politicians seek to hide unlawful behavior from the public and, at the same time, fear possible sanctions. Disclosing political scandals should lead first to social disapproval and then to the imposition of sanctions³. In the case of neo-militant democracy, restrictions on the freedom of speech and the press are used to combat political groups classified as enemies of democracy. In quasi-militant democracy, restrictions are used to expand the ruling elite's scope of power while reducing the level of the sovereignty of the political nation.

At this point, it is worth conceptualizing two essential terms: corruption and clientelism. Robert Klitgaard⁴ argued that 'corruption is the misuse of office for unofficial ends', which is a too broad and capacious definition. Scholars who analyze corruption in Malta used a more detailed conceptual framework. Natasha Krsteski⁵ defined corruption as a violation of the moral values of society, considered the most severe form of threat to the democratic rule of law. She pointed out that any abuse of power for personal or collective gain, in both the public and private sectors, constitutes corruption. Moreover, it occurs when the impartiality principle is breached due to the intentional misappropriation of a property. Corruption is a waste of power by the government against the general interest⁶. Keith Mercieca¹ stated that "corruption is essentially a relationship, one

¹ Reporters without Borders, *2019 World Press Freedom Index – A cycle of fear*, <https://rsf.org/en/2019-world-press-freedom-index-cycle-fear>, (7.06.2022).

² Karl R. Popper, *Opinia publiczna w świetle zasad liberalizmu* (translated by A. Malinowski), in "Studia Polityczne", No. 3, p. 12

³ Wojciech Adamczyk, *Teflon power elite? Why do the political scandals disclosed by the media (not) always mobilize Polish public opinion?*, in "Annales Universitatis Mariae Curie-Skłodowska – Sectio Balcaniensis et Carpathiensis", No. 6, 2021, p. 12

⁴ Robert Klitgaard, *International Cooperation Against Corruption, Finance & Development*, <https://www.elibrary.imf.org/view/journals/022/0035/001/article-A002-en.xml>, (7.06.2022)

⁵ Natasha Krsteski, *Corruption in Malta*, in "Knowledge International Journal", Vol. 28, No. 6, pp. 1925-1929

⁶ *Ibidem*, p. 1925

that trades in power and influence, and that comes to life in unison with the opportunities afforded by its specific environment. In small states such as Malta, an intricate web of power, networks, traditions, and obligations predetermine these opportunities”. Finally, Mitchel defines corruption as ”self-interested activities of politicians who appropriate state resources for personal benefit or use their public position for private gain”; and clientelism as a ‘process whereby personal relationship, called patronage, are established between politicians and members of public. Recognize as essential features of Mediterranean political systems”². Therefore, corruption and clientelism, as specific relations between officers of public administration and anyone who wants to achieve benefits from this relation, have created a space where unfair and non-transparent practices are accepted in realizing partisan aims, despite acting to the detriment of society.

In democratic regimes, a political nation accepts some limitations necessary to guarantee survival for the political regime because some may improve democratic decision-making by excluding anti-democrats. Quasi-militant democracy is a strategy of using legal restrictions to accumulate ruling elites’ power by reducing the sovereignty of the political nation. In the context of the freedom of the press and reducing advertising expenses due to economic breakdown, media outlets and journalists are endangered by the risk of taking them over by oligarchs related to political elites. That political pressure attempts to transform media into a platform to distribute party agenda. It should be recognised as an example of adopting a quasi-militant democracy strategy toward the freedom of the press.

Methods and sources

The research starting point is the economic crisis of 2008, which had a significant impact on European media markets³. In the aftermath of the economic crisis, the popularity of populist rhetoric, which openly challenged the principles of liberal democracy, also increased. On purpose, the final point is 2019, the moment before the outbreak of the Coronavirus crisis, during which most restrictions on civil rights and freedoms were dictated by the protection of public health and were extorted by extraordinary situations. The coronavirus crisis opened a new and thus far unfinished phase of militant democracy development. The fight against the COVID-19 pandemic required new strategies and actions, so the analysis of

¹ Keith Mercieca, *The cat and the rat sleep together: an analysis of the factors that influence corruption in Malta*, in M. T. Vassallo (ed.) *Public life in Malta: essays on governance, politics and public affairs in the EU's smallest member state* 1(2), p. 108

² Jon P. Mitchel, *Op. cit.*, p. 59

³ Murina Munteanu, *Media in crisis: Should the state intervene? Reuters Institute Fellowship Paper, Oxford, 2010*, Open Society Foundations, Footprint of the financial crisis in the media,

<https://opensocietyfoundations.org/publications/footprint-financial-crisis-media>, (7.06.2022)

restrictions from 2020 should consider other factors. As for the turning point of 2008–2019, I identify the murder of Daphne Caruana Galizia in 2018, which focused international society on the problem of combating independent media in Malta.

We ask the following questions to support the verification of the hypothesis: 1) What restrictions on the freedom of the press did Malta include in its national legislation? 2) What restrictions, as quasi-militant democracy means, on the freedom of the press were adopted against journalists reporting corruption scandals? 3) What were the scope and level of using quasi-militant democracy after Galizia's murder?

The research procedure includes three steps: operationalizing a research tool, collecting, and selecting sources, analyzing data, and formulating conclusions. First, we use the catalog of quasi-militant democracy means against the freedom of the press¹, but I do not exclude its modification after an empirical analysis of Malta's case. Second, I purposely selected the following sources: (a) national collections of laws about the freedom of speech and the press, NGOs' reports, media content, and experts' analyses about the state of the freedom of speech and the press. The first type of materials was obtained from official websites of domestic parliaments and online databases of legislation. The second type of source is online materials, accessed at credible portals, like websites on gov., Edu. domains. Based on national legislation, I indicated the declaratory level. NGOs' reports, experts' analyses, and media content allowed verifying the practical level. A database of mentioned NGOs' reports consists of online documents from 2008 to 2019, published by European Center for Press and Media Freedom, Freedom House, and Reporters Without Borders (RSF). These organizations, which monitored the freedom of speech and the press worldwide, warned about the problem of protecting the freedom of the press in Malta. Third, I reviewed materials to present the application and efficiency of individual measures. Finally, I presented conclusions about abusing regulations of hate speech crimes and public incitement to hatred in a struggle with independent media, violating relations between media markets and political systems, and favoring public broadcasters by ruling elites. The methods employed for the analysis are the qualitative analysis of sources and the quantitative analysis of data from a comparative perspective.

Malta: corruption scandals as main challenge for democratic regime

EU institutions, during the accession, formulated recommendations to Maltese governance about the necessity of adopting new measures to modernize bureaucracy². Mercieca³ noted that among institutions to combat corruption, the main role was played by the Malta Police Force, the Security Service, the Attorney

¹ Maciej Skrzypek, *Op. cit.*, pp. 3-4

² Jon P. Mitchel, *Op. cit.*, p. 45

³ Keith Mercieca, *Op. cit.*, p. 109

General's Office, the Judiciary, the Permanent Commission Against Corruption, and many other bodies of interest such as the National Audit Office, the Ombudsman, and others. Despite several bodies and new legislation, anti-corruption commissions were recognized as worthless and with no power to combat that problem. The ineffectiveness of these institutions was confirmed by the works of the Permanent Commission against Corruption, established to investigate charges formulated about leaks of The Panama Papers.

A real obstacle and challenge were the legitimization of govern, the concept of Maltese government based on a patronage relation in society¹. Moreover, corruption scandals expand beyond the political sphere. Spiteri's studies² confirmed that corruption significantly negatively influenced the well-being of Maltese people. Mercieca pointed out corruption's elusive and stealthy nature and as an ethical problem, 'driven on by the misconstrued understandings and behaviors of individuals at the ultimate expense of others. She argued that a significant role played: 1) appropriately targeted education for increasing awareness about civic duties; 2) depolarisation of public discourse and political landscape, dominated by two major parties, which is a crucial obstacle to building consensus on how to tackle corruption; 3) recruitment and retention of a skilled Public Service to build the functional institutional structure. She also argued that a 'more informed, educated and independent civic society will no longer accept lame excuses for inappropriate political intervention, inexistent regulation of party funding, and convinced that 'Malfeasance is no longer an acceptable practice and becomes highly incongruent with the high standards of accountability and transparency expected of local institutions³. In scholars' opinion, effective combating of corruption needs civic awareness, proper education, and access to public information. These factors should be strengthened by the conviction that abusing power is eradicated by professional and independent bodies. Free access to public information about corruption needs independent media, free to report that issue. Mitchel⁴ recognized the Maltese public sphere as semi-transformed with well-developed mass media. However, media content is not an object of mass consumption, so citizens' awareness of abusing power may be limited. Content about corruption scandals is not the subject of society's interest. This statement is important for the research problem.

Combating corruption became a priority in internal policy after the democratic transition. However, that task was only EU institutions' recommendations, considering that corruption, due to well-developed patronal relations, had strong legitimization in post-colonial conditions. An essential feature of consolidated democracy is the existence of well-developed and independent

¹ Jon P. Mitchel, *Op. cit.*, pp. 60-61

² Kylie Spiteri, *An econometric analysis of wellbeing in Malta: a focus on corruption*, <https://www.um.edu.mt/library/oar/handle/123456789/79815>, (7.06.2022)

³ Keith Mercieca, *Op. cit.*, pp. 127-131

⁴ Jon P. Mitchel, *Op. cit.*, p. 5

media, which play a crucial role in disclosing scandals involving abuse of power. Therefore, there were crucial factors in Maltese: the legitimization of corruption and low consumption of media content, which limit the scale of independent outlets.

Restrictions on the freedom of the press: Maltese legal framework

For the proper analyzing the practical level of freedom in Maltese media, it is necessary to compare practice with the declaratory level as a legal framework, which in Malta, is based on British law standards¹. The Constitution of Malta guarantees the freedom of expression, a foundation of the freedom of speech and the press². In Article 41, legislators hold that freedom to express opinions, receive ideas and information, and communicate ideas and information cannot be hindered, and anybody cannot interfere with it³.

Detailed regulation about freedom of the media was adopted by Press Act (1974), which has a specific content layout because after conceptual-fundamental definitions in Part I, legislators regulate press offenses. A specific provision was adopted in Article 4, where legislators enter imprisonment and a fine in the case of inciting others to take away the life or the liberty of the President of Malta or any Minister. It adopted specific protection for the most important officers. Article 46 guarantees the right to the keeping secret of information's sources *unless it is necessary for the interests of national security, territorial integrity, or public safety, for the prevention of disorder or crime, or for the protection of the interests of justice*⁴. However, the court may deny the duty of leaking the source to protect publishers' interests. The next Article prohibits blocking access to public information by any media outlets by Government⁵. Another specific provision was adopted in Criminal Code. Following Article 163: *Insults of the Roman Catholic religion by means of words, gestures, written or printed materials are punishable by imprisonment for a period of one to six months*⁶. However, the Article was repealed by amendment to Act XXXVII.2016.3, which should be recognized as a significant change to strengthen the freedom of the press. Amendments to the criminal code and the Press Act in June 2012 includes gender identity and sexual orientation as prohibited grounds for hate speech. In late 2013, Parliamentary Secretary Jose Herrera announced a legislative proposal to remove all censorship in the arts, but no changes had been enacted⁷. The Broadcasting Authority

¹ Raymond Mangion, *Constitutions and Legislation in Malta: 1914-1964*, Russell Square Publishing Limited

² *The Constitution of Malta, 1964*, Art. 32

³ *Idem*, Art. 41

⁴ *Press Act, 1974*, Art. 46

⁵ *Idem*, Art. 47

⁶ *Criminal Code, 1854*, Art. 163

⁷ Freedom House, *Freedom of the Press 2015 – Malta*, <https://www.refworld.org/docid/565313556.html>, (7.06.2022)

regulates and monitors all radio and television broadcasts. The president appoints its members on the advice of the prime minister, which should be recognized as a possibility to pressure ruling elites.

A turning point was adopting the Media and Defamation Act *for updating the regulation of media and defamation matters and for matters consequential or ancillary thereto* in 2018. That regulation replaced The Press Act¹. In the new law, legislators do not define and regulate freedoms granted to journalists and media outlets, which is a danger to the free functioning of media. Moreover, legislators assign the central position to defamation. Defamatory words in written media give rise to an action in libel before the competent court and the Code of Organization and Civil Procedure. Civil proceedings for defamation may be instituted against the author, the editor, and the publisher². In the case of the court's decision about defamation, a judge may order to remove content from that website, or stop distributing, selling, or exhibiting material containing the statement³. Any person who is a victim of defamation or who has had her private life intruded into through a publication is entitled to demand to have published forthwith, free of charge, in the same medium, a statement by way of contradiction or explanation⁴. Moreover, the court may order the editor, the person responsible for the broadcasting medium, or an operator of a website to pay a penalty to the complainant not exceeding €2,000. That regulation guarantees the secrecy of the source of information in a newspaper, broadcast, or website for which he is responsible. Except it is vital for the interests of national security, territorial integrity, public safety, or for the prevention of disorder or crime, or for the protection of the interests of justice⁵. Authors of Freedom House's reports recognized that the regulation would decriminalize defamation and end the practice of freezing a journalist's assets while civil cases could proceed⁶. However, the 2020 report pointed out that investigative journalists continued to face libel suits⁷, which shows that the new regulation is ineffective for it remains a civil offense.

The legal framework of restrictions on the freedom of the press is signed by colonial heritage, by taking an example of British law, despite adopting these provisions during the transition period. Regulations about that issue are specific because Maltese legislators did not describe provisions of guaranteed freedoms like in western democracies. Therefore, the declaratory level of protecting the freedom of the press is lower than in consolidated democracies. Insulting Roman

¹ *Media and Defamation Act, 2018, Art. 25*

² *Idem, Art. 3*

³ *Idem, Art. 14*

⁴ *Idem, Art. 15*

⁵ *Idem, Art. 22*

⁶ Freedom House, *Malta: Freedom in the World 2018 Country Report*, <https://freedomhouse.org/country/malta/freedom-world/2018> (7.06.2022).

⁷ Freedom House, *Malta: Freedom in the World 2020 Country Report*, <https://freedomhouse.org/country/malta/freedom-world/2020>, (7.06.2022)

Catholic Church and religious feelings were deleted from legislation in 2016, which strengthened the position of media workers reporting church scandals – Fr Muscat’s activities in social media¹, Community of Jesus the Savior’s case², and child abuses cases³. Adopted in 2018 Defamation Act was not a milestone in protecting journalists because it did not influence ending investigations against journalists. Moreover, based on NGO reports, it should be recognized as low-effective. Pressure on journalists may be put by other means. However, accusations of defamation were the main instrument to limit the media’s independence, which investigations in Daphne Caruana Galizia’s cases confirmed.

The Panama papers and Galizia’s assassination

International journalism investigation groups link traditional media with new media technology to report corruption scandals and financial and tax crimes. The first case of investigative journalism was reported in 1860–the 1870^s in the USA – the success of American muckrakers as a model for journalists all around the world. On leaking the Panama Papers worked 400 teams of investigative journalists, collected 11,5 mln files in 2,6 TB. Wojciech Adamczyk argued that increasingly frequent international journalistic investigations exposing crimes financial and tax are possible thanks to the skillful use of the remaining ones at the disposal of resources: 1) professionally prepared, multi-person investigative teams; 2) proper selection of media and reporters, establishing the principles of cooperation and assigning tasks (verifying obtained information, setting publication dates); 3) modern tools for analyzing, processing, and sharing complex and large-scale quantified datasets; 4) using the available resources and information, often coming from confidential informants, which is forced thorough analysis and verification of obtained data in independent sources. Moreover, he pointed out that with developed advantages, international teams of journalistic investigations markedly decreased risk for reporters⁴.

Daphne Caruana Galizia, an investigative journalist, accused the beneficial owner of a third Panama company was the prime minister’s wife. After disclosing

¹ *Updated: Police launch investigation into priest’s ‘homophobic’ rant*, <https://www.independent.com.mt/articles/2022-01-06/local-news/Minister-seeks-police-investigation-into-priest-s-homophobic-rant-6736239555>, (7.06.2022)

² *Church dissociates itself from Gesù Salvatur community*, <https://timesofmalta.com/articles/view/church-disassociates-itself-from-christian-community.843600>, (7.06.2022)

³ *Catholic Church in Malta reports six priests for child abuse in two years*, <https://timesofmalta.com/articles/view/catholic-church-reports-six-priests-for-child-abuse-in-two-years.831283>, (7.06.2022); *Scrap prescription in child abuse cases’: foundation in memory of a murdered girl*, <https://timesofmalta.com/articles/view/scrap-prescription-in-child-abuse-cases-foundation-in-memory-of.884446>, (7.06.2022).

⁴ Wojciech Adamczyk, *Follow the money. Międzynarodowe śledztwa dziennikarskie dotyczące przestępstw finansowych i podatkowych*, in *”Zarządzanie Mediami”*, Vol. 9, No. 3, pp. 395-405

evidence of involving Maltese public officers in international corruption scandals, she was murdered in October 2017. The blowing up of her car was as evident from the previous one's arrangements, the retribution of influential people for exposing their participation in corruption. In November 2017, hundreds of people attended her funeral, which was declared a National Day of Mourning by the government. After Galizia's murder, her close relatives were supported by RSF, who helped them with legal assistance during defamation trials¹. Galizia's case became a public issue, which engaged civil society and led to significant changes in Maltese politics during the next years. At once, allegations about the possibilities of political influence over corruption investigations were warned by members of the opposition and civil society. Maltese activities demanded the resignation of the attorney general and the police commissioner and accused them of being under the prime minister's control. Moreover, as mentioned, the Permanent Commission against Corruption was crippled by vacancies for much of the year. In 2017, RSF and four other NGOs started joint missions to Malta to monitor trials and Galizia's murderers and political activities in that case.

In October 2018, a mission led by Reporters Without Borders (RSF) criticized the Maltese authorities for "not living up to their obligations to guarantee and safeguard freedom of expression and press freedom". The mission pointed to the slow pace of the trial against the suspects in Caruana Galizia's murder and the failure of investigators to arrest the masterminds behind the crime, which is believed to be a contract killing². In 2019, Yorgen Fenech, a wealthy businessman friend of Schembri, was charged with complicity in the murder; he pleaded not guilty. Five days before Fenech's arraignment, the alleged middleman in the plot, Melvin Theuma, received a presidential pardon and immunity to enable him to testify in the case. He testified that Fenech had paid him to hire the three men who carried out the murder. Theuma said he was also given a no-show government job. In court testimony, Schembri denied any connection to Galizia's murder and refuted allegations that he had leaked information about the case to suspects³.

In July 2020, it was confirmed that Attorney General Peter Grech, as the chief prosecutor, sent a note to police in 2016 advising them against investigating the Panama Papers, stressing that such an investigation would be "highly intrusive". It violated the responsibility of his post and was an evident obstruction to the course of justice, rendering his position as Attorney General untenable⁴. In

¹ *Malta: RSF files complaint in France in connection with Maltese journalist's murder*, <https://rsf.org/en/news/malta-rsf-files-complaint-france-connection-maltese-journalists-murder>, (7.06.2022)

² Freedom House, *Malta: Freedom in the World 2019 Country Report*, <https://freedomhouse.org/country/malta/freedom-world/2019>, (accessed 7 June 2022)

³ Freedom House, *Malta: Freedom in the World 2020 Country Report*, <https://freedomhouse.org/country/malta/freedom-world/2020>, (7.06.2022)

⁴ *Malta: RSF files complaint in France in connection with Maltese journalist's murder*, <https://rsf.org/en/news/malta-rsf-files-complaint-france-connection-maltese-journalists-murder>, (7.06.2022)

October 2020, PM Joseph Muscat resigned after mass civil society protests connected to developments in Galizia's case. In February 2021, Vincent Muscat, one of three accused hitmen, was sentenced to 15 years in prison after entering a guilty plea, and three men were arrested under suspicion of supplying the bomb that took Caruana Galizia's life¹. In July 2021, the detailed report (437 pages) was published. It was the result of 93 sittings, drafted by retired judge Michael Mallia, former chief justice Joseph Said Pullicino, and judge Abigail Lofaro, who comprise the board of inquiry. Public Inquiry was heard from 120 witnesses. The main conclusion is that the Maltese state failed to prevent Galizia's assassination. They argued that the 'State has to shoulder responsibility for the assassination because it created an atmosphere of impunity, generated from the highest levels in the heart of the administration of the Office of the Prime Minister'. It finds a "culture of impunity not only for senior officials in the public administration, including 'persons of trust' but also for a restricted circle of politicians, businessmen, and criminals"².

Galizia conducted a journal investigation about corruption scandals with head politics and their relatives' participation. After her murder, NGOs and international observers called to justify the process according to international standards and significant changes in Maltese domestic policy to improve transparency in public governance. The attention of international public opinion was focused on Malta and lawsuits in Galizia's case, which put pressure on The Public Inquiry. Thanks to civil society's efforts and NGOs, official investigations of Galizia's murder move forward, despite attempts of interference by politicians and other involved officers and oligarchs.

Muzzle press freedom in Malta: NGO's reports

Malta, which is recognised as a country where a democratic regime has dealt with many challenges in recent years, like other flawed democracies³, has a real problem with reducing the freedom of the press, which has been confirmed by NGO reports and special mission jointed after Galizia's murder. One of the significant institutions in monitoring the freedom of the press is Reporters Without Borders (RSF). Malta is ranked 81st out of 180 countries in RSF's 2020 World Press Freedom Index, having fallen 34 places since Caruana Galizia's assassination in 2017. However, that progressive decline occurred since the

¹ *Malta: Developments in murder case mark nascent steps towards justice for Daphne Caruana Galizia*, <https://rsf.org/en/news/malta-developments-murder-case-mark-nascent-steps-towards-justice-daphne-caruana-galizia>, (7.06.2022)

² *Landmark public inquiry report finds Maltese state must "shoulder responsibility" for the assassination of Daphne Caruana Galizia*, <https://rsf.org/en/news/landmark-public-inquiry-report-finds-maltese-state-must-shoulder-responsibility-assassination-daphne> (7.06.2022).

³ Democracy Index's classification, EIU Democracy Index 2017, https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017, (7.06.2022)

beginning of the 21st century, confirmed by available RSF reports¹. Their authors explained the decline by implementing restrictions on expression to protect their Roman Catholic faith. In their previous reports, the authors noted that blasphemy cases in Malta had decreased slightly². Madison Neidlinger called Maltese regulations regarding the freedom of the press strict, referring to censorship laws and regulations of blasphemy against Roman Catholicism, which is the state religion. Based on these provisions since 1997, 185 libel cases have been pending within the courts, with 36 cases filed in 2014 alone. Neidlinger added that the freedom of the press in Malta is still discussed. In 2016, certain members of Malta's Labour Party were calling for surveillance of the press, which was protested by journalists and media owners. They wanted to maintain their independence but faced the danger of losing their jobs. Therefore, in Malta, media are under political pressure, within which the blasphemy regulation may be used to combat independent outlets.

In 2015, Freedom House published the report *Freedom of the Press 2015 – Malta* that remarked the freedom of the press in Malta as 23 (0 = best, 100 = worst). In 2015 Malta was classified as a state where the active independent media sector is free to convey various opinions. Malta was recognized as a physically safe environment for journalists, and there were no reported cases of threats or harassment in 2014. However, they reported, among others, that news outlets are occasionally ordered to pay exorbitant damages. Many libel cases result in fines or jail terms. In June 2014, a former editor for It-Torca was ordered to pay €5,000 to former Transport Malta chief executive Stanley Portelli for an image and article published in 2012 about possible corruption at the agency. It follows the fact that the major political parties, labor unions, businessmen, and the Catholic Church have direct investments in media, and a number of these outlets are under pressure to promote partisan agendas. It led to the problem argued by European Centre for Press and Media Freedom (ECPMF): Malta does not have much independent journalism. Even media outlets not tied to a political party have opaque ties with the political and entrepreneurial establishment³. Maja Simunjak, the author of the 2015 Report about Media Pluralism in Malta, recognized the risk for media pluralism as low/medium. Low risk was detected in Basic Protection and Market

¹ *Malta: Developments in murder case mark nascent steps towards justice for Daphne Caruana Galizia*, <https://rsf.org/en/news/malta-developments-murder-case-mark-nascent-steps-towards-justice-daphne-caruana-galizia> (7.06.2022).

² In 2011–2015, the number of people convicted of “public blasphemy” decreased from 119 to 99 convictions. Madison Neidlinger, *Free Speech and Free Press Around the World. Malta*, <https://freespeechfreepress.wordpress.com/malta>, (7.06.2022)

³ *Maltese journalist Caroline Muscat continues in the spirit of her murdered colleague Daphne Caruana Galizia*, <https://www.indexoncensorship.org/2018/10/maltese-journalist-caroline-muscat-continues-in-the-spirit-of-her-murdered-colleague-daphne-caruana-galizia/>, (7.06.2022)

Plurality, and a medium risk was found in Political Independence and Social Inclusiveness¹.

In 2017, RSF reported that many journalists living in Malta feel colonized by politics, oligarchs, and other influential people. Another obstacle is Malta's politicians, who eagerly file lawsuits when investigative reporting sheds light on their activities or threatens their interests. Journalists and media outlets are often forced to pay exorbitant damages. Caruana Galizia alone was the target of 42 libel suits at the time of her death. Moreover, they also argued the problem of a divided media landscape in Malta. It shows the scale of the partisan problem in Malta between supporters of the center-left Labour Party and the center-right nationalists².

In 2018, after the assassination of Galizia, the Committee to Protect Journalists, the European Centre for Press and Media Freedom, the European Federation of Journalists, and RSF started a joint press freedom mission to Malta. In 2021, their representatives returned to Malta, explaining the need for full criminal justice for Galizia's case and broader press freedom reforms. During a meeting in 2021, Prime Minister Robert Abela reaffirmed his commitment to ensuring the safety of journalists, both in terms of framework and implementation³. In October 2019, RSF condemned the intensification of threats against independent news outlets – a case of an attack from Josef Caruana, a member of the communications staff at the Office of the Prime Minister in Malta, who published posts on his social media smearing The Shift News' investigative reporting as “fake news”. They noted attempts to discredit and marginalize Galizia's case⁴.

In November 2019, the European Centre for Press and Media Freedom, European Federation of Journalists, Index on Censorship, International Federation of Journalists, International Press Institute RSF, and Scottish PENWe, condemned the actions taken by Maltese authorities to restrict press coverage and public scrutiny of the ongoing investigation into the Galizia's case. They called on Maltese authorities to ensure journalists' protection in carrying out their duties and have access to political figures and information in the public interest. They noted on attempted confiscation by security officers of a journalist's mobile phone and the detention of a group of journalists during the job⁵. Moreover, in the same

¹ Maja Simunjak, *Malta*, <https://cmpf.eui.eu/media-pluralism-monitor/mpm-2015/malta>, (7.06.2022)

² *Investigative journalism's uncertain future in Malta*, <https://rsf.org/en/news/investigative-journalisms-uncertain-future-malta>, (7.06.2022)

³ *Statement of the joint press freedom mission to Malta*, <https://rsf.org/en/news/statement-joint-press-freedom-mission-malta>, (7.06.2022)

⁴ *Malta: Intensification of pressure against The Shift after the founder was awarded RSF press freedom award*, <https://rsf.org/en/news/malta-intensification-pressure-against-shift-after-founder-was-awarded-rsf-press-freedom-award>, (7.06.2022)

⁵ *Malta: International organizations condemn the further degradation of press freedom in Malta and the continued intimidation of journalists*, [https://rsf.org/en/news/malta-](https://rsf.org/en/news/malta-208)

month, these NGOs repeated that investigation into Galizia's case must be independent and impartial, without political interference in the investigation by PM Muscat. Worries about his engagement raise the specter of undue executive interference in the investigation: the financial interests of Muscat's cabinet present the serious possibility of a conflict of interest for the Prime Minister regarding the investigation. Concerns of independence and impartiality emerge when the Prime Minister himself continues to take libel suits against the estate of Galizia and her son¹.

In 2020, RSF was alarmed that no meaningful reforms were implemented after three years. They pointed out that the Maltese media climate remains deeply divided, and journalists who continue to pursue in-depth investigative reporting do so at great risk. They informed that new Prime Minister Robert Abela was attempting to interfere with the work of the Board of Inquiry and accused Abela continuation the approach of his predecessor, Joseph Muscat. RSF referred to journalists' reports about blocking more access to public information and access to government officials².

RSF remarked The Public Inquiry into Galizia's case was a success because, thanks to that work, the commissioners' political interference, police cover-up, and collusion with criminals were revealed. Moreover, they pointed out that Prime Minister tried to shut down the work of the Public Inquiry before it had fulfilled its obligations. After the murder of Galizia, more than 20 defamation lawsuits against her were continued, including by the former PM. Moreover, some public officers tried to pressure her son and other journalists in Malta. Malta's media climate remained deeply divided, and media ownership was dominated by the two major political parties, further stifling public debate in an environment where propaganda dominates the news³. After publishing the Public Inquiry report in 2021, ten NGOs formulated accusations against Joseph Muscat's administration. Muscat's cabinet opposed the establishment of an independent The Public Inquiry, which ultimately came about only through the threat of legal proceedings and a landmark resolution from the Parliamentary Assembly of the Council of Europe. Moreover, they repeated a series of detailed legal and procedural recommendations to strengthen the protection of journalists, journalism itself, and the freedom of expression in the country. Recommendations related to police officers included the

international-organisations-condemn-further-degradation-press-freedom-malta-and-continued, (7.06.2022)

¹ *Malta: International organizations concerned by the appearance of political interference into the investigation of the assassination of Daphne Caruana Galizia*, <https://rsf.org/en/news/malta-international-organisations-concerned-appearance-political-interference-investigation>, (7.06.2022)

² *Malta: Three years on, the pursuit of justice for Daphne Caruana Galizia stalled by constant obstacles and lack of press freedom reform*, <https://rsf.org/en/news/malta-three-years-pursuit-justice-daphne-caruana-galizia-stalled-constant-obstacles-and-lack-press>, (7.06.2022)

³ *Malta*, <https://rsf.org/en/taxonomy/term/150>, (7.06.2022)

protection of journalists and the need for specialized training for the officers “to have a thorough understanding of the role of the journalist as a guardian of democracy and the value of journalism as a valid collaborator with law enforcement to ensure the rule of law”. Other recommendations for reforms at the Constitutional level include creating an Ombudsman on journalistic ethics, strengthening the Public Broadcaster's impartiality, and revising the Freedom of Information Act to strengthen government transparency and compliance with freedom of information requests¹.

The last three Freedom House reports remark Maltese media as free and diverse². However, the report of 2021 indicated that in June 2020, the Maltese media regulator named the Broadcasting Authority publicly instructed Television Malta (TVM) not to ask questions of government officials during live press conferences, claiming the order was meant to avoid partisan coverage. The order sparked controversy after TVM interrupted the broadcast of an August press conference on Malta's COVID-19 response³. Undoubtedly, it should be recognized as a form of censorship.

However, in 2022 Committee to Protect Journalists, the European Centre for Press and Media Freedom, the European Federation of Journalists, and RSF emphasized the need for the complete independence of the Commission of Experts of the Public Inquiry into the assassination of Daphne Caruana Galizia. Moreover, they noted the necessity to create an enabling environment for independent journalism and measures to address impunity, corruption, and the abuse of power. Their postulation was considered by Prime Minister Abela, who informed them about the appointment of a Committee of Experts to implement these recommendations. Authors of postulations sought assurances from Prime Minister Abela to not amplify a media regulation policy and expand the scope of the freedom of the press in practice. In January 2022, they informed us that their offer of technical assistance to the Prime Minister had not been taken up⁴.

To sum up, changes in national legislation did not improve the protection of the freedom of the press in practice and maintain using quasi-militant democracy instruments against independent journalists. Many authors indicated similar challenges and weaknesses of Maltese media pluralism. However, it is worth noting that remarks from RSF and Freedom House are different. Documents published by RSF should be recognized as more valuable, as they include detailed

¹ Daphne Caruana, *Galizia: Landmark Public Inquiry recommendations must be implemented*, <https://rsf.org/en/news/daphne-caruana-galizia-landmark-public-inquiry-recommendations-must-be-implemented>, (7.06.2022).

² Freedom House, *Malta: Freedom in the World 2021 Country Report*, <https://freedomhouse.org/country/malta/freedom-world/2021>, (7.06.2022)

³ *Idem*

⁴ *Malta: Implementation of Public Inquiry recommendations must meet international standards*, <https://rsf.org/en/news/malta-implementation-public-inquiry-recommendations-must-meet-international-standards>, (7.06.2022)

and in-depth analyses. Intensive use of quasi-militant democracy means has increased for years, despite paying attention to Maltese media since October 2017. NGOs' special mission monitored and analysed issues after Galizia's murder, and their members formulated recommendations for the government to strengthen the freedom of the press and reduce the possibility of using quasi-militant restrictions. Despite putting pressure on Maltese authority by international opinion did not abandon quasi-militant democracy measures and did not decide to replace them with strong protection of the freedom of the press.

Conclusions

Restrictions on the freedom of the press are the centre of militant democracy's reflections. Despite constitutional protection guarantees, media pluralism may be limited by political elites and public officers to maintain public order and national security. For proper verification of rulers' intentions, purposes, and results, it is worth using the mentioned distinction between neo-militant democracy and quasi-militant democracy, especially in Malta's case, when declaratory level and practice differ significantly.

In the analyzed state, for disclosing the scope of abusing power, a significant role was played by investigative journalists, recognized by ruling politicians as enemies. Therefore, that approach legitimizes using a broad catalog of restrictions against Maltese journalists, including supervision. Considering generality and social attitudes to corruption and clientelism, the media's work was crucial for strengthening public life transparency.

Malta, as post-colonial semi-consolidated democracy, is an example of how, by non-direct restrictions on freedom of the press, political elites may limit journalists' independence and by quasi-militant democracy instruments. Therefore, it is necessary to indicate which measures of quasi-militant democracy limit the freedom of the press in Malta. First, the most common is defamation lawsuits against independent journalists who reported abusing power or acts against the public interest. Second, the criminalization of insulting Catholicism in 2016 by legal restrictions limited possibilities to informing about church scandals, which is another type of limitation – the criminalization of contents recognized as insulting religious beliefs. It will fulfill the mentioned catalog¹. Finally, the development of digital communication allows discrediting independent journalists on social media (case of Caruana's post). Moreover, after Galizia's murder, we observe two opposing approaches. On the one hand, ruling elites seek to continue expanding using quasi-militant democracy instruments to reduce the number of non-partisan outlets, which may undermine the legitimization of abusing power. State authorities may seek to build an environment where the media do not disclose corruption scandals. On the other hand, NGOs and journalists' unions postulated reforms to reduce these practices and strengthen the protection of the independence of Maltese media, but ruling elites ignore these voices. Deep division in public life

¹ M. Skrzypek, *Op. cit.*

led to a deadlock on that issue. Any effective regulations to protect journalists cannot be adopted and used in practice. However, NGOs' pressure to deal with dangers to pluralism is growing.

Malta's case showed that in states where corruption is accepted, legitimization of abusing power to limit particular rights and freedoms, such as the freedom of the press, is explained by approving these restrictions by members of political nations and their representatives when journalists seek to disclose unfair practices. Restrictions against media workers were used in many different areas (political pressure, economic support, agreement to broadcasting). The dramatism of Galizia's case is confirmed by physical attacks and criminal acts, as revenge on independent media and warning for the others. In Galizia's inquiry, ruling elites were motivated to continue abusing power to protect themselves, despite running official investigations and monitoring NGOs. The restriction-friendly environment in Malta should be explained by the polarisation of the public sphere, lack of the strong protection of the freedom of the press, and the weak condition of domestic media. Therefore, in the face of using quasi-militant democracy in practice, when emotionalism dominates public life, the meaning of non-partisan observers, like RSF, is increasing. Finally, it is worth paying attention to the role of NGOs and international teams of journalists in monitoring and seeking to run public inquiry for Galizia's case under international standards.

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**SECURITY, SAFETY, AND FREEDOM IN ROMANIA: AN
ANALYSIS OF GENERATION Z PERCEPTION IN THE CONTEXT
OF THE WAR IN UKRAINE**

Abstract:	<p><i>The “special military operation” launched by the Russian Federation in Ukraine at the beginning of 2022 had a strong impact on the European security environment. The full-scale invasion marked an unwelcome return of armed conflict within the continent and an unprecedented humanitarian situation. It was also the first time that members of Generation Z are seeing what war really looks like.</i></p> <p><i>The existing literature provides extensive studies about Gen Z’s perception of various issues like social and political values, workplace, and quality of life. However, very little is known about young citizens’ perception of security, safety, and freedom after the war in Ukraine started. This study seeks to address this gap in the literature and analyses how Gen Z’s perception of security, safety, and freedom has changed in the current security environment.</i></p> <p><i>The analysis is based on a single case study – in Romania, and semi-structured interviews conducted in September-October 2022 with young citizens coming from different socio-demographic profiles. The main purpose is to explain how the conflict affected the perceptions variation of the abovementioned indicators, in a post-communist state where those under 25yo did not experience a large-scale military conflict so close to our borders.</i></p>
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In the last decades, the international system's evolution transformed the socio-political context of any state. Implicitly, individuals live in different societies, follow different rules, and support distinct values. As such, besides the aspects that make each context-independent, the perception of similar aspects is varying. Although we share comparable core values, the way we relate and understand them is inconsistent and, in most cases, determined by local context, previous experience, or even age.

The existing literature on values perception is relatively limited and mostly discusses specific contexts and values, thus is difficult to generalize the findings. But a significant common point is that context and age are two elements that can shape and transform how an individual behaves¹. Moreover, unexpected major events (like economic crises, wars, natural disasters, and pandemics) tend to determine individuals to reconsider or modify their perception in relation to certain values. Similarly, they will also adapt their behavior to better face new challenges or threats. Complementary, the literature on generational differences supports the idea that generations are characterized by distinct particularities and that age is a fundamental perception-shaping factor.

One of the most studied generations is Generation Z (Gen Z) and it includes the cohort formed by those born and raised between 1995 and 2010 (with some debates on the period). In this specific case, the individuals are experiencing unacquainted events that for those older than them might look familiar or like other experiences. So, it is unclear how the perception of the value is affected by current changes and developments within the international system.

Previous studies provide extensive research about Gen Z's perception of various issues like social and political values, workplace, and quality of life. However, very little is known about young citizens' perceptions of security, safety, and freedom. This study seeks to address this gap in the literature and analyses how Gen Z's perception of security, safety, and freedom has changed in the current security environment. The analysis is based on a single case study – in Romania, and semi-structured interviews conducted in September-October 2022 with young citizens coming from different socio-demographic profiles. The main purpose is to explain how the conflict affected the perceptions variation of the abovementioned indicators, in a post-communist state where those under 25 did not experience a large-scale military conflict so close to our borders.

The remainder of this article is structured as follows. The first section reviews the literature about values perception, factors influencing the attitude,

¹ Rebekka Kasberg, Johannes Keller, *The Relation Between Human Values and Perceived Situation Characteristics in Everyday Life*, in "Frontiers in Psychology", part of *New Approaches in Exploring Value-Behavior Relations*, Vol. 9, No. 1976, 2018, *The Relation Between Human Values and Perceived Situation Characteristics in Everyday Life*, <https://pubmed.ncbi.nlm.nih.gov/30271362/>, (17.11.2022); Collin Foad, Gregory Maion, Paul Hanel, *Perceptions of values over time and why they matter*, in "Journal of Personality", Vol. 89, No. 4, 2021, pp. 689-705

perception of security, safety, and freedom, and the impact of war. This is followed by a short presentation of the main features of Gen Z. Next section is a brief discussion of data and methods used in the analysis, while the following parts include our analysis of how Gen Z perceived security, safety, and freedom after the war in Ukraine started. The last section includes a critical discussion of the findings and the main implications for the broader field.

The dynamics of values perception

Values are defined as "principles for action encompassing abstract goals in life and modes of conduct that an individual prefers across contexts and situations"¹ or "abstract beliefs which serve as guidelines in peoples' life and affect the way people and events are evaluated"². Since the variety of values an individual can support is complex, Schwartz and others placed them in four categories: conservation (safety and security are included here), self-enhancement, openness to change, and self-transcendence³. The model is a circular one and helps us understand how the value change is happening: the pattern shows that those at opposite ends of the circle change in opposing directions and, by this, the value structure is maintained⁴. Thus, an individual is not supposed to adhere to opposite values.

Moreover, values are mental processes that include representations, concepts, goals, and beliefs⁵ and tend to differ according to age. There are studies showing that adolescents and emerging adults perceive the same values in a different way (a generational difference)⁶, while the variability decreases with age (for the members of the same cohort)⁷. Complementary, Schwartz et. al show that over the lifespan, conservation values are relatively stable in importance, thus protecting the status quo (by keeping safety and security) is a stable value for most of individuals, regardless of age. Since freedom as a human value was defined by

¹ Clyde Kluckhohn, *Values, and value-orientations in the theory of action: an exploration in definition and classification*, in Talcott Parsons, Edward Shils (eds.), *Toward a general theory of action*, Harvard University Press, Cambridge, 2013, pp. 388-433

² Rebekka Kasberg, Johannes Keller, *Op. cit.*, passim

³ Shalom Schwartz, Jan Cieciuch, et. al., *Refining the theory of basic individual values*, in "Journal of Personality and Social Psychology", Vol. 103, No. 4, 2012, pp. 663-688

⁴ Anat Bardi, Julie Ann Lee, Nadi Hofmann-Towfigh, Geoffrey Soutar, *The structure of intraindividual value change*, in "Journal of Personality and Social Psychology", Vol. 97, No. 5, pp. 913-929

⁵ Paul Thagard, *What are values?*, in "Psychology Today", 16.04.2014, <https://www.psychologytoday.com/intl/blog/hot-thought/201304/what-are-values>, (05.10.2022)

⁶ Claudia Sălceanu, *The evolution of human values – a comparative study of values in adolescents and emerging adults*, in „Postmodern Openings”, Vol. 10, No. 2, 2019, pp. 74-83

⁷ Jordi Quoidbach, Daniel Gilbert, Timothy Wilson, *The end of history illusion*, in "Science", Vol. 339, No. 6115, pp. 96-98

Deutsch as "the number of significantly different choices between actions actually available to and recognized by"¹ an individual, we can assimilate it with other conservation values².

On the other hand, scholars show that there are three systematic sources of value change: historical events, physical aging, and life stage³.

Regarding the first category, there are some general events that can be included here for example wars - no matter their type; either if we talk about international conflicts or internal rivalries, the violence associated with these kinds of events are affecting the individual's value; economic depression (in most cases, a strong economic recession will influence individuals' behavior and will transform the basic set of human values), or other circumstances that reshape the traditional social and political environment.

Physical aging is another source of value change. Over the lifetime of an individual, multiple psychological development stages can be identified⁴. Each of these stages is characterized by different cognitive capabilities and is associated with different coping mechanisms. Therefore, in the case of older adults the impact of historical events is less significant than for younger ones. Moreover, different opportunities, demands, and constraints may cause a different perception or attitude towards similar values, a case in which the life stage can be considered an influencing factor.

Also, other scholars explain that: "People's value system comprises both terminal and instrumental values, which are developed and reinforced through the culture in which they grow on one side and the environment on the other. Socialization from parents, religious institutions, friends, personal experiences, and society contributes to the formation of values in individuals. The individual values are affected by our belief system, prevailing social systems and to some extent socio-economic conditions"⁵. Thus, since all the previously mentioned factors are influenced by a major event like the war in Ukraine, it is worth to consider it as a change trigger when analyzing the values of a specific group.

¹ Karl Deutsch, *The value of Freedom (I)*, in "The American Scholar", Vol. 17, No. 2, 1948, pp. 150-160.

² Although some scholar associate *freedom* with the openness-to-change category.

³ Shalom Schwartz, *Basic Human Values: An overview/Theory, methods, and applications*, in "On-line readings in Psychology and Culture", Vol. 2, No. 1, 2012, <https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1116&context=orpc>, (06.10.2022)

⁴ Gabriel Orenstein, Lindsay Lewis, *Stages of Psychosocial Development*, in "StatePearls", StatePearls Publishing, 2022, <https://www.ncbi.nlm.nih.gov/books/NBK556096/>, (02.10.2022)

⁵ Ramgopal Ratnawat, *Understanding values and their role in human life*, in "HRKatha – Human Resource Simplified", 31.05.2018, <https://www.hrkatha.com/opinion/understanding-values-and-their-role-in-human-life/>, (05.10.2022)

Moreover, as we showed above, values are not static elements specific to humans, thus their perception can also change, although the core values remain the same. The existing literature discusses a strong relation between values, beliefs, attitudes, and behavior. It is shown how the perception of specific values determines different attitudes and generates a particular behavior¹. Thus, a change in value perception will make the individual adapt their behavior and react to external triggers, showing a dependent relationship between the socio-political environment and each human being.

Furthermore, previous research explains that the perception of different values is to be analyzed in accordance with the context and previous experience. So, in the following paragraphs, we will focus on how security, safety, and freedom are perceived from a theoretical perspective.

Regarding security, as a human value, its perception varies significantly and the starting point in any assessment should be a conceptual clarification of it. So, according to Schwartz, the defining goal is represented by the safety, harmony, and stability of society, relationships, and self². While some values related to it might serve exclusively individual interests, there are others related to wider group objectives, cases in which national security can be included here. Moreover, "security is both a feeling and a reality"³, so, in most cases, people's subjective perceptions about the environment may significantly diverge from reality. Usually, these differences are determined by cognitive biases that are closely related to their previous experience, or what is already known to them⁴. In addition, security perception might be associated with threat perception. According to Cohen, this is a cognitive construct that creates an image of reality as a hypothesis, a case in which, we can assume that the existence of war will reshape the way individuals perceive their surroundings⁵. If we talk about Gen Z, the impact is supposed to be

¹ Vladimir Ponizovskiy, Lusine Grigoryan, Ulrich Kuhnen, Klaus Boehnke, *Social construction of the value-behavior relation*, in "Frontiers in Psychology – Personality and Social Psychology", Vol. 10, 2019, <https://pubmed.ncbi.nlm.nih.gov/31118911/> (17.11.2022)

² Shalom Schwartz, *Basic Human Values: An overview / Theory, methods and applications*, „On-line Readings in Psychology and Culture“, Vol. 2, No. 1, 2012, <https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1116&context=orpc>, (01.10.2022)

³ Bruce Schneier, *The psychology of security*, in S. Vaudenay, (ed.), *Progress in Cryptology – AFRICACRYPT 2008, Lecture Notes in Computer Science*, Springer, Berlin, Heidelberg, Vol. 5023, p. 50

⁴ Adaja Stoetman, *Perceptions of security. How our brains can fool us?*, in "Strategic Monitor 2019-2020", The Hague Center for Strategic Studies & Clingendael, 2019, <https://www.clingendael.org/pub/2019/strategic-monitor-2019-2020/#contents>, (29.09.2022)

⁵ Raymond Cohen, *Threat Perception in International Crisis*, The University of Wisconsin Press, 1979, p. 6

more significant than in other cases (other generations), considering their psychological development stage and lack of previous similar experiences.

Safety is another value that compared to security is similar and different, at the same time. On one side, both share the same perception difference generated by the reality vs. feeling nexus, while, on the other hand, their meaning might be distinctive – e.g., national security vs. workplace safety. In our analysis, safety as a human value was approached as a lack of physical risks and threats – like human security as "freedom from fear". This means the nonexistence of all types of coercion, threat, and violence in the daily lives of individuals¹.

Freedom is another core human value. Like security and safety, it can be perceived in multiple ways, but any of them are influenced by context, age, and previous experience. In the literature, freedom is approached from various perspectives such as freedom of choice, freedom of speech, or freedom of assembly, for example, if we talk about politics or "freedom from" (constraints of society), "freedom to" (do what you want) or "freedom to be" if we discuss it from a philosophical perspective. Overall, all the variations are included in the definition provided by Oxford Dictionary: "the power or right to act, speak, or think as one wants"².

As shown above, values are core components of each human being. The way we perceive them is translated into attitudes and behavior. Since all of us are "zoon politikon", everyone's values are related to the socio-political context. Thus, the perception varies and there is no pattern available to predict how this works. But there are some factors/elements that can show us how the perception evolves. One of these elements that are common to security, safety, and freedom is the perception of threat. According to the existing literature on this topic, threat perception is dependent on previous experiences, so in one way or another, is determined by socio-political context, trauma history, and age (life stage)³.

One of the most vulnerable life stages is adolescence/young adulthood. In this period change occurs very often, since most young people acquire and consolidate the competencies, attitudes, values, and social capital needed to make a successful transition into adulthood⁴.

Therefore, in the following sections of this article we will discuss about Gen Z and how their perception was shaped by the war in Ukraine.

¹ Astri Suhrke, *Human Security and the Interests of States*, in "Security Dialogue", Vol. 30, No. 3, 1990, pp. 265-276

² Oxford Learner's Dictionaries, *Freedom*, <https://www.oxfordlearnersdictionaries.com/definition/english/freedom>, (29.09.2022)

³ Orlando Fernandes, Liana Portugal, Rita Alves, et. al, *How you perceive threat determines your behavior*, in "Frontiers in Human Neurosciences", Vol. 7, 2013, *How you perceive threat determines your behavior* - PubMed (nih.gov), (17.11.2022)

⁴ Nicole Zarrett, Jacquelynne Eccles, *The passage to adulthood: Challenges of late adolescence*, in "New directions for youth development", No. 111, 2006, pp. 13-28

Gen Z – main features and attributes

Generation Z is the demographic cohort succeeding the Millennials and preceding Generation Alpha. It includes those born and raised between 1995 and 2010. As with any other generation, Gen Z has features that differentiate it from other groups. According to Yang&Land, the age effects, period effects, and cohort effects¹ are the basic factors that shape generational differences. Overall, these features are related to core values/attributes, influencers, respect for authority, leadership style, and communication. In all these particular cases, Gen Z has its own peculiarity.

As such, Gen Z is the first generation to grow up with internet access, touchscreens, and mobile technology, thus the main factor shaping this cohort is technological evolution. This context has a strong effect on their personalities, ways of thinking, and behaviors. Since they are surrounded by laptops, and smartphones and have access to the web, networks, and digital media they are often called iGeneration, Gen Tech, Online Generation, Facebook Generation, Switchers, or "always clicking"². Today, Generation Z represents 30% of the world's population (2 billion) and is considered the largest generation ever³.

Moreover, they are part of those considered to be "digital natives"⁴, so the way they think, interact, and communicate is particular. In addition, through technology, they are processing a large volume of information and the speed with which they receive and transmit the knowledge is different. As noted by Radford et. al. "Information changes so rapidly for the Digital Native there may be no time to contemplate and if there is, the information may change before the contemplation is completed. Digital Natives must position themselves in an information environment that is unstable and morphing. They must negotiate a constant change in their information landscape"⁵. Hence their perception related to current events might be different and shaped not by reality, but by the way and format in which the information was delivered and received.

From a different perspective, existing studies show that members of this generation are versatile and self-reliant, and have a purpose, entrepreneurial spirit,

¹ Yang Yang, Kenneth Land, *Age-Period-Cohort Analysis. New models, methods and empirical applications*, New York, Taylor&Francis, 2013, pp. 1-2

² Anna Dolot, *New Trends in Management The Characteristics of Generation Z*, in "E-Mentor", Vol. 2, No. 2, 2018, pp. 44–50.

³ *Gen Z and Gen Alpha Infographic Update*, <https://mccrindle.com.au/article/topic/generation-z/gen-z-and-gen-alpha-infographic-update/>, (01.10.2022)

⁴ Marc Prensky, *Digital Natives, Digital Immigrants*, in "On the horizon", Vol. 9, No. 5, 2001, pp. 1-6

⁵ Marie Radford, Lynn Connaway, et. al., *Behaviours and preferences of digital natives: informing a research agenda*, in "Asis&t", Vol. 44, No. 1, 2007, pp. 1-15

and a concern for financial stability¹. Moreover, they tend to respect and care about individual rights, privacy, and equal opportunity, find purpose in supporting the wellbeing of their communities and make a difference in the world rather than focusing solely on themselves², meaning the core values are different from those of other generations³. The most common social issues for Gen Z are health care, mental health (the least likely generation to report fair or excellent mental health), education (since there is a high interest in acquiring career skills), economic security, civic engagement (activists, volunteer, drivers for change), racial equity and environment. From a political perspective⁴, the main features of Gen Z are represented by high support for protests and change, while wanting an activist government. Similarly, they endorse racial and ethnic diversity, while backing up rights for sexual minorities, things that make them like the previous generation, the Millennials⁵.

All these features and attributes determine individuals belonging to this generation to adopt a specific behavior related to major events that are shaping the socio-political environment. Their reaction is expected to be different from those older than them, considering for example the fact that Gen Z has never lived under the threat of a military/violent conflict (referring to those born and raised in Europe and North America).

Data&methods

As previously mentioned, this study seeks to analyze how Gen Z's perception of security, safety, and freedom has changed in the current security environment, considering the psycho-sociological impact and the changes within the socio-political context.

From a methodological perspective, our study is based on twenty semi-structured interviews conducted in September – October 2022 with Romanian respondents. Romania was selected as a single case study, due to its proximity to Ukraine and the role played in receiving the displaced persons and refugees. Moreover, social media and other news outlets extensively presented the evolution

¹ *Millenials vs. Generation Z: Key differences in the workplace*, <https://www.adeccousa.com/employers/resources/generation-z-vs-millennials-infographic/>, (03.10.2022)

² Meehee Cho, Mark Bonn, Su Jin Han, *Generation Z's Sustainable Volunteering: Motivations, Attitudes and Job Performance*, in "Sustainability", Vol. 10, No. 5, 2018, [PDF] *Generation Z's Sustainable Volunteering: Motivations, Attitudes and Job Performance* (researchgate.net), (17.11.2022)

³ *Generational differences chart*, <https://www.usf.edu/hr-training/documents/lunch-bytes/generationaldifferenceschart.pdf>, (03.10.2022)

⁴ Kim Parker, Ruth Igielnik, *On the Cusp of Adulthood and Facing an Uncertain Future: What We Know About Gen Z So Far*, Pew Research Center, 2020, <https://www.pewresearch.org/social-trends/2020/05/14/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far-2/>, (02.10.2022)

⁵ *Idem*

of events, while testimonials from the battlefield were highly shared to gain support for humanitarian cases. Online mobilization was fast and efficient, and many members of Gen Z got involved in helping those in need.

In Romania, the Z generation represents 2.881.345 individuals out of the entire population¹. They are the first generation that did not experience any authoritarian system or restriction of rights. They are also the ones who became adults in the most prosperous period in Romanian history. Except for the Covid 19 pandemic and the recent conflict situation, members of the Z generation have been part of a free, safe, and flourishing world, which is why studies characterize them as financially optimistic². From a political and management-related perspective, the members of the Z generation are the ones who will take over the leadership of public and private organizations and who will become the leaders of Romanian society. For these reasons, it is important to understand their perception of certain events that marked their development. Their assessment of a certain situation can be an indicator of the way in which the future society is built.

The method of semi-structured interviews was used because the respondent's opinion is the most important concern for qualitative researchers³ as this allows the investigator to understand the experience they have come across. Because of their flexibility, semi-structured interviews are more appropriate in our case.

The interview we conducted had eight questions (out of which six with specific follow-up questions) through which we tried to find out, in-depth, what was the subjects' point of view regarding the impact of the war in Ukraine on their security, safety, and freedom. We considered that this method offered us the best chance to understand the complexity of opinions and views related to this matter. In terms of content and approach, the interview started with questions aimed to understand if young citizens are interested in the events taking place in our country and in the world/region and what are their main sources of information. Afterward, questions were related to the amount of information they have about the war in Ukraine and their level of concern about the conflict's progress. To test their perception, we asked them about the way they see the war effects at the personal and community level, and we ended the interview with a discussion about the potential further developments.

Our interview was applied to members of the general population with variations on age, sex, and location. Participants were identified by one simple criterion: persons who are born between 1995 - 2000. The profile of our

¹ *Romania generațiilor*, <https://panorama.ro/romania-generatiilor-puterea-demografica-politica-si-economica-a-fiecarei-categorii-de-varsta-din-populatia-tarii/>, (02.10.2022)

² *Generația Z din România este optimistă. 13% dintre tinerii români până în 25 de ani au deja o ipotecă*, <https://www.profit.ro/stiri/social/grafice-generatia-z-din-romania-este-optimista-13-dintre-tinerii-romani-pana-in-25-de-ani-au-deja-o-ipoteca-19071202>, (09.10.2022)

³Alan Bryman, *Social Research Methods*, Oxford University Press, 2012, passim

respondents is diverse. We interacted with young people (aged: 18- 22) that come from several parts of Romania (Cluj, Bistrita, Botosani, Alba, Piatra Neamt, Oradea, Brasov) who are students in various fields. The data collected represents the views of both females and males, with rates of 45% and 55% respectively. The interviews were applied by phone and face-to-face.

The interview respondents were also asked to complete a survey, applied before the interview, that was designed to help us determine the cohort's main features. The results were completed by the open answers and analyzed in the following section.

Findings and discussion

Security, safety, and freedom are elements that can be placed in the same category when considered human values. Their perception is dynamic and, in most cases, context dependent. Among the factors that influence their perception, we can add age, life stage, and historical events. Moreover, when analyzing the perception of members of Gen Z, some general features should be taken into consideration. One of these is the experience and how it is built. In this specific case, we are dealing with first-time experiences, a fact that directly influences the change of perception related to previously mentioned values.

Thus, the war in Ukraine has to be considered as the first of its kind from five perspectives: it is the first military conflict experienced by Gen Z with high proximity (in Europe, if we ignore the conflicts in the former Yugoslavia, which happened when they were very young and the annexation of Crimea which was not actually a war from the use of violence perspective), the conflict occurs between countries that are similar with ours (ethnic, religious, cultural similarities can be identified), the event was highly mediatized (both online and in traditional media outlets) and the Romanian citizens had the „chance” to see the humanitarian impact directly. Moreover, the psychological impact was significant – current research shows that „the quality of life of the people in Romania, as a state in the proximity of a military conflict with the potential to escalate, is negatively influenced by the fears of people who believe that the war in Ukraine will escalate into a regional or global conflict, or that the Russian Federation is going to use its nuclear arsenal against Ukraine or another NATO member state”¹.

One of the starting points in data collection was to assess the level of war-related information accessed by the respondents. The findings show a high level of interest and the use of various sources. As such, 18 out of 20 subjects claim a moderate or high level of interest in worldwide events and declare that they update themselves daily or at least once each 2/3days. Moreover, this interest increased by about 60% after the war started. Similar values were registered when assessing the

¹ Flavius Cristian Marcău, Cătălin Peptan, Horațiu Tiberiu Gorun, Vlad Băleanu, Victor Gheorman, *Analysis of the impact of the armed conflict in Ukraine on the population of Romania*, in ”Frontiers in Public Health”, 22 July 2022, <https://www.frontiersin.org/articles/10.3389/fpubh.2022.964576/full>, (09.10.2022)

interest for national-level events. Regarding the sources, the vast majority (19 out of 20) affirm that they get informed by using online services (social media platforms – Facebook feed, TikTok, Instagram, influencer`s posts, blogs), and 11 out of 20 claims that classical media outlets are also used.

Their interests were primarily motivated by geographical proximity ("Of course, I am carefully watching what is going on in Ukraine. The situation is happening right at our door" (I8¹), or by the uniqueness of the event: "I didn't think that in the times we live in we can witness a war. I only learned about wars in history, so it's interesting to follow one" (I2). Related to sources used for gathering information the respondents argued that: "I often use Tik Tok. In the first days of the war, I saw the opportunity to find out what was happening directly there. There were many videos that helped me formulate my opinion"(I13). Obviously, the live graphic content is more attractive and gives the opportunity to build personal judgments about the events, confirming the appeal of digital tools shown by Gen Z. Although this approach might prove to be very insightful, the risk of manipulation and exposure to fake news should be considered.

Regarding security and how is perceived by respondents, we considered some basic indicators for it, such as well-being², environment stability, predictability, and risk and threats perception. According to collected data, 38% of the answers show a high interest (very interested), while 40% reveal a moderate interest in this topic. Although most of the answers collected through the survey identified an important change in the socio-political environment, no significant worries related to security were registered during the interviews: "At the national level, the security level is good, and at the international level, it is moderate. It hasn't changed in recent months (I3)", "I cannot report anything about national security if we are not directly involved in a conflict, in terms of internal security; Romania is a relatively safe country. (I10)", "The current level of security is moderate as far as Romania is concerned, the threats and vulnerabilities from Russia increasing the feeling of fear and uncertainty both at the level of Romanian society and for the EU as an organization" (I11).

These attitudes might be explained by the fact that subjects did not feel "on their own skin" the atrocities and violence specific to a military conflict. Thus, the experience was an indirect one and since no previous similar experience was recorded it might be difficult for those interviewed to clearly understand the threat represented by a large-scale military conflict.

Moreover, regarding the further evolution of security, the average rating was 5,74 (0 – very worried/10 – very optimistic) showing a reserved attitude and certain concerns: "In particular, economic and military security suffered the most following the outbreak of the war in Ukraine. The change has suddenly occurred in a negative way on all levels of society, and the future does not seem to bring improvement. (I20)" "The regional situation was destabilized by the start of the

¹ Interview 8

² According to the work of Ed Diener

war in Ukraine, and the European and American armies were put in a new state of alert. At the global level, the situation has worsened from the point of view of promoting democracy and peace (I5)". As such, security perception did not change significantly in the observed context and we consider that this can be explained by the fact that the subjects were not directly affected by conflict, the negative indirect impact (psychological, economic, societal) is not yet at the highest and the daily life of those questioned did not change much. On the other hand, justified concerns were expressed and we associate them with a higher level of awareness, not with a fundamental change in security perception.

Safety, on the other hand, was assessed by using the following indicators: lack of physical threats and lack of risks of injury or destruction. Compared with the perception of security, the respondents showed a higher concern related to this item. 85% of them declared a high interest in their personal safety, while there is a significant concern related to further evolutions. Two major attitudes can be identified: "I believe that I am in maximum safety in Romania, the nearby war does not involve us directly, so it does not put us in danger (I13)", "Romania is still a protected country, and its citizens are safe (I2)" vs. "If we talk about individual and community safety, it has degraded due to several factors such as inflation, gas and basic food prices. Also, the extremism of the population was facilitated by the new war in Ukraine, many people simply feeling much more paranoid and worried about a conflict on Romanian territory (I6)", "the level of safety in the last 12 months has decreased and the citizens have become more scared/alert. The media factor certainly contributes to this phenomenon, which by spreading fake news can create a state of panic/chaos among the population (I19)", "It is important that we adapt to what is happening and realize that we can be in danger at any moment (I9)".

All the previously presented attitudes show a relative anxiousness regarding further developments related to safety. Since security is a more complex value, safety has more tangible components, thus the perception change is higher in this case. According to data, the further evolution of personal safety was rated 4,74 on average (0 – very worried/10 – very optimistic), supporting the positions presented above. The last tested item was freedom, and it was operationalized through freedom of choice, freedom of speech, and freedom of movement. Similar to safety, the interest in this element was very high (95%). Not surprisingly, freedom of movement was placed above freedom of speech, a fact that might be correlated with the previous experience given by the Covid-19 restrictions. This aspect proves the role played by past encounters that are used to evaluate present and further unfamiliar situations.

Overall, the perception related to the further development of personal freedom recorded an above-average score – 6.74 (0 – very worried/10 – very optimistic), proving a certain level of optimism. The results were confirmed through the interviews: "I consider that the current level of freedom is a great one. In my opinion, in the last 12 months, the level has gradually increased because the right to freedom, which was rightly restricted due to the Covid-19 pandemic, has

returned to its normal status provided for in the Constitution. (I7)”, ”My opinion is that the level of freedom has not been affected to a great extent. Of course, new situations require new rules (such as the ban on Russian state media), but these are necessary to combat fake news and ensure internal order. (I6)”, ”The current level of freedom is very good”.

The general attitude was a favorable one, although some of the respondents considered that freedom of speech is restricted (not as expression, but as being heard) due to the current political context and freedom of choice is limited (due to economic/financial capabilities). These specific positions are in accordance with the general features of Gen Z, being known that they show high support for protests and change while wanting an activist government.

Conclusions

This study represents an analysis of how Gen Z’s perception of security, safety, and freedom has changed in the current security environment, considering the psycho-sociological impact and the changes within the socio-political context generated by the war in Ukraine. The main findings show that the ongoing military conflict did not significantly affect the perception of security, safety, and freedom. Since security is a complex concept, the general population might have different perceptions of it and difficulties in assessing the current status or the potential developments (it is unclear how to differentiate between security as feeling vs. reality). Moreover, those belonging to Gen Z have no comparison capacity since their experience is limited.

Out of the three variables, only perception of safety has changed in the last months (since the war started) and we assume that it is due to a higher level of awareness and not to some direct negative effects of the war. Except for the refugees and associated humanitarian cases, no other elements provided a direct experience of the conflict within national borders.

Freedom instead is perceived in a different way. This change of perception (generated by the war) is hard to assess since the beginning of the war overlapped with Covid-19 restriction elimination. Therefore, further research is needed to address this issue.

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**RECENT MINORITIES IN SIBIU. SIMILAR PROBLEMS,
SIMILAR SOLUTIONS**

Abstract:	<i>The recent minorities in Sibiu are at an early stage in the development of organizational structures, trying to make their voice heard regarding certain issues that affect its members. This policy paper aims to facilitate the offer of public policies solutions for the recent minorities in Sibiu: Arab, Bessarabian, Ukrainian, and Chinese, to identify solutions that may have a common denominator, to establish a way of cooperation, and to inspire the development of joined projects. As a result of the workshop, the policy paper will be sent to the institutions and authorities with attributions in this field.</i>
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Introduction

One of the main challenges of the actual security environment is represented by the mix that exists in every state between the local population and the minorities, especially the new minorities. This requires involvement at the national, but also local levels, in long-term integration support and inclusion, through policies that resonate with the new minorities. The goal is to reduce de-humanizations, labeling, also misconception, all approached in a holistic way, including certain aspects such as well-being and access to future livelihoods, equal access to quality education, sustainability to dignified work, etc. This objective could be achieved through communication with the minorities, to understand and transform the issues are facing, using different formal or informal instruments or institutions. The academic and university environment is a proper one to deal with these new challenges, an opportunity to establish a framework, and to offer feedback to be sent to the ability institutions.

Our concern, during this project is to identify the main characteristics and elements of recent minorities in the county of Sibiu: Arab, Bessarabians, Chinese and Ukrainian, to create a space for communication, to facilitate interaction, and to propose solutions. According to the official information received from the Immigration Office of Sibiu County¹, on the 8th of December 2022, the situation of the recent minorities in Sibiu is represented by the Republic of Moldova: 397 persons, Ukraine: 2374 persons, China: 94 persons, Tunisia: 63 persons, Morocco: 22 persons, Syria: 21 persons, Lebanon: 20 persons, Algeria: 13 persons, Iran: 20 persons, Iraq: 18 persons².

On this basis, was organized the workshop entitled “Recent Minorities in Sibiu: Similar Problems, Similar Solutions”³ was part of the International Conference “Human Security. Theoretical Approaches and Practical Applications”, October 22-23, 2022⁴, organized by the Research Centre in Political Sciences, International Relations, and European Studies – Laboratory for the Human Security Analysis⁵, within the Lucian Blaga University of Sibiu, Faculty of Social Sciences and Humanities. The workshop was developed in collaboration with the Arab Cultural Centre in Sibiu⁶, three representatives⁷, Bessarabian Youth Organization in Sibiu⁸, three representatives⁹, Sibiu Ukrainian Centre¹⁰, three representatives¹¹, and the Chinese Community in Sibiu¹², with the participation of the Immigration Office in Sibiu County representative¹³. The workshop session

¹ Immigration Office of Sibiu County, <https://igi.mai.gov.ro/sibiu/>, (4.11.2022)

² Immigration Office of Sibiu County, information received based on an official request, (8.12.2022)

³ Laboratorul pentru analiza securității umane Workshop “Recent Minorities in Sibiu: Similar Problems, Similar Solutions”, <https://humansecurity.webnode.ro/workshop/>, (31.10.2022)

⁴ Laboratorul pentru analiza securității umane, *International Conference HSTAPA, October 22-23, 2022*, <https://humansecurity.webnode.ro/humansecurityconferencesibiu/>, (31.10.2022)

⁵ Laboratorul pentru analiza securității umane, <https://humansecurity.webnode.ro> (31.10.2022)

⁶ Centrul Cultural Arab, <https://centrulculturalarab.com/>, (31.10.2022)

⁷ Fawzia Rehejeh, Ali Hamdi, Sandy Attia, <https://humansecurity.webnode.ro/conference-agenda/>, (04.11.2022)

⁸ Organizația tinerilor Basarabeni din Sibiu, <https://www.facebook.com/OTBSibiu/>, (31.10.2022)

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¹⁰ Centrul Ucrainean din Sibiu, <https://www.facebook.com/uasibiu/>, (31.10.2022)

¹¹ Eugene Vovk, Larysa Metanchuck, Katerina Rudenko, <https://humansecurity.webnode.ro/conference-agenda/>, (04.11.2022)

¹² Hua Guo, *A Chinese Woman in Sibiu*, <https://humansecurity.webnode.ro/conference-agenda/>, (04.11.2022)

¹³ Liliana-Adina Douchez, police chief commissioner, Immigration Office of Sibiu County, <https://humansecurity.webnode.ro/conference-agenda/>, (04.11.2022)

was preceded by consultations with representatives of each community, regarding the conceptual and organizational framework, the main themes were outlined and the finality of writing a policy paper was agreed upon.

Each representative of these communities has previously drafted working papers on matters relating to specific aspects and issues, which were presented during the workshop session and made available to everyone present. The documents are also available online on the international conference website in the workshop section¹.

Methodology

This policy paper represents a research document focused on analysis, findings, and recommendations, which will target decision-makers: officials, and organizations representatives and address the generally informed public, regarding a critical social issue such as the recent minorities in Sibiu. An important element was to define the audience, answering certain questions: who is the receiver of the policy paper? Which is the knowledge regarding the issues presented? Which are the questions that need answers? What are the concerns, interests, and needs of the recent minorities in Sibiu?

Special attention has been paid to the topic specificity to send a clear and concise message, including defining the purpose of the policy paper; also, to indicate vital points, facts, and situations that characterized the context of the recent minorities in Sibiu.

The content is based on planning the research investigation, through three steps: identify the central point and if is common for all fourth communities; generate ideas and possible solutions; identify main points from subordinate others. All these elements were put together on the path on the central point – similar problems, similar solutions. We used it as a helpful tool for ideas mapping and organizing the ideas, sharpening the final output, and shaping the purpose and central idea.

Establishing the topic, the audience, and the content components were the first steps to elaborating the policy paper, which is built into a few main parts: abstract, introduction, main text, conclusions, and recommendations. The recommendations addressed to the decision leaders are based on the written documents sent by the representatives of the minorities and after the workshop discussions, with the evidence and findings highlighted in the paper policy.

Initial aspects released

The initial discussion with the representatives of the recent minorities from Sibiu, also the working papers' previous achievements, revealed the main important issues that needed to be approached within the workshop: learning the Romanian language, health, education, labor market, institutional communication,

¹ International Conference HSTAPA, Sibiu, October 22-23, 2022, Workshop, <https://humansecurity.webnode.ro/workshop/>, (21.11.2022)

civil status, and financial services. These were the main issues approached during the workshop; there was a real dialogue, on the one hand between the minority representatives, and on the other hand, between them and the Immigration Office in Sibiu County representative.

Health and medical insurance

According to the material previously submitted, one of the issues mentioned refers to the health care services: "one of the main challenges when arriving in a foreign society is gaining access to healthcare services. This is of paramount importance due to several important reasons: first, health constitutes a value, and people, regardless of their social position, economic situation, and juridical status, should have the fundamental right to health care. (...) the family physician will not release an immigrant and/or a TCNs (Third Country Nationals) medical certificate if the latter does not hold a residence permit. What we have here is, therefore, a vicious identified circle within which most immigrants are trapped. This vicious circle can be broken only through informal acts of generosity or social intervention. Therefore, one of the main challenges of immigrants and TCNs regarding their access to the health care system is to enroll in a family physician, which opens the gate for other public benefits"¹.

The Ukrainian minority also identified aspects regarding this issue: "for urgent cases, any refugee could contact an ambulance or emergency hospital. But for more complex cases, which require further medical investigations, there were no clear procedures. And even now, seven months later, a significant part of family doctors doesn't have any proper information about procedures for Ukrainians"².

Medical insurance was another subject presented by the representative of the recent minorities in Sibiu: "for immigrants and TNCs, this legal provision is highly problematic for several reasons: first, there are cases of immigrants arriving in Romania aged over 26 years. This means that these individuals will not benefit from medical insurance until they manage to get a job (which poses other, just as difficult, problems). And even after finding a job, an immigrant will have to pay retroactively her/his medical contributions to secure access to public health care services. Secondly, immigrants aged under 26, will face the same problem after achieving this age. However, in their situation, because they have spent more time in this country, their chances of finding a job and thus gaining access to health care services, are slightly improved"³. According to Romanian law, from 18 until the

¹ Fawzia G. Rehejeh, *Challenges of Social Integration of Immigrants in Romanian Society: Access to Health Care, Labor Market, and Financial Services*, <https://2e64187412.cbault-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000211-0cbfa0cbfc/Arab%20Cultural%20Center%20in%20Sibiu.pdf?ph=2e64187412>, (4.11.2022)

² Eugene Vovk, *Ukrainian Minority in Sibiu*, Microsoft Word - Ukrainian minority in Sibiu (cbault-cdnwnd.com), (04.11.2022)

³ Fawzia G. Rehejeh, *Challenges of Social Integration of Immigrants in Romanian Society: Access to Health Care, Labor Market, and Financial Services*, <https://2e64187412.cbault-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000211-0cbfa0cbfc/Arab%20Cultural%20Center%20in%20Sibiu.pdf?ph=2e64187412>

age of 26, every person is entitled to a basic package of health services, even though they are not working, but are officially included in the university system¹, including immigrants. For immigrants from outside of the European Union, the eligibility for state health insurance will be after 12 months in Romania; for a shorter period, can be applied for national health insurance via the County Health Insurance Office with a certified copy of the passport and residence permit stamp and the certified copy of the admission letter from the educational institution².

These aspects were correlated with the aspects regarding the residence permit: "in this brief document, I have highlighted two serious challenges and major difficulties encountered by immigrants and TCNs in relation to health care services: (1) gaining access to a medical physician, which is required by law for obtaining a residence permit; (2) obtaining medical insurance after achieving the age of 26, which requires having a job in order to have access to the public health care system"³. Alina Tulbure, the representative of the Bassarabean minority admitted that in students' case these aspects are simple because they are automatically considered by the university family doctor.

Residence permit; work permit; residence permit for family reunification

In Romania, the conditions for obtaining a residence permit are specified within the Emergency Ordinance no.194/2022 on the regime of foreigners in Romania, republished and updated in 2020 through Law 247/2028 for amending and supplementing some normative acts on the regime of foreigners in Romania⁴. "Regarding obtaining a work permit for foreign workers, when an immigrant changes his/her job, they need this work permit, which takes a long time to obtain. And during that time, they have no salary or any income. Therefore, this is a serious problem encountered by many immigrants⁵.

Similar situations were identified in the material sent by the representatives of the Chinese minority invited to the workshop: "first of all, no one, almost never, answers the institution's phone. I have tried dozens of times, I think once or twice someone answered, the date from which the permit is valid

cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000211-0cbfa0cbfc/Arab%20Cultural%20Center%20in%20Sibiu.pdf?ph=2e64187412, (4.11.2022)

¹ *Asigurarea de sănătate de stat*, https://ghid-asigurari.ro/medicale_de_stat.html, (12.11.2022)

² ExpatFocus, *Romania Health Insurance*, <https://www.expatsfocus.com/romania/health/health-insurance-romania>, (12.11.2022)

³ *Idem*

⁴ Romanian Government, *Emergency Ordinance no.194/December 12, 2002 (republished in May 2022) on the regime of foreigners in Romania*, published in Official Gazette No. 421/June 5, 2008, <https://igi.mai.gov.ro/wp-content/uploads/2022/11/ORDONANTA-DE-URGENTA-nr.-194-din-12-decembrie-2002.pdf>, (04.11.2022)

⁵ Fawzia G. Rehejeh, *Challenges of Social Integration of Immigrants in Romanian Society: Access to Health Care, Labor Market, and Financial Services*, Microsoft Word - Workshop-Centrul Cultural Arab (cbaul-cdnwnd.com), (4.11.2022)

starts from the date on which the documents were submitted (the settlement is made between thirty to ninety days, depending on the situation); after we received the list of necessary documents, we made an appointment and presented ourselves at the headquarters. There we were asked where the translator was. No one specified anything about it, did not write anywhere and in addition to that, it was not specified in the site either; when we came back with a translator, he was not even present in front of the officer, he stood in the hallway, no documents were checked, they simply gave us the questionnaire and told us to bring it back filled in; because no answer the phone, it is impossible to check whether the request has been solved; only by going to the headquarters (where there is always a row, the Immigration Office being quite busy in the context of the Ukraine conflict); when I extended the right of residence, within ninety days, I was at the Immigration Office at least ten times, without exaggeration. Each time they told us the case is in the process of being solved. We asked if it is a problem and what could we do, and they always respond that we will be contacted by the institution. On Friday, after ninety days, at 11 o'clock they called us to tell us that there is a problem with the CAEN code (Classification of Activities in National Activities) in the employment contract and it needed to be modified, and we have time to do this for a few hours”¹.

Regarding these aspects, Liliana-Adina Douchez, police chief commissioner from the Immigration Office of Sibiu County mentioned that the legislative frame – Emergency Ordinance no.194/2022 on the regime of foreigners in Romania, republished and updated in 2020 through Law 247/2028 for amending and supplementing some normative acts on the regime of foreigners in Romania, is a very good law, adding that every foreigner must have knowledge on the host legislation country. Related to the communication difficulties Liliana-Adina Douchez specified that the institution server is overburdened; also, that there is a pressing need for more employees. The representative of the Arab Cultural Center noticed the differences between the status of the Ukrainian refugees and other refugees, in Romania. Liliana-Adina Douchez pointed out that this situation is not due to the national legislation, but to the decision-making framework of the European Union, caused by the war in Ukraine.

European Commission through the Temporary Protection Directive² for refugees from Ukraine, applicable in Romania, provides temporary protection for one year and can be extended by periods of 6 months, for a maximum of one year.

¹ Guo Hua, *A Chinese Woman in Sibiu*, <https://2e64187412.cbau-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000228-b2ea9b2eaa/Comunitatea%20Chinezã%20din%20Sibiu.pdf?ph=2e64187412>, (4.11.2022)

² Council of the European Union, *Council Implementing Decision establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC of 20 July 2001, and having the effect of introducing temporary protection*, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32001L0055>, (30.10.2022)

the implementation of EU Directive in Romania the legal framework consists of Government Decision No. 367/18.03.2022 on the establishment of certain conditions of temporary protection and for amending and supplementing certain acts regulation in the field of foreigners¹, Government Emergency Ordinance No. 59/04.05.2022 for the amendment of some normative acts in the field of foreigners² and Government Decision No. 743/02.06.2022 for the amendment and completion of some normative acts issued to European Union citizens and their family members, as well as in the field of foreigners³ of The temporary protection will last until 4 March 2023 and up three years, depending on how the situation in Ukraine evolves⁴. Even though, the representative of the Ukrainian minority in Sibiu considers that: „local migration offices did not have any procedures on how to issue those residence permits. And therefore, Ukrainians who were ready e.g. to begin working were not able to obtain the CNP for some significant time⁵. Eugen Vovk admits that temporary protection gives wide rights to Ukrainians, which cover all main aspects of staying in Romania during the war, consisting of promising activities, but there are no clear signs that the conflict will be finished soon. This is the reason for some families to start deeper integration. In this context of the residence permit, and because the temporary protection for beneficiaries from Ukraine is not considered Romanian residents, Vovk signals some issues: ”there is no way to buy a car in Romania and obtain license plates for it. People with disabilities cannot rely on any support from a state. Those who start a business here will still be asked to leave the country immediately once the war will finish, etc. Legal advice and clear procedures are still needed in this aspect⁶.

¹ Romanian Government, *Government Decision No. 367/18.03.2022 on the establishment of certain conditions of temporary protection and for amending and supplementing certain acts regulation in the field of foreigners*, published in the Official Gazette of Romania, No. 268, March 3, 2022, [https://legislatie.just.ro/Public/DetaliiDocument/252745#:~:text=HOTĂRĂRE%20nr.%20367%20din%2018%20martie%202022%20privind,și%20completarea%20unor%20acte%20normative%20în%20domeniul%20străinilor,\(12.11.2022\)](https://legislatie.just.ro/Public/DetaliiDocument/252745#:~:text=HOTĂRĂRE%20nr.%20367%20din%2018%20martie%202022%20privind,și%20completarea%20unor%20acte%20normative%20în%20domeniul%20străinilor,(12.11.2022))

² Romanian Government, *Government Emergency Ordinance No. 59/04.05.2022 for the amendment of some normative acts in the field of foreigners*, published in the Official Gazette of Romania, No. 450, May 5, 2022, [https://legislatie.just.ro/Public/DetaliiDocument/254908,\(15.11.2022\)](https://legislatie.just.ro/Public/DetaliiDocument/254908,(15.11.2022))

³ Romanian Government, *Government Decision No. 743/02.06.2022 for the amendment and completion of some normative acts issued to European Union citizens and their family members, as well as in the field of foreigners*, published in the Official Gazette of Romania, No. 555, June 7, 2022, [https://legislatie.just.ro/Public/DetaliiDocument/256004,\(17.11.2022\)](https://legislatie.just.ro/Public/DetaliiDocument/256004,(17.11.2022))

⁴ European Commission, *EU solidarity with Ukraine*, [https://eu-solidarity-ukraine.ec.europa.eu/index_en,\(10.11.2022\)](https://eu-solidarity-ukraine.ec.europa.eu/index_en,(10.11.2022))

⁵ Eugene Vovk, *Ukrainian minority in Sibiu*, [https://2e64187412.cbau-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000216-883a6883a7/Sibiu%20Ukrainian%20Center.pdf?ph=2e64187412,\(11.11.2022\)](https://2e64187412.cbau-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000216-883a6883a7/Sibiu%20Ukrainian%20Center.pdf?ph=2e64187412,(11.11.2022))

⁶ *Idem*

The situation looks different within the interaction between the Bessarabian community and public authorities: "from the beginning, in order to be legally on Romanian territory, Bessarabian students have to obtain some documents, i.e. they have to apply to the Immigration Office of Sibiu County; with the help of inspectors, Bessarabians without Romanian documents create their residence permit, which is valid for the duration of their studies. Fortunately, in Sibiu, none of the students from Bessarabia encountered any difficulties. This document is easy to obtain, even a lot of information is provided, and the employees there have always been receptive"¹. The same situation was presented by the representatives of the Bessarabian community in relation to the Sibiu County Police Inspectorate for the criminal record².

Education

Each of the representatives of the recent minorities in Sibiu considered education as a very important aspect, but also very challenging. The first issue signaled refers to learning the Romanian language, especially for the Chinese and Arab minorities. Within the university system, there is the possibility for a university preparatory year there are no other options: "with the exception of the university preparatory year (which costs a minimum of 3000 dollars for a year), I did not find an intensive center/course to help me learn the Romanian language"³. Attia Sandy⁴ mentioned that the only solution for an Arab to learn the Romanian language is the online paid courses, or at university, adding that Sibiu is the most expensive in Romania. She added that, besides learning the language, it is very important to insist on cultural aspects, through some culture-related courses, necessary because Arab backgrounds are very different. The importance of face-to-face interaction was the main point highlighted regarding the learning Romanian language process, but also get connected with the mentality and cultural aspects. Liliana-Adina Douchez considered that a solution could be the European funds (which are not existing at this moment), so that the Immigration Office be able to organize language courses, making a comparison with the German system.

The Bessarabian community in Sibiu represented by the Bessarabian Youth Organization in Sibiu considered themselves advantaged regarding the educational aspects, especially from the university education system in Sibiu point of view: "fortunately, we, the Bessarabians, have always been advantaged. Often,

¹Petru Arnăutu, *Comunitatea basarabească din Sibiu*, <https://2e64187412.cbau1-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000213-3c5db3c5dc/Organizația%20Tinerilor%20Basarabeni%20din%20Sibiu.pdf?ph=2e64187412>, (15.11.2022)

² *Idem*

³ Guo Hua, *A Chinese Woman in Sibiu*, <https://2e64187412.cbau1-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000228-b2ea9b2eaa/Comunitatea%20Chineză%20din%20Sibiu.pdf?ph=2e64187412>, (4.11.2022)

⁴ Attia Sandy, (Egypt) workshop participant, member of the Arab Cultural Center in Sibiu, student at Lucian Blaga University of Sibiu, Faculty of Medicine

in our perception, we have more favors from the Romanian state than the native students (...). Both the university management, professors, and colleagues have shown warmth and are always responsive to our needs. Whenever we have a problem or something personal happens, even the professors support us, no one has a problem if we must go home, because they understand that we are away. Lucian Blaga University of Sibiu offers several facilities to the Bessarabian students, and we would like to thank them for the free accommodation and scholarship that Bessarabians can benefit from”¹.

Eugen Vovk, the representative of the Ukrainian community in Sibiu considered that the impediment to knowing the Romanian language is the main issue in dealing with the children’s education and the way parents manage this: „the educational system wasn’t ready to accept these children. First, because of the language barrier, they can be recognized in schools only as visitors, but not the pupils. While for kindergarten there are almost no Ukrainian-speaking educators, which causes too high stress for kids and parents refuse to enroll them in a state kindergarten”². Compared with the other recent minorities in Sibiu, the Ukrainian minority was supported by the local authorities by offering support, including an evaluation process of the needs, within the meetings between this minority and the County Council of Sibiu, NGOs, and other local institutions. Starting with the 2022 spring few activities were organized for helping the Ukrainians, including from an educational perspective³.

In March 2022, the Romanian government decided to offer Ukrainian children the possibility to enroll in Romanian schools, but the language was the main issue. The compromise was resulting in a class for Ukrainian children in Charlotte Dietrich Shule and a kindergarten group in Samariteanul kindergarten from Sibiu, having hired Ukrainian teachers and educators. The main activity for them was to coordinate the online courses within the Ukrainian schools, to make sure they are studying, and to provide them with lunch and after-school activities. This educational center continued to function over the summer. Vovk considers that online education is good only temporarily or as a compromise solution, and cannot replace face-to-face learning, therefore a Ukrainian school is needed; „more than 80% of Ukrainians in Sibiu are willing to come back home once they feel it is safe for them (even if the war will not be finished yet by that time). The other 10-15% haven’t yet decided. While only less than 5% have made a final decision to

¹Petru Arnăutu, *Comunitatea basarabeană din Sibiu*, <https://2e64187412.cbau-ldnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000213-3c5db3c5dc/Organizația%20Tinerilor%20Basarabeni%20din%20Sibiu.pdf?ph=2e64187412>, (15.11.2022)

²Eugene Vovk, *Ukrainian minority in Sibiu*, <https://2e64187412.cbau-ldnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000216-883a6883a7/Sibiu%20Ukrainian%20Center.pdf?ph=2e64187412>, (11.11.2022)

³Știri Sibiu, *Ucrainenii stabiliți în Sibiu sunt invitați la Consiliul Județean Sibiu, miercuri, 4 mai, 2022*, <https://evenimentsibiu.ro/stiri-sibiu-ucrainenii-stabiliti-la-sibiu-sunt-invitati-la-consiliul-județean-sibiu-miercuri-4-mai-2022/>, (15.11.2022)

stay in Romania for a long period, no matter what the situation will be in Ukraine”¹. Still, the context is a difficult one, because, according to Vovk, without knowing the Romanian language children could be only the listeners. They will not be able to obtain the knowledge. And the school will not be able to issue a certificate of finishing the grade. Children will learn the language during this year, but that may become the only significant achievement. And they will have to repeat the same study once again next year, so the 22/23 schooling year will be lost. This refers to both the first and second groups of children. Ukrainian and Romanian curricula have some differences. Mathematics or chemistry may be considered similar, but literature, history, geography, etc. are significantly different. Even the basics (e.g., the alphabet learned in primary school) have differences. After spending a year in a Romanian school such children will not be able to come back to the corresponding grade in their school in Ukraine. And will have to repeat this year once again as well. This refers to the second group of children, which is the largest one. Therefore, there are 3 groups of children in terms of education: those who would like to integrate into the Romanian system but can’t speak the language yet; those who will come back to Ukraine but need an “offline” education during their stay in Romania; those who will come back to Ukraine and are going to do online classes with their Ukrainian school. According to the information from the Ukrainian Center² approximately 230 children whose parents hope they can start studying in September in Sibiu in Ukrainian school; There is a quite uniform distribution of children among the grades from 1st to 11th, thus parallels aren’t needed. 18 teachers who are already in Sibiu and ready to join Ukrainian school. Together with the nongovernmental organizations “Sus inima”, Swiss Solidarity, and Canpack Romania, in a building free provided by the Evangelical Parish of Sibiu, completed by the Ukrainian parent monthly fee, starting with October 2022 works in Sibiu the first school for Ukrainian kids, until June 2023, secondary school and high school; there are 153 children, 28 teachers, and auxiliary staff³.

The urgent need to learn the Romanian language, also the impossibility to do this in a formal framework, determined the Arab Cultural Center of Sibiu to organize online Romanian language courses, in November 2022. The project is financed from the funds obtained from the Arab Cultural Center’s own previous activities⁴.

¹Eugene Vovk, *Ukrainian minority in Sibiu*, <https://2e64187412.cbault-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000216-883a6883a7/Sibiu%20Ukrainian%20Center.pdf?ph=2e64187412>, (11.11.2022)

²Sibiu Ukrainian Center, <https://www.facebook.com/uasibiu>, (18.11.2022)

³Sus inima, *Educational infrastructure for Ukrainian children*, <https://susinima.eu/ukrainian-crisis-response/educational-infrastructure-for-ukrainian-children/?lang=en>, (21.11.2022)

⁴Centrul Cultural Arab, *Romanian Language Courses for immigrants*, <https://www.facebook.com/centrulculturalarab/photos/a.199363442263755/457607889772641/>, (21.11.2022)

Financial Services

Another important problem is when immigrants want to open a bank account, which is required when applying for a residence permit and for a range of other practical purposes. Most banks refuse to open a bank account and there are no clear rules why they refuse to provide such a basic service to immigrants. All these issues and obstacles make the life of an immigrant very challenging and tamper with the process of their social, cultural, and economic integration¹.

Regarding these aspects, Liliana-Adina Douchez, police chief commissioner from the Immigration Office of Sibiu County mentioned a lot of helpful information for the workshop participants, folded on national legislation, but adding that this kind of situation is directly related to the bank's internal policy.

Delicate situations were presented by the workshop participants related to the Romanian banks' interactions, including legal actions, presented by Fawzia Rehejeh², a lawsuit filed against a bank in Romania³. The representative of the Ukrainian minority in Sibiu, Eugen Vovk also noticed these aspects and the difficulties to deal with the legal frame regarding the collaboration with the bank, admitting that, for solving these issues it is necessary to restructure the legal framework, folded on the current needs.

Other aspects presented by the participants revealed the difficulties to obtain a driving license because the necessary information is not in the English language.

Conclusions

The workshop revealed, once again, that knowing and speaking the language of the host country is the most important aspect of the integration process. This can be considered the first challenge faced by newcomers, especially when there is no strategy and a practical modality managed at the level of public institutions, which manage this process.

The other results of the workshop drew primary conclusions across the areas of relevance, coherence, effectiveness, coordination, and sustainability.

Regarding relevance, we achieve that in a more complex and more diverse environment there is a lack of adaptiveness to a specific context, and the informational frame available for adaptation is limited. For many persons of recent

¹ Fawzia G. Rehejeh, *Challenges of Social Integration of Immigrants in Romanian Society: Access to Health Care, Labor Market, and Financial Services*, <https://2e64187412.cbau-cdnwnd.com/eab7757aca990345d30dc7c83b8a2ec9/200000211-0cbfa0cbfc/Arab%20Cultural%20Center%20in%20Sibiu.pdf?ph=2e64187412>, (4.11.2022)

² <https://www.facebook.com/fawzia.rehejeh/posts/5520378544697414>, (23.11.2022)

³ Turnul Sfatului, *Plângere la Consiliul pentru Combaterea Discriminării împotriva BCR. „Aceasta este politica băncii”*, <https://www.turnulsfatului.ro/2021/04/05/plangere-la-consiliul-pentru-combaterea-discriminarii-impotriva-bcr-bdquo-aceasta-este-politica-bancii-rdquo-181240>, (23.11.2022)

minorities is difficult to access the main data for integration support. Those certain aspects are one of the general frames of the increased protractedness of crises, rapidly increasing migratory flows in the latter half of the previous decade, that strained the capacity of the host countries to deal with these challenges and have often resulted in growing pressure on the minorities. In contrast with the traditional minorities, which benefit from well-established policies, the recent minorities don't benefit, and the integration programming is at the outer periphery of the state's traditional area of competence.

With regard to coherence, our project found that there is an inherent difference between the Ukrainian minority and the other recent minorities, under the international and regional context, and with the influence of the legal European frame. This delicate situation hampers an operational understanding of the official background, most of the time existing as a comparison between the advantages of the Ukrainian community (during the actual security environment) and others. At their core, the challenges which are involved in these dynamics often relate to adverse conditions about the obstacle to local integrations that could be significant or overwhelming. Still, before the workshop, there was a connexion between the Ukrainian minority and the Arab minority, in informal communication. In light of these considerations, the binary view of the national rules and the European rules produces effects on minorities, as a perspective more about a scale of imperfection options, inside of a constrained choice environment.

The effectiveness is apparent from the implications of civil society, including NGOs and minority organizations, besides the official part, represented by the authorities. We mention that in Sibiu, the Chinese community is not represented in a formal setting, which creates a bigger difficulty in the integration process. This could be considered the most often deployed model, revealed by the participants of the workshop. In most cases, is proficiently implemented, yet is limited in its design and is not addressed most needs. In the field of integration, the results were constrained by adverse contextual factors and a lack of updated guidance. At the official level, the processes involved in integration are completed by the NGOs' activities, their focus being on the facilitation of proper conditions for access to different types of information and activities carried out mainly before and during the arrival in a foreign country. The success hinges on activities conducted in Sibiu on collaboration inside the legal basis and previous experience of the representative of the minorities already here. In the area of integration, the results on the impact level depend mainly on language knowledge or failing this, on help from others.

The coordination, from our point of view, revealed that the effectiveness of the integration process should be measured not in the short term, but in the medium and long term, according to the more significant challenges. The coordination action inducted but the authorities with attribution in this field, which typically involves time-bound tasks, clear division of labour, and well-defined objectives, was affected by the crisis period caused by the conflict. Despite this, system-wide cooperation in the integration programming of the recent minorities

produces better results if is based on mixed approaches. We consider that a narrower status-based approach to integration may hamper broad-based cooperation and could constrain the added value of joint activities for each community.

An important aspect of our study refers to sustainability, proving that the opportunities to improve it, in terms of integration, lie primarily in better and more broad-based partnerships. Success in integration is widely understood to be the access to all information that occurs in the process of establishing or living in a new country, durable solutions to certain issues, programs practice, and resource allocation. In this context, a delicate element is represented by bias and stereotypes. The participants of the workshop noted that catalysing stakeholder support needs strategic involvement and strong communication. In terms of sustainability, should be paid attention to the interaction between several elements as financial, economic, social, and environmental specific to the recent minorities mentioned.

This last element, sustainability is directly related to the other criteria inside our conclusions; is linked to relevance being a key factor that affects the ownership and also buying to eventual benefits, turning in turn drive sustainability; coherence may incur useful insights on sustainability – interventions in a given context with certain support or undermine over time the intervention benefits; effectiveness influences through the synergies between it and impact, by evaluating conditions necessary for result to continue and also to explore over the longer term.

Recommendations

The recommendations follow the conclusions and are created in five broad thematic areas: normative framework, policy, and guidelines; operationalization and programming; information management; coordination and partnership; external relations, resource mobilization, and budgeting

1. Place greater emphasis on contextual realities, and minorities' needs, to attenuate the operational bias inside the formal statement conveyed in the institutional system;
2. Drawing a Handbook related to the recent minorities specific (English language, but including translation in native language), within a national making-decision process, with the main information about the local aspect, for every county in Romania. This handbook could provide concrete and useful information, first about the national legal framework, and secondly about the local public institutions and organizations, or NGOs involved, activities, contact data, etc., and should be available online, including on the website of those organizations and institutions mentioned before. We consider that the initiative could come from the national level, but it is possible to be achieved at a local level, in Sibiu (Sibiu County Council);

At the local level, within the official institutions is need a heavier emphasis on needs assessment and analysis, in the design of integration and support intervention. This could be achieved through constant (not from time to time,

or related to some events only) communication between the representatives of recent minorities in Sibiu;

Reducing ambiguity and contradictions between the information present on the websites of national and local institutions, including Sibiu City Hall, by training the specialized personnel in this field and respecting the legal deadlines for responding;

Create a call centre at the Sibiu County level to help foreign citizens.

3. Structurally enhance the involvement of recent minorities in decisions relating to their stay in Sibiu; constant periodical feedback provided in a formal frame to the local authorities that are directly related to the immigrants or refugees; this goal can be achieved in collaboration between the public institutions and NGOs;
4. A systematic assessment of the context of arrival in Sibiu, using the intention surveys, to explore modalities for integration support that better accommodate to need of these recent minorities;
5. Ensure that the information supplied by the local institutions to minority members is timelier and more localized;
6. For the dissemination and collection of information relating the minorities issues, mainstream the use of digital platforms and social media tools;
7. Achieve better clarity on how the institutions in Sibiu understand dealing with different partners and integrating at the operational level, especially shared leadership, and joint coordination in different directions. In these terms, and based on the workshop feedback related to the difficult communication (phone or e-mail), it is more than necessary to supplement the Immigration Office of Sibiu County's staff, as well as to facilitate the granting of a space in accordance with the workload;
8. On the local and national levels, support the development of broader and better integrated multi-partner platforms; accent on external relations, resource mobilization, and proper budgeting; in collaboration with the minorities representative, develop projects in partnership with local institutions and with European funds
9. Design funding instruments and structure budgets that support the specific activities of the recent minorities: the establishment of a Center for learning the Romanian language for expats, within the Lucian Blaga University of Sibiu, and/or through collaboration with the local public institutions.

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THE BIDEN ADMINISTRATION'S POLICY IN THE MIDDLE EAST: STATE VS. HUMAN SECURITY

Abstract:	<p><i>This paper addresses US foreign and security policy, with respect to the question of whether the Biden administration's approach to security is predominantly state-based, interest-driven, and focuses on traditional threats or it takes a broader, more comprehensive form, encompassing other referent objects of security and non-traditional threats.</i></p> <p><i>Therefore, the main goal of this paper is to describe prevalent types of security, threats, and objects of security in the Biden administration's public discourse, drawing on the theoretical concepts available in the literature. Focusing especially on the case of US withdrawal from Afghanistan in 2021, this paper uses the method of content analysis to determine if Biden's public speeches and press conferences, and other public documents issued by his administration indicate that individual security and consequences to the people in the Middle East were considered when formulating policy, or if it was merely a result of state security considerations, disregarding its impact on human security.</i></p>
Keywords:	Biden; national security; human security; Afghanistan; content analysis;
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Introduction

The COVID-19 pandemic shed new light on human security, as it has been one of the greatest threats to human lives transcending state borders¹. For the people in the Middle East, one of the most volatile regions in terms of conflict, the

¹ Edward Newman, *Covid-19: A Human Security Analysis*, in "Global Society", Vol. 36, No. 4, 2022, pp. 431-454

pandemic exacerbated the existing threats and created new ones. In addition to many sources of conflict which endanger human lives and thus render voluntary and involuntary migrations, people in the Middle East have encountered multiple threats to their individual security. Those threats stem from different areas, such as shortages of water and food, devastated infrastructure, poverty, global health crisis, etc. Considering that the US has been engaged in this region for many years, as well as the fact that human security had been previously invoked in relation to the policy toward the Middle East¹, the question arises whether the current administration incorporated some of the elements of the human security concept into its public discourse on foreign policy.

This question is especially relevant given that Biden's administration followed through with the decision to withdraw US forces from Afghanistan in August 2021, thus ending one of America's "forever wars"². However, between the announcement of the decision and its enactment, the Taliban gradually gained control over Afghan territory, concluding with Kabul takeover on August 15, 2021³. The withdrawal was concluded by the end of August, but the manner in which it was conducted, as well as the consequences stemming from it, resulted in a range of critiques directed at Biden's administration. As Labott wrote: "Americans were stunned by images of Afghans clinging to a U.S. military plane as it took off, with several men falling to their death on the tarmac"⁴. Those images, along with an attack on the airport during the evacuation resulting in over 180 deaths⁵ provoked reactions from a human security perspective.

Therefore, this paper will specifically focus on the case of Biden's approach to the Afghanistan withdrawal, with respect to the formulation of types of security, threats, and objects of security communicated by his administration. The aim of the paper is to determine if the Biden administration's public discourse pointed to a conventional understanding of security, which emphasizes the threats to US territorial integrity and sovereignty, or if it involved other types of security, sources of threats, and referent objects.

This paper will proceed as follows. The first section addresses the conceptual framework used in the paper built upon the previously developed concepts in the literature. In the second section, we will address reasons for

¹ Ben Walter, *Gendering Human Security in Afghanistan: In a Time of a Western Intervention*, Routledge, Oxon, New York, 2017

² Joseph R. Biden, *Remarks on the End of United States Military Operations in Afghanistan*, in Gerhard Peters and John T. Woolley, *The American Presidency Project*, <https://www.presidency.ucsb.edu/node/352164>, (18.09.2022)

³ Jim Inhofe, *Afghanistan Was a Predictable, Preventable Disaster*, in "Foreign Policy", August 15, 2022, <https://foreignpolicy.com/2022/08/15/afghanistan-withdrawal-pullout-military-taliban-chaos-evacuation-biden-ihofe/>, (18.09.2022)

⁴ Elise Labott, *This Was the Albatross Around His Neck All Year*, in "Politico", August 17, 2022. <https://www.politico.com/news/magazine/2022/08/17/biden-afghanistan-withdrawal-anniversary-00052268>, (21.09.2022)

⁵ *Idem*

selecting the case of Afghanistan to conduct content analysis. The third part of the paper is dedicated to the method of content analysis, while the fourth part entails its application and the presentation of results. The fifth section of the paper contains concluding remarks.

Theoretical considerations of applied concepts

This research is empirical in nature, which means that its subject entails “real-life” phenomena, which occur in a certain place and at a certain time. Two effects come from such a qualification of the subject. First, this means that we won’t assume a normative stance, but instead try to be neutral and describe what has been conveyed in public communication. Secondly, the theory will only provide a conceptual framework upon which we’re going to identify and classify types of security, threats, and objects of reference present in the public discourse. So, even if this research isn’t theoretical, concepts developed previously in the literature will be used.

The concept of security has been evolving from its traditional realist rendition for the last 40 years to include a deeper and wider scope. The traditional state-centric military concept of security has been challenged by different perspectives, such as Conventional and Critical Constructivism, the Copenhagen School, Critical Security Studies¹, Postcolonialism, Poststructuralism, Feminism, and Human security, including other sectors of security, different threat perceptions, and referent objects beyond the state². The “national security” dimension which we will examine in the Biden administration public discourse, will be predominantly built upon the military threat to the physical base of a state³ encompassing its territory, population, and wealth⁴, but it will also, where possible, take into account other sectors of security such as the political, the economic, the societal and the environmental encompassing the contribution of the Copenhagen school of security⁵. It will also include the notion of “homeland security”, based on its “reinforcing the state as the prime referent emphasized through the coinage of

¹ Also known as the Welsch School. Ben Walter, *Gendering Human Security in Afghanistan: In a Time of a Western Intervention*, Routledge, Oxon, New York, 2017, p. 26.

² Barry Buzan, Lene Hansen, *The Evolution of International Security Studies*, Cambridge University Press, New York, 2009, p. 188

³ Barry Buzan, *People, States and Fear: The National Security Problem in International Relations*, 2nd edition, Wheatsheaf Books Ltd, 1983, p. 75

⁴ *Ibidem*, p. 62.

⁵ Barry Buzan, Ole Wæver, Jaap de Wilde, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, London, 1998, pp. 23-24. Notwithstanding their contribution to the concept of security expansion, this school of thought can be considered more in line with the conventional conception of security, as it, according to Ben Walter, “ultimately privileges states and national societies as the primary actors and referent objects of security”; Ben Walter, *Op.cit.*, p. 22

the term ‘homeland’¹, even though it entailed some of the newer, non-traditional threats². The idea of this paper was to juxtapose the stance on security that distinguishes the state as an object of security that could be threatened with predominantly military actions to the opposite pole of the spectrum, where security is conceived not in terms of nation-states but of individuals, and where there is a broad range of sources of threats.

Therefore, the “human security” dimension will include references to changed objects of security to “individual human lives” as one of the main elements of this concept³. In addition to the changed object of security, the 1994 *Human Development Report*, which greatly contributed to the dissemination of this idea, included economic, food, health, environmental, political, personal physical security, and security of community into the concept⁴. As Gasper contends, this also meant redefining security threats to correspond to the goods being secured, as well as instruments for providing security⁵.

In the years following the affirmation of this concept, there were different approaches to its definition and scope. Some authors, like Owen, define human security as “the protection of the vital core of all human lives from critical and pervasive environmental, economic, food, health, personal and political threats”⁶ and distinguish between human security, human rights, and human development⁷. According to Owen, defining thresholds is essential for threat identification in human security, especially since most threats (but not all) to human development “have the potential to become threats to human security if they surpass the threshold”⁸. The threshold he suggested refers to the category of threats “that pose a critical and pervasive risk to the vital core”⁹. Secondly, when it comes to human rights, there are fewer instances where threats can be transposed to human security¹⁰. Others, like Šehović accept a broader definition in which human security “is predicated on the *national* responsibility to accept, promote, and

¹ Shailza Singh, *The ‘Homeland Security Moment’ in International Politics: Implications for the Third World*”, in ”International Studies”, 2021, Vol. 1, No. 17, p. 3

² *Ibidem*, p. 2.

³ Amartya Sen, *Birth of a Discourse*, in *Routledge Handbook of Human Security* ed. by Mary Martin, Taylor Owen, Routledge, Oxon and New York, 2014

⁴ Des Gasper, *Human Security: From Definitions to Investigating a Discourse*, in *Routledge Handbook of Human Security* ed. by Mary Martin, Taylor Owen, Routledge, Oxon and New York, 2014, p. 29

⁵ *Ibidem*, p. 30

⁶ Taylor Owen, *Human Security Thresholds*, in *Routledge Handbook of Human Security* ed. by Mary Martin and Taylor Owen, Routledge, Oxon, New York, 2014, p. 60

⁷ *Ibidem*, p. 62; Nikolaos Tzifakis, *Problematizing human security: a general/contextual conceptual approach*, in ”Southeast European and Black Sea Studies”, Vol. 11, 2011, No. 4, p. 358

⁸ Taylor Owen, *Op.cit.*, p. 62

⁹ *Idem*

¹⁰ Taylor Owen, *Op.cit.*, p. 63

protect the—ever-expanding—pantheon of those human rights”¹. This paper accepts that human rights, human security, and human development are diverse concepts, and therefore follows the definition presented by Owen.

Tzifakis provides an overview of approaches to human security which range from narrow views such as interventionist, rights-based, and safety-based to broader ones such as developmental, new security, and gender-based². Even though the contested nature and scope of the concept can be important when applying it in the research, this paper draws on universalism as an aspect of human security i. e. “security of every individual irrespective of his country or place of residence”³. Therefore, we will focus on the question if the objects of security have shifted from those with strictly national attributes or if they remain framed in national bounds. In this context, the relation between state and human security isn’t about the R2P concept (which incited suspicion of human security as a way of “imposing western liberal preferences”)⁴, but instead about not prioritizing on the grounds of national belonging in instances of imminent threats.

Notwithstanding this argument, we decided to examine the public discourse of a state, because for the time being states remain relevant actors in international security including human security, whether based on their ability to securitize certain issues via speech acts or based on them being deemed, sole security providers⁵.

As for the threats, we will use the United Nations Development Programme 2022 Special Report as a broad framework for the operationalization of human security in this respect⁶. The categories of threats to human security from the mainstream perspective in this report include threats disrupting food systems,

¹ Annamarie Bindenagel Šehović, *Reimagining State and Human Security Beyond Borders*, Palgrave MacMillan, 2018, p. 4

² Nikolaos Tzifakis, *Op.cit.*, p. 360

³ *Ibidem*, p. 353

⁴ Shaun Breslin and George Christou, *Has the human security agenda come of age? Definitions, discourses and debates*, in “Contemporary Politics”, Vol. 21, No. 1, 2011, p. 6. This view is also expressed by Hama, who argues that “the narrow perception of human security is becoming a tool to intervene in internal affairs of developing countries and impose Western values” - Hawre Hasan Hama, *State Security, Societal Security and Human Security*, in “Jadavpur Journal of International Relations”, Vol. 21, No. 1, 2017, p. 15

⁵ Annamarie Bindenagel Šehović, *Op. cit.*, p. 16. According to Newman “an effective and accountable state is ideally the principal provider of security”- Edward Newman, *Op. cit.*, p. 435

⁶ United Nations Development Programme, *New threats to human security in the Anthropocene: Demanding greater solidarity*, Special Report, 2022, <https://www.undp.org/arab-states/publications/new-threats-human-security-anthropocene>, (13.10.2022)

health threats, threats exacerbating tensions and violent conflict, and threats to economic production and productivity¹.

The case of Afghanistan

In this paper, we chose Afghanistan as a case study to be subjected to content analysis based on the following considerations. First, Afghanistan is a country where the US had troops present for twenty years, and the military withdrawal provides us with an opportunity to examine the public discourse of an administration in the circumstances of retrenchment from the region. Secondly, this case displays the formulation of the terrorism threat in the context of the US-led Global War on Terror after two decades. Even though threats of terrorism weren't initially categorized as traditional national security threats, as Breslin and Christou argued, in light of 9/11 "non-traditional and HS threat perpetrated by non-state actors was reconstituted as an international security issue with a statist base"². Therefore, this analysis is supposed to provide an overview of this threat qualification.

Thirdly, Afghanistan has been one of the "top source countries for the global refugee population"³, many of whom are headed to Europe⁴. According to the UNHCR, the Afghan people have already been one of the largest refugee populations, and additionally, as a direct consequence of the events surrounding the US withdrawal "800.000 Afghans were newly displaced inside the country in 2021"⁵. Therefore, this case can offer an insight into the US position on migration and refugee crisis, which is also stemming from other parts of the Middle East, such as Syria and Libya, as well as human security threats the people in these circumstances experience.

Migrations, both voluntary and involuntary, can create diverse threats. Ferreira sums up the threats emanating from migrations into six categories:

1. "threat to the relationship between the country of origin and the country of destination";
2. "political threat or risk to the safety of the destination country";
3. "threat to the dominant culture/identity";
4. "social and economic problem for the host country";
5. "as instruments of threat against the country of origin";

¹ *Ibidem*, pp. 51-55

² Shaun Breslin, George Christou, *Op. cit.*, p. 7

³ Karolína Augustová, Hameed Hakimi, *Migration from Afghanistan under the Taliban: Implications and strategies in the neighborhood and Europe*, in "Friedrich Ebert Stiftung", December 2021, p. 1

⁴ *Idem*

⁵ UNHCR, *Afghanistan Emergency*, <https://www.unhcr.org/afghanistan-emergency.html>, (09.09.2022)

6. “threat to human security”.¹ According to Ferreira, considering how they are interlinked, they exist within a migration-security nexus.² De Jong adds human security to this nexus, arguing that there are different configurations of three axes of the nexus (referent objects, drivers, and relations) which produce different outcomes³. According to Odotayo, “the paradigm of human security too often becomes subordinated to national security concern”, especially in the case of refugees⁴. In line with this argument, Camps-Febrer and Carter suggest that the current narrative presents migration as

a) “a direct threat to national, cultural, and religious identities and associated values; but, also, as a threat to prosperity and wealth”;

b) a threat of terrorism;

c) a criminal threat⁵.

Therefore, we will examine the public documents in search of the Biden administration’s view on migrants from the Middle East, for which the case of Afghanistan should provide evidence.

The method of content analysis

As mentioned previously, this paper will rely on content analysis to discern if the Biden administration’s public documents included considerations of primarily national security, as defined in the previous section, or if the public discourse included elements of human security when formulating policy toward the Middle East, especially focusing on the case of Afghanistan⁶. Klaus Krippendorf defines content analysis as a “research technique for making replicable and valid

¹ Susana Ferreira, *Human Security and Migration in Europe’s Southern Borders*, Palgrave MacMillan, 2019, p. 36

² *Ibidem*, p. 126

³ Sara de Jong, *Resettling Afghan and Iraqi interpreters employed by Western armies: The Contradictions of the Migration–Security Nexus*, in “Security Dialogue”, Vol. 53 (3) 2022, p. 223. As Ribas-Mateos and Dunn contend “the lack of human security is a principal cause of migration”- Natalia Ribas Mateos, and Timothy J. Dunn, *Introduction to the Handbook on Human Security, Borders and Migration*, in Natalia Ribas-Mateos, Timothy J. Dunn, (eds.), *Human Security, Borders and Migration*, Edward Elgar Publishing Limited, UK and Massachusetts, 2021, p. 2

⁴ Aramide Odotayo, *Human security and the international refugee crisis*, in “Journal of Global Ethics”, Vol. 12, No. 3, 2016, p. 373

⁵ Blanca Camps-Febrer, John Andrew Carter, Jr., *New security: threat landscape and the emerging market for force*, in Natalia Ribas-Mateos, Timothy J. Dunn, (eds.), *Human Security, Borders and Migration*, Edward Elgar Publishing Limited, UK and Massachusetts, 2021, p. 114

⁶ For the purpose of this paper, we will conceive the MENA as encompassing the sequent states: Libya, Egypt, Sudan, Israel, Jordan, Lebanon, Syria, Türkiye, Iran, Afghanistan, Iraq, Saudi Arabia, Kuwait, Qatar, Bahrain, Yemen, Oman, and UAE-Britannica, The Editors of Encyclopedia, *Middle East*, “Encyclopedia Britannica”, 12 Aug. 2022, <https://www.britannica.com/place/Middle-East>. Accessed 4 September 2022, (02.08.2022)

inferences from texts (or other meaningful matter) to the contexts of their use”¹. Content analysis is sometimes divided into two types – quantitative and qualitative. However, Krippendorff argues that this is a false dichotomy, since “text is always qualitative, to begin with”. Similarly, Margrit Schreier contends that there’s no sharp line dividing the two and that presenting results with coding frequencies doesn’t mean that the method is strictly quantitative because this is the step after the analysis². Nevertheless, analysis in this paper will primarily be qualitative, although we will use frequency a few times, mainly to address the importance of a certain reference.

To achieve the intended goal of identifying the approach Biden’s administration has adopted in relation to security, we will use two indices – the presence/absence of the concepts which indicates if they are being acknowledged, and the frequency of their usage which shows its importance³.

The research design has several steps to it. First, it’s important to distinguish what constitutes the text submitted for content analysis. Considering the aim of this paper, we will analyze the public documents of the administration which mainly consist of President Biden’s speeches, and press conferences with exchanges with reporters, the spokespersons’ speeches and press conferences, and some administration high officials’ speeches and press conferences. The time frame addressed in this paper will include only the documents which were created since Biden assumed office. They were divided temporally into two categories defined here:

- a) pre-announcement documents;
- b) announcement documents.

This classification of files was made after the initial reading, considering that we noticed certain differences in those time frames. This was also the reason for keeping the documents together instead of dividing them based on who delivered the speech since we didn’t notice any major differences during the initial reading. Additionally, only those documents where there had previously been determined that they can be analyzed through the lens of security will be used in this paper, meaning that we will use the thematic criterion for dividing the text into units⁴.

After determining which texts will be analyzed, and how they will be divided, content analysis will proceed with coding the units. Coding will be mainly data-driven, but it will also follow the concepts defined in the previous section.⁵ This means that we will start by looking for the presence of any of the indicators of

¹ Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, Second edition, SAGE Publications, Thousand Oaks, London, New Delhi, 2004, p. 18

² Margrit Schreier, *Qualitative Content Analysis in Practice*, SAGE Publications, London, Thousand Oaks, New Delhi, Singapore, 2012, pp. 15-36

³ Klaus Krippendorff, *Op.cit.*, p. 59

⁴ *Ibidem*, p. 108

⁵ Margrit Schreier, *Op.cit.*, p. 59

types of security, threats, and objects of security mentioned above. Secondly, we will categorize the indicators found in the research. In determining the answer to the research question there will be two main dimensions – national security and human security. Thirdly, since the principal goal was to describe certain aspects the Biden’s administration’s public discourse, the presentation of results will mainly consist of descriptions of each category, so as Schreier suggests in cases like this, we will describe and illustrate the cases using continuous text¹. We will present only those categories which were found in the text and note that the remaining were absent.

The main analysis and presentation of the results

We conducted a content analysis of the Biden administration’s public documents², with the goal of determining the administration’s public discourse in the case of the US withdrawal from Afghanistan. We particularly focused on the public documents where there was direct communication, but some of the speeches as prepared for the delivery were also included. Most of the communication with the press was done by the administration’s spokesperson, Jen Psaki, nevertheless, the public documents treated here also encompassed several of the President’s exchanges with reporters, as well as that of senior administration’s official Jake Sullivan.

We tried to include as many of the documents which related to Afghanistan as possible, but we excluded those where statements were repeated *verbatim*. The units subjected to analysis in this paper were the excerpts from those documents because press conferences in most cases entailed a broader list of topics. In addition, we used a thematic criterion when unitizing, which had us concentrating on the security concepts, excluding the excerpts which didn’t relate to the theme. We coded manually.

There is overwhelming evidence of Biden’s administration approaching the withdrawal from Afghanistan from a traditional national security perspective, considering that among the references the majority were categorized as belonging to the main category we labeled as “national security”. There were three subcategories to this main dimension – type of security, threat, and object of reference.

The results of the content analysis of the documents from the first period we analyzed are as follows. First, the dominant type of security in the Biden administration’s public discourse on Afghanistan withdrawal was “homeland security” which mostly referred to preserving territorial integrity. As mentioned

¹ *Ibidem*, p. 220

² The complete list of the documents used for the content analysis will be listed after the Bibliography section, considering that there are more than 50 different references that would extend the footnote text. All the documents used here were made available to the public by the *American Presidency Project*, <https://www.presidency.ucsb.edu/>, (21.09.2022)

previously, this type of security was defined as pertaining to the “national security” dimension, mostly because it focuses on the physical base (including the citizens) of the state as an object of security. Some examples of this category are: “we will maintain an over-the-horizon capacity to suppress future threats to the homeland”; “we will defend ourselves”; “protect and defend America's national security interests”; “to ensure Afghanistan would not be used as a base from which to attack our homeland again”.

As the next category suggests, the threats emanating from the situation in Afghanistan were mostly designated as those of terrorism. There were several formulations regarding this threat, some of which are: “not to allow any terrorists to threaten the United States or its allies from Afghan soil”; “to prevent future terrorist attacks against the United States planned from Afghanistan”. In the period prior to the withdrawal announcement, Biden’s administration repeatedly emphasized the change in threat as a reason for the decision. On several occasions, the threat was portrayed as “more dispersed, it’s metastasized around the world”. Similarly, it was communicated that “the terrorist threat has evolved”; “al Qaeda’s and ISIS’s capabilities have advanced considerably since we first went into Afghanistan in 2001”. The “terrorist threat” was presented as a dominant reason for the initial US intervention in Afghanistan, thus its change was presented as the main reason for the drawdown of troops. The possibility of its re-emergence was also addressed in public documents a few times. Examples of the threat emanating from terrorism are the following: “we are not taking our eye off of the terrorist threat or signs of al Qaeda’s resurgence”; “counter the potential re-emergence of a terrorist threat to the homeland from Afghanistan”; “ensuring that Afghanistan can never again become a haven for terrorists that would threaten the United States or any of our allies”.

The third category under the dimension of national security refers to the objects of security in Biden’s administration’s public discourse on Afghanistan withdrawal. Besides already mentioned references to the “homeland”, this category was predominantly containing references such as: “American people”, “the safety and security of our troops”; “removing our troops from harm's way”; “to protect our diplomatic presence”. This points to the inference that Biden’s administration perceived American citizens as a primary object of security, whether it be in the US or abroad. In addition, this category also extends to US troops and diplomats. Examples of this category include the following statements: “We obviously put the safety and security of our personnel overseas at the top of our priority list”; “the President approaches these issues with a focus squarely on what will make life better, safer, and easier for working families. That is our primary metric”. However, even if citizens were designated as objects of security, this wasn’t attributed either to humans or to societal security, as it respectively related only to US nationals and didn’t involve preserving their identity.

As for the other main dimension which we labeled “human security”, references to it are rather scarce in the first period we analyzed, suggesting that national security was prioritized over human security. Besides the types of

security, threats, and security objects, when it comes to this dimension, we added another subcategory which we labeled humanitarian assistance. This added category implies that Biden's administration framed human security in terms of international cooperation instead of unilateral actions in foreign policy. Regarding the second main dimension, it proved more important to determine indices of absence. There weren't any mentions of any specific threats to people, which could potentially emanate in the context of US troop withdrawal. This translates into an absence of diverse types of security, excluding only mentions of Covid-19, which pertain to health security. However, even when it comes to the Covid-19 pandemic, which truly is a threat to all people equally, out of two references in total, one expressed concern for the "American people".

Two groups were particularly identified as needing protection – Afghan nationals who provided services for the US during the war, and the women in Afghanistan. However, even though there were a few references to humanitarian support for those groups, they were almost insignificant in terms of numbers in comparison with the references pertaining to the first dimension, or national security. We coded 54 references as national security (including all three subcategories) in the months before announcing the final decision, while there were only five references to humanitarian assistance, four references to Afghan women, one reference to the SIV (special immigrant visa) applicants, and one reference to refugees and internally displaced people.

The second period analyzed here encompasses public documents from April, when the final decision was announced, to August 31, 2021, when US troops left Afghanistan. National interests of the US and defending the homeland and American nationals were once again presented as the most important part of the decision. The other type of security publicly portrayed as important in the second period of the analysis is health security, regarding the COVID-19 pandemic.

Similarly, as in the first period, there was the prevalence of possible "terrorism threats": "we will remain persistently vigilant against the terrorism threat in Afghanistan"; "how we can work together to ensure that Afghanistan never again becomes a safe haven for terrorist groups who pose a threat to the U.S. homeland". However, as the withdrawal approached, other threats could also be distinguished in the Biden administration's public discourse. Mostly, they accounted for the threats emanating from the immigration of Afghan nationals. In that respect, the emphasis was on the "security vetting" which "includes reviews of both biographic and biometric data"; and statements such as "Anyone arriving in the United States will have undergone a background check". In addition, the admittance of Afghan nationals was associated with perceived health threats to the Americans ("they would receive medical checkup"; "all evacuees will continue to undergo extensive COVID-19 and public health precautions, including immediate COVID-19 testing and offered vaccines upon arrival"). Therefore, this category displays that the US administration perceived threats from migration. Those threats were framed in a way that values nationally over human security since they

showed the administration's expressed concern over the ramifications of migrants' admittance to the US. The dominant two threats coming from migration were the threat of terrorism and health threat.

When it comes to the object of security in the second period, Biden's administration has prioritized American nationals ("the security of the American people"; "our troops would be at risk"). For instance, as Biden stated, "Our first priority in Kabul is getting American citizens out of the country as quickly and as safely as possible". However, the objects of security have expanded to include Afghan nationals who served as translators and interpreters during the war designated as "Afghan partners", with certain conditions mentioned previously. Other groups, such as women, were addressed from the international humanitarian assistance position.

Even if this part of the analyzed documents is still strongly in favor of the national security dimension, there are some elements that point to a broader scope of the security concept. Humanitarian assistance was mentioned more frequently in the second part of the period (16), and there was a reference to treating the immigrants "humanely", as well as that the Afghan people deserve "dignity". Specific threats to security objects other than the American people were identified. Most of them were recognized as threats to personal physical security, with examples such as: "their lives being threatened"; "they are vulnerable because their lives are at risk"; "atrocities and retaliation against civilians in other Taliban-controlled areas, which, of course, we are closely tracking and concerned about"; "they and their family will be victimized very badly as a consequence of what happens if they're left behind". There were questions regarding other people from Afghanistan but without the administration's response. There was an absence of references regarding the broader implications of the Afghan refugee crisis, including the implications of US policy in the region on this crisis.

Concluding remarks

The subject of this paper entailed the Biden administration's public discourse regarding Afghanistan withdrawal with the aim of determining the dominant concept of security it adopted. The case of Afghanistan was selected because it offered some insights into the US stance on migrants from the Middle East, and the US perception of threats in the circumstances of a military drawdown from the region it has long had troops in. We used the method of qualitative content analysis to examine presidential public documents before and after the announcement was made. The coding was done based on the data provided in the public documents, but it was broadly framed by the theoretical concepts available throughout the literature.

Our analysis showed that Biden's administration prioritized national over state security. This conclusion is made considering that the types of security publicly communicated by the President and members of the administration were narrowly defined to primarily entail homeland security. Secondly, there weren't many other threats besides terrorism highlighted throughout the public documents.

Thirdly, his administration mainly designated the US homeland and US citizens as objects of reference.

There were some references to human security in the public discourse. Humanitarian assistance, provided by the international community, was referenced considering the events unfolding during the withdrawal. Threats to the physical security of individuals were recognized on several occasions, however, they were only applied to certain groups. Besides this, there were mentions of health threats, mostly emanating from the COVID-19 pandemic. However, those were also framed with priority being given to US nationals, and with their protection in mind. Hence, our conclusion is that the public discourse considered here is still inclined toward the traditional national security paradigm.

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**SLIDING INTO ANARCHY: AN APPRAISAL OF LAWLESSNESS
IN NIGERIA AND THE QUEST FOR HUMAN SECURITY**

Abstract:

The notion of human security has become a dominant theme in international political discussions. This is partly explained by the fact that the production of arms and ammunition does guarantee security. Economic, food, health, environmental, and personal safety are all components of human security. In Nigeria, the country is grappling with security hitches cutting across the six geo-political regions. Kidnapping, banditry, robbery, murder, and wanton killings are common items in the daily news. More worrying is that, despite huge resources being injected into the defense sector, the Nigerian government seems unable to curb this menace that has been troubling the nation's well-being. The government, security agencies, and intelligence organizations, on the other hand, appear to be caught off guard by the atrocities committed by terrorists, herders, and instances of interethnic violence pointing to the fact that Nigeria is prone to anarchy. Against this background, this paper contextualized the lawlessness in Nigeria with specific reference to human security. The paper employs the qualitative method of data collection that utilizes secondary sources such as newspapers, the internet, and extant scholarly works. Based on findings, the rate at which schools are closing, frequent jailbreaks, rising food prices, citizen apathy toward the government, the obvious inability of the government to uphold its own end of the social contract it made with its subjects, and failure of all security containment strategies are all overt signs of a failing state. It is submitted that there is a need for government to be conscious of its primary goals, which include welfare and the protection of people's lives and property. The article suggests that Nigeria should employ artificial intelligence to combat the threat to the nation's status as a sovereign republic, which is being posed by groups that have taken over the numerous ungoverned spaces that dot the country's territory. Nigeria should also invest in

	<i>digital learning methods and coordinate its numerous security agencies. The political order, authority, law, and structures must all be rebuilt because they have all fallen apart.</i>
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Introduction

Nigeria, in recent times, has witnessed the emergence of a triangular conflict between farmers, herders, and terrorists. This has only worsened the already fragile state the country finds itself in terms of security. After Boko Haram and ISIS, the Global Terrorism Index, has already ranked the roving herdsmen in Nigeria as the "4th deadliest terrorist organization in the world" due to their protracted conflict that shows no signs of abating¹. Recent terror attacks, counter-military incursions, and the decline of trust between conventional forces have all contributed to the worsening of the situation. Farmers have fled their farms because of the herdsmen's murderous attacks, whilst Nigeria is facing food shortage. Due to the high number of female farmers in the Middle Belt area of Nigeria, which includes the states of Benue, Kogi, Taraba, Adamawa, Southern Kaduna, and Plateau, many farms have been abandoned.

The killers-herdsmen would subject most women to torture, sexual assault, and murder during assaults². Middle Belt Valley states that are predominantly agricultural societies have long expressed concern about the unceasing killings. No doubt, it is imperative to take decisive action to settle the dilemma because, if the ongoing killing of farmers is not stopped, it might quickly result in food shortages. Kidnappings, ritual killings, suicide bombings, political killings, religious killings, ethnic conflicts, and armed banditry are just a few of the crimes that represent a severe threat to people's lives and the security of the country. Strong arguments have also been made in favor of a multi-stakeholder approach to the security issue rather than focusing primarily on military solutions. Since 1999, a variety of worries have motivated and inspired organized insecurity in the nation. This

¹ Faith Osasumwen Oviasogie, *State Failure, Terrorism and Global Security: An Appraisal of the Boko Haram Insurgency*, "Journal of Sustainable Society", Vol. 2, No.1, 2013, p.15

² M. M. Sackflame, Omitola B., *Ungoverned Spaces and Alternative Sovereignties in Nigeria: Terror Groups, National Security and Sustainable Development*, "Law Research Review Quarterly", Vol.8, No. 1, 2022, pp. 35-52

includes banditry, herders-farmers disputes, ethno-regional self-determination turmoil, the Niger Delta's desire for resources, and Boko Haram terrorists. The Federal Government has implemented several programs that represent a "carrots and sticks" strategy for addressing insecurity. For instance, the government restricted and forbade several ethno-regional practices to placate Niger Delta agitators, Boko Haram and Banditry. Despite official efforts, the latter have strengthened their resolve and become deadlier, endangering Nigeria's existence and stability.

According to a study published by SBM Intelligence, at least 2,085 people died in violent situations in Nigeria between October and December 2021, accounting for a total of 10,366 fatalities. Between January and March 2022, the same incident resulted in at least 2,968 deaths and 1,484 abductions, according to statistics made public by the Nigeria Security Tracker¹. In the same vein, between January and May 15, 2022, 323 non-state actors killed people, including security personnel. Despite this, Nigeria sent 640 soldiers on several peacekeeping operations.

Against this background, the objective of this paper is to make an appraisal of the lawlessness prevailing in Nigeria with specific reference to human security. For this objective to be realized, components of human security are examined. This is done by ascertaining the challenges that have gripped the government's inability to deal with insecurity and advance some recommendations on the above issue

Failed state: towards a conceptual analysis

Oviasogie investigates how Nigeria's status as a failing state has contributed to its status as a haven for terrorists. According to Iqbal & Starr, many people feel that failed States are related to a multitude of socioeconomic, political, and military issues². According to Anyanwu, a failed state is one that is unable to fulfill its own obligations under the social contract it made with its subjects.³ He said that a state that has failed to meet its residents' fundamental needs, such as appropriate security, food, water, power, health care, and excellent roads is seen to be incompetent rather than capable. According to Helman and Ratner, a failed state is one in which there is a breakdown of the rule of law and an exodus of citizens to other nations⁴. According to Zartman, state failure is the absence of the State's

¹ M. M. Sackflame, B. Omitola, *Ungoverned Spaces and Alternative Sovereignties in Nigeria: Terror Groups, National Security and Sustainable Development*, "Law Research Review Quarterly", Vol. 8, No. 1, 2022, pp 35-52

² Faith Osasumwen Oviasogie, *State Failure, Terrorism and Global Security: An Appraisal of the Boko Haram Insurgency*, "Journal of Sustainable Society", Vol. 2, No.1, 2013, p.15

³ G. Anyanwu, *Failed States in Africa: The Nigerian case since 1960*, "Journal of International Politics and Development Studies", Vol 1(1), 2005, pp. 67-83

⁴ G. Helman, R. Ratner, *Saving Failed States*, in "Foreign Policy", 1993, <http://hrw.org/backgrounder/africa/nigeria0205/nigeria0205>, (10.10.2022)

fundamental functions¹. It is necessary to rebuild the structure, authority, law, and political order because they have all crumbled. When governmental officials fail or refuse to uphold their half of the social contract, according to Gross and Ignatieff, the loss of the Federal Government's monopoly over the use of force; the emergence of several armed organizations posing a danger to the State are all indicators of a failing state². A failed state, according to Miliken and Krause, is one in which state power has completely disintegrated and it is unable to provide public goods. A very severe breakdown of a governmental authority constitutes a failed state, according to Milken and Krause. Rotberg noted that protracted internal conflicts, the government's inability to deliver political goods to its people, a decline in legitimacy, an increase in criminal violence, an inability to control borders, a concentration of official power in the capital city, and a few other major cities, a high prevalence of destructive corruption, an inability to provide enough food, particularly during disasters, are all factors.³ Splitting a nation into various entities was listed as one or more separatists⁴. Thus, a failed state can therefore be seen as one that has lost physical control over its territory or the exclusive right to the legal use of physical force. Loss of the right to make choices collectively, the inability to deliver adequate public services, and the inability to communicate with other governments as a full participant in the international community. The corporate existence of Nigeria is, however, frequently called into doubt, as is the topic of whether Nigeria is a failing or failed state. We've seen security system flaws that have resulted in numerous assassinations and kidnappings of both low-ranking and high-ranking members of society's political, economic, and social classes.

Failed nations have certain characteristics, such as the inability to provide the fundamental services of government, such as defense, education, and a stable economy. a reduction in the ability of the group to make choices, and a failure to deliver adequate public services. People no longer trust failed nations, and they frequently experience civil unrest, crime, internal corruption, poverty, illiteracy, and deteriorating infrastructure. Insurgency, high crime rates, unnecessarily bureaucratic procedures, corruption, judicial inefficiency, and military meddling in politics are all factors that contribute to state failure. A failed state has declining fundamental human development metrics, such as infant mortality and literacy

¹ W. Zartman, *Introduction: Posing the Problem of State Collapse*, in *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, Lynne Rienner, Boulder, US, London, UK, 1995

² J.G. Gross, *Towards Taxonomy of Failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti*, in "Third World Quarterly", Vol. 17, No. 3 1996; M. Ignatieff, *Intervention and state Failure, Dissent winter*, 2005, p. 26

³ J. Milliken, K. Krause, *State failure, state collapse, and state reconstruction: concepts, lessons and strategies*, in "Development and Change", Vol. 33, No. 5, 2002, pp. 753-774

⁴ M. Ottawa, S. Mair, *States at Risk and failed states: Putting Security First*, German Institute for International and Security Affairs Policy Outlook, 2004

rates, as well as failing infrastructures, utility supply, and educational and healthcare facilities. Failed states produce an atmosphere where honest economic activity cannot exist due to widespread corruption and negative growth rates.

If anarchy is a state: the case of Nigeria

Sad to say, Nigeria is evolving from a failed state to joining states like Somalia, the Democratic Republic of the Congo, Yemen, the Central African Republic, and Myanmar. The inhabitants can no longer be guaranteed their security. The country is dangerous, coupled with its lax legal system. Due to insecurity, foreign investors do not consider Nigeria a profitable business destination as those already present investors in the country are thinking of leaving. Many young Nigerians are escaping. The unstable nature of the Central Bank's policies makes investing in Nigeria difficult. The country has permeable borders which allow Boko Haram fighters, bandits, and other types of gunmen to enter the country easily adding to the already fragile security system of the country. All failed states are filled with violence, internal uprising, and other violent internal conflicts. Nigeria currently houses a variety of internal crises. To defend himself from roving terrorists and robbers, Zamfara State Governor Mohammed Matawalle turned to self-help. He instructed the state's citizens, mainly farmers, to buy weapons. Matawalle authorized the immediate closure of all markets and some filling stations and the ban on the use of motorcycles in certain areas¹. He also ordered the Commissioner of Police in the State to issue licenses to residents who are willing and able to bear arms to protect themselves against armed criminals. After this raging barbarism, on Monday, June 27, 2022, and in accordance with the Zamfara State Government's mandate, people of the State were required to carry weapons to protect themselves from uncontrollable banditry and terrorist assaults. No longer does anyone's defense depend on the security forces. They are not acting despite knowing where the terrorists, militants, and bandits are. Of course, a leader has nothing else to say. He is a leader, and as a leader, he has given up on governance. Let us not even call him governor. The best course of action for Nigerians is to disregard the constitutional guarantees of freedom from governmental intrusion and instead focus on defending ourselves.

The fact that the nation is in disarray just proves that we are on our own. Therefore, it originated in Zamfara and has the same meaning elsewhere. The sad Zamfara crisis is but a foreshadowing of the absolute anarchy that the nation will experience. Oyo State Governor Seyi Makinde approved the recruitment of an additional 500 men into the State's sector of the Western Nigeria Security Network (WNSN), codenamed Amotekun (a police support unit), in response to the threat of terrorism as part of the administration's efforts to improve the security of people and property in the State. In a similar vein, in Edo State, a Catholic priest named

¹ M. M. Sackflame, B. Omitola, *Ungoverned Spaces and Alternative Sovereignties in Nigeria: Terror Groups, National Security and Sustainable Development*, in "Law Research Review Quarterly", Vol. 8, No. 1, 2022, pp. 35

Rev. Father Osia who had been abducted by gunmen was later discovered dead. Armed herdsmen had barged into the priest's home as he was getting ready for Sunday service and taken him away, only for him to be found dead, having been brutally murdered. About 200,000 persons who were displaced in the Northeast due to Boko Haram's operations, according to Borno State Governor Babagana Zulum, have not yet been brought back to their home countries¹.

In a similar event, the Birnin-Gwari Emirate Progressives Union said that the Ansaru terrorist organization has purportedly outlawed political activity in various Kaduna State areas. In the villages, they have taken control, and now, the terrorists make the decisions and decide on what must be and not be done. According to Sackflame&Omitola, Nigeria is now dealing with risks strong enough to threaten the country's status as a sovereign republic². Most of these terrors are being perpetrated by organizations that have taken control of the many ungoverned zones that dot the country's territory. Due to the lack of a functioning government and state machinery, many groups, including ethnic militias, bandits, herdsmen, and Boko Haram militants, are establishing their own laws, zones of influence, and jurisdictions. Terrorists attacked a mining facility in Ajata-Aboki in Gurmana Ward of Shiroro Local Government Area of Niger State on June 30, 2022, during a daytime operation. Over 30 troops, seven mobile policemen, and six civilians perished in the attack, along with four Chinese miners and other locals³. On Wednesday, June 29, 2022, the Federal Government of Nigeria accused terrorists of obstructing attempts to give Nigerians a consistent and dependable supply of electricity. The North-East, North-West, and North-Central are the worst-affected regions in the nation, causing National Grid collapse, according to the Minister of Power, who claims that the provision of steady electricity for Nigerians, especially in the northern region, has been made rather impossible by the terror groups⁴.

The decreased ability and manifestation of fundamentally and sharply divided societies, which Nigeria today manifests, as well as destroyed economy, wasted resources, traumatized, and depressed people, and worldwide organized crime, are among the persistent causes of failing and failed nations. When the state security apparatus loses control of the tools of violence, the authority of the state is eroded, allowing for unlawful activities, and resulting in a spiraling increase in lawlessness.

¹ M. M. Sackflame, B. Omitola, *Ungoverned Spaces and Alternative Sovereignties in Nigeria: Terror Groups, National Security and Sustainable Development*, "Law Research Review Quarterly", Vol. 8, No. 1, 2022, pp. 35-36

² *Ibidem*, pp. 38

³ C.B. Idigo, *Terrorism and National Security in Nigeria: A Case of Boko-Haram, 2009-2019*, in "International Journal of General Studies (IJGS), 2022", Vol. 2, No. 1, 2022, pp. 89-106

⁴ *Ibidem*, p. 106

Rising food costs, the new insecurity amidst terrorism and bandits in Nigeria

According to Onuoha, security also refers to a state's ability to protect its citizens and societies from threats that may be economic, social, environmental, political, military, or epidemiological in nature and to advance the furtherance and actualization of their basic needs and vital interests¹. According to Helland and Sörbö, for food security to be sustainable, there must be enough food production or availability, food supply and the ability to buy food, enough nutrition, including enough energy, proteins, and micronutrients, safety, and the stability and predictability of these conditions². Restricted supply of wholesome and safe foods or consumers with limited purchasing power is threat to food security. Low-income people are especially affected by food insecurity, which increases the risk of hunger and malnutrition. The International Monetary Fund discovered a link between growing food costs and civil instability in low-income nations³. Food insecurity and famines are a direct effect of social upheaval and conflict.

According to Akinrinde et. al, agriculture employs over 70% of Nigeria's labor force, despite the country being mostly recognized for its oil and gas output⁴. Nigeria has suffered from chronic farmers-herders conflict, which has adversely affected her ability to produce food and led to serious food insecurity. Over the last few decades, tensions have risen, with more violent outbursts between farmers and herders extending over the whole nation. Nigeria should realize that because food, which is a basic requirement for most people, is becoming increasingly scarce and expensive, our country is courting disaster. On May 18, 2022, UN Secretary-General António Guterres spoke at the Global Food Security Conference and delivered a strong statement warning that if we fail to feed people, then he warned that mass hunger looms. According to Idigo, due to food shortages in Nigeria, thanks in no little part to Boko Haram, food prices now rival those of gold. This is because Northern Nigerian businessmen are having a very tough time moving their goods to other regions of the nation. More so, most farmers were compelled to flee their farms out of terror and sought shelter in another region of the nation, where they now live as vagrants rather than assisting in the nation's food supply. This particular circumstance led to food shortages and skyrocketing prices in Nigerian markets, and it has had significant effects on the country's ability to feed its people.

¹ G. Onuoha, *Contextualizing the Proliferation of Small Arms and Light Weapons in Nigeria's Niger Delta*, in "Africa Security Review", Vol. 15, No. 2, 2006, pp. 41-60

² J. Helland, G.M. Sörbö, *Food Security and Social Conflict*, in "CMI Report", Bergen Christian Michelssen Institute, Vol.1, 2014

³ R. Arezki, M. Brückner, *Food Prices and Political Instability. IMF working paper*, WP/11/62. IMF, Washington, DC, 2011

⁴ Olawale Akinrinde, Abdullahi Osuwa, Kayode Olawoyin, Ayodele Morakinyo, *Farmers- Herders Conflict and Nigeria's Quest for Food Security: The Imperative Need for Information Communications Technology*, "Journal of Digital Food, Energy & Water Systems", Vol. 2, No. 2, 2021, pp. 33-54, <https://doi.org/10.36615/digitalfoodenergywatersystems.v2i2.731>, (21.11.2022)

Nigeria's education system and the impact of insecurity

It appears that recently, terrorists, rebels, and criminal gangs have grown attracted to the education industry, according to Uwakwe, Kadah, and Audu-Bako. As a result, despite the indignation and condemnation generated by the 2014 kidnapping of 276 schoolgirls in Chibok, Bornu State, attacks on schools continue in Nigeria¹. Schoolgirls and children have been abducted by gunmen from Dapchi to Kangara to Jangebe. Universities have not been exempted from the terror of kidnapping, as evidenced by the abduction of 27 students from Greenfield University on April 20, 2021, in Kaduna State. According to Rahama Farah, the increase in the nation's 18.5 million out-of-school children, 60 percent of whom are female, is the result of attacks on schools throughout the north by jihadists and criminal gangs that kidnap for ransom. It is believed that 16 of the approximately 1,500 children who were abducted by militants last year perished. Most of the young prisoners were released after negotiations, but several remain imprisoned in secluded areas of the forest.

In Nigeria, more than 11,000 schools have closed since December 2020 because of security concerns. Additionally, parents are hesitant to enroll their children in still-open schools². These attacks produced unsafe learning settings, and parents and guardians were afraid to send their children to school. Is this more terrible than war?

Incessant jailbreaks and the failure of security and intelligence architecture

It is no longer news that Nigeria's prisons and frequent jailbreaks have given the nation a bad reputation. However, the absence of sufficient study to shed light on the reasons behind prison violence and jailbreaks in Nigeria has complicated control efforts to address and had a detrimental effect on the usefulness of prison in that country.

Usually, in many instances, the authorities would have been aware of many of these jailbreaks and riots in advance, and little or no measures would be put up to prevent them. Additionally, the physical conditions of Nigerian jail cells are abhorrent, and by just looking at them, a visitor is likely to start feeling uneasy. The prisons in Nigeria are typically packed with prisoners who have been found guilty and sentenced to death, or are awaiting trial, while a small number of cells are reserved for rich prisoners who typically spend out their sentences with "pleasure".

In some prison cells, both male and female convicts and offenders awaiting trial for different categories of crimes, namely murder, robbery, theft, kidnapping, assault, money laundering, fraud and conspiracy, arson, unlawful

¹ S.I. Uwakwe, A.Y. Kadah, S. Audu-Bako, *Insecurity and its Effects on the Quality and Utility Value of Graduates of Nigerian Universities*, in "Journal of the Federal Ministry of Education", Vol. 15, No.1, 2021, pp 40-58

² *Idem*

possession of property, electoral violence, and rape, among others are kept together. Indeed, there is a causal relationship between overpopulated prisons and the incidence of jailbreaks because inmates have the advantage of numbers over the warders who are supposed to be on guard to fend off any threat to the prisons, especially to prevent any external attempt to free prisoners. On Friday, July 8, 2022, the Senate questioned the management's handling of Kuje Prisons prior to the jailbreak, claiming it was a failure of the nation's security system, and blamed an insider conspiracy that allowed over 800 prisoners to escape. It's not acceptable. The assault on this building is a sign that security has failed. Third, moving from one cell to another and then becoming free, particularly those who are suspected or convicted of terrorism, reveals a lot about the structural deficiency of the nation's security architecture.

Despite the overcrowding in prisons across the nation, Abiodun et al, note that the wealthy or wealthy inmates typically get themselves in conducive prison spaces or environments¹. This attests to some of the reasons the 'inmates act aggressively to ensure they escape from prison at all costs. After suspected Boko Haram militants raided Kuje Prison and released several prisoners on July 6, 2022, the United States Embassy in Nigeria issued a warning to its residents in Nigeria not to travel on the airport road in Abuja and some States in Nigeria. The states include Borno, Yobe, Adamawa, Gombe, Kaduna, Katsina, Zamfara, and the riverine regions of Akwa Ibom, Cross River, Bayelsa, and Delta. Citizens have been advised to only travel to Bauchi, Kano, Jigawa, Niger, Sokoto, Kogi, within 20 kilometers of the Niger border in Kebbi State, Abia, and non-riverine areas of Delta, Bayelsa, Rivers, Plateau, and Taraba States for essential purposes, and it has been determined that crime has become endemic throughout Nigeria. Another incident is the escalating insecurity in Nigeria, which compelled the United Nations to issue a statement on Friday, July 8, 2022, expressing its grave concern about the Sahel region's ongoing bloodshed and urging all its members to take action².

The Nigerian state and the disconnection between the government and the citizen

Despite the attacks on a presidential advance team in Katsina on July 5, 2022, the ambush of security personnel in the same State, the assault on a major prison in Abuja, another killing of a police officer, and the kidnapping of a foreigner in Kwara on July 5, 2022, while Nigerians were still bemoaning the brazenness of the attacks and the world was still joining us in mourning, President Buhari still left Abuja on July 6, 2022. Many Nigerians criticized this trip as well

¹ T.F. Abiodun, M.T. Akinlade, A.B. Onyi, A.A. Daramola, *Recurrent Waves of Jailbreak in Nigeria: The Imperatives of Prison Intelligence and Dynamic Security Strategies in Managing the Nigerian Correctional Facilities*, in "Advances in Social Sciences Research Journal", Vol. 8, No. 5, 2021, pp. 229-250

² *Ibidem*, pp. 230

as the President's other frequent travels as the country's security and economy continue to deteriorate. Critics assert that President Buhari traveled abroad at least ten times in 2022 alone.

Terrorism and failure of containment strategy

According to Ugwuoke et al, terrorism and widespread panic in Nigeria are an examination of the psychological effects of terrorist acts on Nigerians. Following the formation of the terrorist organization Boko Haram, which seized a sizable portion of Northeast Nigeria utilizing cutting-edge military equipment including explosives, rockets, military tanks, and high-caliber machine guns, the sovereignty of the Nigerian state was put in jeopardy. Many areas of Northern Nigeria were the target of Boko Haram's terrorist strikes, including Abuja, the Federal Capital Territory (FCT), which sparked widespread panic by instilling a real fear of instability there¹.

Nigeria continues to deal with several problems brought on by different terrorist organizations, problems that have a terrible human cost in terms of lives lost or permanently altered, internally displaced people, and extremely detrimental effects on economic and social growth. According to Forest, some of the problems that allow the anxieties caused by the deadly Boko Haram terrorist activities to persist include structural flaws in the political climate in Nigeria and the Nigerian government's reluctance to address the causes and symptoms of terrorism.

The Boko Haram extremist Islamist group has unleashed unprecedented levels of violence on the Nigerian people, specifically targeting those they perceive to be engaging in activities that are not Islamic. Oyewole argued that even though the Nigerian government had used a variety of tactics, including hard politics and military mobilization, to stop Boko Haram attacks, there is yet no end in sight to the menace². Aghedo and Osumah noted that the government's emphasis on militarized responses against security issues has been ineffective³. The MNJTF counter-terrorism operation, according to Olawoyin, Akinrinde, and Irabor, has largely been focused on coordinating national contingents, which operate under different rules and report to various member states⁴. As a result, there is still a lack of coordination in counterterrorism activities in the Lake Chad region. Given that the main terrorist forces have been divided up into various factions and that there has been a lack of inter-agency coordination and cooperation between the Nigerian

¹ Elias Iziga Ugwuoke, *Terrorism and Moral Panic in Nigeria*, in "Review of European Studies", Vol. 8, No. 3, 2016, pp. 180-197

² S. Oyewole, *Boko Haram and the challenges of Nigerian's war on terror*, in "Security and Defense Analysis", Vol. 29, No. 3, 2013, pp. 253-262

³ I. Aghedo, O. Osumah, *The Boko Haram uprising: How should Nigeria respond?* in "Third World Quarterly", Vol. 33, No. 5, 2012, pp. 853-869

⁴ Kayode Wakili Olawoyin, Olufemi Olawale Akinrinde, Peter O. Irabor, *The Multinational Joint Task Force and Nigerian Counter-Terrorism Operations in the Lake Chad Region*, "The Copernicus Journal of Political Studies", Vol. 2021, No. 1, 2021, pp. 115- 135

military and other security forces, Forrest noted that the complexity of efforts to stop Boko Haram's terrorist acts is exacerbated by the widespread corruption and frail state institutions that are present in Nigeria.

One nation that has made the global pillars the cornerstone of its counterterrorism strategy is Nigeria. The nation's counterterrorism strategy includes both military and non-military responses to terrorism. The former, however, has been the strategy that has been utilized to tackle terrorism most frequently and visibly, particularly with the Boko Haram sect. The latter found expression in the creation of the National Counterterrorism Strategy; although it has since been proven that this policy document is ineffectual because of policies and initiatives that were not implemented effectively. Again, this just serves to further demonstrate that in Nigeria, planning does not always equate to execution in terms of the precise activities and ability required to attain these softer approaches. According to Akinrinde and Tegbe, the ongoing Boko Haram terrorism is a result of the country's current human security issues, which is why Nigeria's development efforts have failed in the past and would continue to fail in the future should the problems with human insecurity in Nigeria that led to Boko Haram terrorism continue¹.

Conclusions

Everything in Nigeria is on the verge of failing, and Nigeria may be swimming in a time of unpredictability, insecurity, and immense risk. In the state of Nigeria, situations of insecurity and uncertainty are now the norm; there are daily killings and destruction of lives and property. The current administration is not taking any significant action to halt that. In several states of Nigeria, where residents are uncertain of what will occur next, a similar situation exists.

The unprecedentedly high cost of living, the integration of social welfare, broken infrastructure, high unemployment, criminality, and hopelessness all contributed to the level of insecurity. The rate at which schools are closing, the constant incarceration rate, the rising cost of food, the alienation of citizens from the government, and the clear inability of the government to uphold its own end of the social contract it entered with its subjects, combined with the failure of the security containment strategies, clearly demonstrate the symptoms of a failed state and the triumph. The nation is currently in a very fragile and deplorable state as most businesses have shut down whilst people are afraid to travel outside of their state, and farmers are no longer able to go to their farms due to human insecurity and untamed lawlessness.

¹ Akinrinde Olawale, Tegbe Seun, *Boko Haram Terrorism and the Futurology of Nigeria's Development*, in "Annals of Spiru Haret University. Economic Series", Vol. 20, No. 3, 2020, pp. 117-139

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**THE WAR IN UKRAINE AND GENERATION Z.
UNDERSTANDING YOUNG CITIZENS' PERCEPTION ON
REFUGEES**

Abstract:	<i>In the last decades the issue of refugees and immigrants has become more transparent and a subject of interest for the common citizen. Many authors discuss and analyze how people perceive immigration and the issues related to them. However, we know very little about what young citizens, members of generation Z, think about refugees and immigrants. The paper addresses this gap in the literature and analyzes how young citizens perceive immigrants and refugees that arrive in Romania. It uses Romania as a single-case study and semi-structured interviews conducted in September 2022-October 2022 with young citizens coming from different socio-demographic profiles, to explain the variation in how they perceive the recent Ukrainian refugees and other immigrants. The main purpose is to explain the perceptions variation related to the current crisis generated by Russian Federation. The findings indicate that young citizens' perceptions are influenced by a combination of general attitudes toward the political system and society, education, and specific attitudes about potential external threats.</i>
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Introduction

Each generation has its share of experiences and events that can help outline a vision of the main characteristics that define it. Today, Generation Z is the one that is preparing to take up positions in government institutions and private

companies, thus being the generation that will shape our future. In this context, the way they relate to certain events is relevant to understand the way the future society will function.

The present article aims to understand the perception of Generation Z in Romania regarding the Ukrainian refugees who arrived in the country because of the armed conflict that began in February 2022. In this research, we offer an empirical contribution to understating young people's perception on Ukrainian refugees in these geopolitical situations. The investigation departs from the following research question: What is the perception of members of Generation Z (from Romania) on the issue of Ukrainian refugees?

Perception is a relatively abstract construct that can be measured by various methods. In the present case, the young people's perception of the refugee problem is built on several indicators: their visions regarding the effects that refugees produce at the level of community security and at the level of individual security, respectively their ideas regarding the role that the state and the individual have in the management of this situation.

These elements are investigated using the semi-structured interview method applied to a number of 20 young people who are part of Generation Z and study in different fields. The conflict in Ukraine started in February 2022 and since then many Ukrainian refugees arrived in Romania offering us a good moment to test the attitudes of members of our younger generation.

The article starts with the establishment of the theoretical framework in which the idea of perception is conceptualized, the main characteristics of generation Z are presented and the role that age plays in shaping perception about refugees. The research continues with the presentation of our research design and, finally, with a section dedicated to a discussion based on the results.

Theoretical framework

Perception and refugees

As a social construct, perception is defined as the primary form through which the individual achieves cognitive contact with the world. Perception makes a connection with the environment and its constituents, and it represents a manifestation of the way one sees the world. In the international relations environment, public perception is associated with the transposition of international events into the behaviors within societies.

Empirical studies conducted to compare distinct cultures have demonstrated that people are surprisingly different in projecting perceptions towards themselves and others. This fact demonstrates both the social dynamics and the particular way in which people perceive certain subjects. People's ability to subjectively interpret the social world and its mechanisms are influenced by values, needs and expectations, **age**, and educational background.

According to UNHCR, refugees are people who have fled war, violence, conflict, or persecution and have crossed an international border to find safety in another country. The 1951 Refugee Convention defines a refugee as: „someone

who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion”¹. Refugees are the people fleeing their homeland owing to serious human rights violations and seeking safe harbors by crossing their borders². The collapse in the civil order of the neighboring countries has resulted in tremendous population displacement in the last few decades. For our study, we will use the case of Ukrainians who are seeking shelter in Romania because of the Russian invasion.

Previous studies have shown that attitudes towards immigrants and asylum seekers, as well as thoughts about their deservingness, depend on what they think about their characteristics, such as race, background or religion, and age³⁴. Researchers discussed various deservingness criteria in relation to groups that shape perceptions about refugees. Van Oorschot in his paper „Individual Motives for Contributing to Welfare Benefits in the Netherlands” lists five criteria: control (people who are not responsible for their situation are more deserving), level of need (people in greater need are seen as more deserving), group identity (groups whose identities are closer to our own are seen as more deserving), group attitudes (people who are more likable and grateful are seen as more deserving) and reciprocity (individuals and groups who have made contributions to the in-group or may be expected to contribute in the future are viewed as more deserving)⁵. These criteria contribute to the way perceptions of refugees are constructed and shared. Based on this, people can perceive refugees as a threat or as an opportunity. These perceptions are influenced by educational background, previous experiences, and, of course, age.

Generation Z – who are they?

Born and raised between 1995 and 2010, Generation Z, like other generations, comes with a unique set of features. Like any other generation, the main characteristics that define them are the result of the economic and social context, cultural events and more important, technological evolutions. Generation Z is the first generation to grow up with access to internet, screens and mobile technology. This context has a strong effect in their personalities, way of thinking and behaviors. Because they are surrounded by laptops, smart phones and have

¹ *What is a refugee?* <https://www.unhcr.org/what-is-a-refugee.html>, (10.11.2022)

² J. Allen, B.V. Aina, E. Hauff, *Refugees and asylum seekers in societies*, in L. S. David, J. W. Berry (Eds.), *The Cambridge handbook of acculturation psychology*, Cambridge University Press, Cambridge, p. 201

³ J. Hainmuller, M.J. Hiscox, *Attitudes Toward Highly Skilled and Lowskilled Immigration: Evidence from a Survey Experiment*, in ”American Political Science Review”, Vol. 104, No. 1, 2010, p.73

⁴ K. Bansak, J. Hainmuller, D. Hangartner, *How Economic, humanitarian, and Religious Concerns Shape European Attitudes toward Asylum Seekers*, in ”Science” Vol. 354, No. 6309, 2016, p.218.

⁵W. Van Oorschot, *Individual Motives for Contributing to Welfare Benefits in the Netherlands*, in ”Policy & Politics”, Vol. 30, No. 1, 2000, p.35

access to web, networks, and digital media they are often called iGeneration, Gen Tech, Online Generation, Facebook Generation¹, Switchers, „always clicking”². Today, Generation Z represents 30% of the world’s population (2 billion) and is considered the largest generation ever³.

Generation Z are true "digital natives" that managed to integrate technology into their lives. Being able to use any type of smartphone or tablet and navigate the internet enables them to easily access information and communicate. Communication and access to information makes them global citizens.

Members of Generation Z may describe themselves as motivated, determined, open-minded, caring, a diverse generation grounded in a sense of integrity and tenacity. They value financial security, family and relationships, meaningful work, and happiness, and are motivated through relationships, engaging with their passions, and achievement⁴. They grew up in a safer, more prosperous, more peaceful world and that made them freer and bolder, more willing to take risks and change, more volatile. They are on-the-go moving homes, jobs and careers faster than ever before⁵.

Even though they are considered to be the most educated generation⁶, for them, education means imitation and their library is YouTube, and Instagram. They also believe that online gives them the resources they need to learn and question the traditional education system⁷. The Covid -19 pandemic and its lockdowns kept them away from traditional education. They were able to quickly adapt and to continue their education even though they were away from the classrooms.

Radically different than Millennials, this generation has an entirely unique perspective on careers, success, and life in the workforce⁸. They are known to be pragmatic, and they are looking for companies that can demonstrate not only their

¹ Raluca Luțai, *Generation Z: characteristics, social networks and political behavior*, in "Anuarul Institutului de Istorie G. Baritiu", 2020, p.4

² Anna Dolot, *New Trends in Management The Characteristics of Generation Z*, in "E-Mentor", No. 2, 2018, pp. 44–50

³ *Gen Z and Gen Alpha Infographic Update*,
<https://mccrindle.com.au/article/topic/generation-z/gen-z-and-gen-alpha-infographic-update/>, (11.11.2022)

⁴ Meghan Grace, Seemiller Corey, *Generation Z - a Century in the Making*, Vol. 53, 2019

⁵ *Gen Z and Gen Alpha Infographic Update*,
<https://mccrindle.com.au/article/topic/generation-z/gen-z-and-gen-alpha-infographic-update/>, (11.11.2022)

⁶ Regina Pefanis Schlee, Vicki Blakney Eveland, Katrin R. Harich, *From Millennials to Gen Z: Changes in Student Attitudes about Group Projects*, in "Journal of Education for Business", 2019

⁷ Raluca Luțai, *Op.cit.*, p.6

⁸ *Understanding Generation Z in the workplace*,
<https://www2.deloitte.com/us/en/pages/consumer-business/articles/understanding-generation-z-in-the-workplace.html>, (11.11.2022)

capacity to pay them good salaries but also their commitment to a broader set of societal challenges such as sustainability, climate change, and hunger. They are creative and believe in transforming good ideas into a profitable business. They enjoy working with digital tools, appreciate technological skills, and request management skills.

From a social perspective, as soon as they were old enough to click, those in Generation Z have had news at their fingertips about every global and local crisis, giving this generation much to worry about even at a young age. This has led them to care deeply about many issues, especially those they believe have a significant current and future impact on society. They care about the environment, equality, gun control and they accept diversity as a form of expression¹. They've grown up in a diverse world and it's all they know. They are the most likely generation to see the advancement of LGBTQ rights as a positive development, they are losing their religion, they are more likely to identify as atheist or agnostic and most think church attendance is unimportant². As for those in charge of solving the main problems, members of Gen Z are more likely than older generations to look to the government to solve problems, rather than businesses and individuals³.

With these new characteristic's generation, Z members will be the leaders and doers of tomorrow. The way they were born and the values which they believe will shape society.

Age and the perception of refugees

Youth perceptions are not always in step with those of older societal cohorts. Adorno noted in the 1950s, "today we are faced with a generation purporting to be young, yet in all its reactions insufferably more grown-up than its parents ever were"⁴. Findings from the European Social Survey suggested that public attitudes toward immigration are closely linked to people's educational backgrounds⁵ and that young people show more favorable attitudes toward immigrants than older and lesser-educated people do.

In 2016, International Civic and Citizenship Study measured among other things, young citizens' attitudes toward migrants and refugees. Their result shows that between 81% and 95% of young students believe that their countries should cooperate and should provide shelter to refugees⁶.

¹ Raluca Luțai, *Op.cit.*, p.7

² *Gen Z is the least religious generation. here's why that could be a good thing.* <https://psmag.com/ideas/gen-z-is-the-least-religious-generation-heres-why-that-could-be-a-good-thing>, (11.11.2022)

³ *On the Cusp of Adulthood and Facing an Uncertain Future: What We Know About Gen Z So Far* <https://www.pewresearch.org/social-trends/2020/05/14/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far-2/>, (11.11.2022)

⁴ Stephen Dobson, Gabriella Agrusti, Marta Pinto, *Supporting the inclusion of refugees: policies, theories and actions*, in "International Journal of Inclusive Education", 2019, p. 8

⁵ *Idem*

⁶ Bruno Losito, Gabriella Argusti, Valeria Damiani, Wolfram Schulz, *Young People's Perceptions of Europe in a Time of Change*, ICCS 2016, p.15

These results have an explanation for the way young citizens interact online. They have access to social media, are digitally informed, and get empowered faster than other age categories. They accept refugees and immigrants and get involved in various actions meant to help them due to their high level of enthusiasm and because of their economical comfort. Rightly mobilized online members of Generation Z will get socially involved in issues like immigrants or refugees.

Methods

From a methodological perspective, our study is constructed using the semi-structured interview method as the primary data collection method. To find out how young citizens perceive Ukrainian refugees, we conducted 20 semi-structured interviews in September – October 2022. Romania was selected as a single case study. We decided to analyze the case of Romania because of its geographical proximity to Ukraine. Romania was, on the eve of the conflict, a place of refuge for Ukrainian citizens who managed to escape the conflict. Almost 1.2 million Ukrainians have crossed the border into Romania since the beginning of the war in Ukraine and 7% of them have remained in the country¹. The statistics record that in Romania are about 81.000 Ukrainians refugees. This provides a good framework for analyzing the perception that citizens have toward them.

In Romania, generation Z represents 2.881.345 of the totals of Romania's population². They represent the first generation that did not experience any authoritarian system or restriction of rights in Romania. They are also the ones who become adults in the most prosperous period in the history of Romania. Apart from the Covid 19 pandemic and the recent conflict situation, members of Generation Z have been part of a free, safe, and prosperous world, which is why studies characterize them as financially optimistic³. From a political and management perspective, the members of Generation Z are the ones who will take over the leadership of public and private organizations and who will become the leaders of Romanian society. For these reasons, it is important to understand their perception of certain events that mark their development. Their reporting of a certain situation can be an indicator of the way in which the society of the future is built.

¹1,2 milioane de ucrainieni au trecut granita in Romania, https://www.zf.ro/eveniment/aproape-1-2-milioane-ucraineni-au-trecut-granita-romania-inceputul-20931415_ (09.11.2022)

² Romania generatiilor, <https://panorama.ro/romania-generatiilor-puterea-demografica-politica-si-economica-a-fiecarei-categorii-de-varsta-din-populatia-tarii/>, (09.11.2022)

³ Generația Z din România este optimistă. 13% dintre tinerii români până în 25 de ani au deja o ipotecă, https://www.profit.ro/stiri/social/grafice-generatia-z-din-romania-este-optimista-13-dintre-tinerii-romani-pana-in-25-de-ani-au-deja-o-ipoteca-19071202_ (09.11.2022)

We used the method of semi-structured interviews because the respondent's point-of-view is the most salient concern for qualitative researchers as this lets the researcher understand the phenomena they have encountered. Because of their flexibility, semi-structured interviews are more appropriate in our case.

The interviews we conducted had ten questions through which we tried to find out, in-depth, what is the youth's point of view on matters related to Ukrainian refugees. We considered that this method offers us the opportunity to understand the complexity of opinions and views related to this topic. In terms of content, the interview started with questions aimed to understand if young citizens are interested in the events taking place in our country and in the world and their main sources of information. After that, questions were related to the amount of information they have about the war in Ukraine and their level of concern about the state of the Ukrainian refugees. To test their perception, we asked them about the way they see the effect of Ukrainian refugees both at a personal level and at the community level and we ended the interview with a discussion about the obligation Romanian citizens and governmental institutions have towards the Ukrainian refugees. (Appendix 1 presents the complete interview guide).

Our interview was applied to members of the general population with variation on age, sex, and region. Participants were persons who are born between 1995 – 2000, members of the generation we are analyzing. The profile of our respondents is diverse. We interacted with young people (age: 18- 22) that come from several parts of Romania (Cluj, Alba, Bistrita, Piatra Neamt, Oradea) who are students in various fields (Appendix 2 provides an overview of the participants). The data collected represents the views of females and males, with rates of 45% and 55% respectively. The interviews were applied by phone but also face to face.

The analysis of the data will be guided by an inductive approach. This requires understanding participants views and experiences in the specific context of our study. As thematic analysis involves the implementation of codes and themes within the data. Table 1 presents three major themes identified in our interviews.

Major themes	Codes/subthemes	Quotes
Gen Z are informed about the situation in Ukraine	Interest	„Of course, I am carefully watching what is going on in Ukraine. The situation is happening right at our door.” (I8)
Gen Z perception on the Ukrainian refugees' impact on communities	Positive impact	„I believe that the effect of the Ukrainian refugees had a positive impact on the Romanian community as it brought back the need to show empathy and the solidarity to get involved in

		humanitarian cases. We needed this.” (I19)
	Negative impact	„The refugees draw Russia's attention to Romania, and this may intensify already existing conflicts.” (I3)
Gen Z and their safety near Ukrainians	No general concerns	„They are here because the war made them leave their homes. They don't want anything from us except our help and support. I don't see them creating problems or endangering us. We share the same values and I believe we have the same allies and enemies.” (I12)
Gen Z opinion about governmental action	The government should act	„Stat institutions have a duty towards Ukrainians. They must help them overcome this situation” (I7)
	The government should invest in its own citizens	„We have so many problems that need to be addressed by our state, like the state of our hospitals, the issue of our homeless people. We need to make steps towards this after that we can see how we can support the refugees.”

Table 1. Major themes

Findings and discussion

The level of information that the young members of Generation Z have regarding the conflict situation in Ukraine is an indicator of the interest they have in the situation. As we anticipated, and as is specific to members of Generation Z, our respondents are informed about the evolution of the conflict. The reasons they cite are related to geographical proximity: "Of course, I am carefully watching what is going on in Ukraine. The situation is happening right at our door." (I8) but also the uniqueness of the event: "I didn't think that in the times we live in we can witness a war. I only learned about wars in history, so it's interesting to follow one"(I2).

When asked what the main source of information they use, the respondents of our interview stated that they most often access online mass media, electronic

versions of traditional mass media. In parallel with this, many of them declare that much of the information they have about the war in Ukraine comes from their News Feed on Facebook or Tik Tok. One of the respondents stated: "I often use Tik Tok. In the first days of the war, I saw the opportunity to find out what was happening directly there. There were many videos that helped me formulate my opinion"(I13). Other respondents also mentioned various online discussion groups. The answers received show us that Generation Z is truly digital. They confirm other studies and statistics carried out at the regional or global level¹.

The first element that builds the perception of members of Generation Z regarding Ukrainian refugees is related to the way they are perceived in the communities where they arrive. The respondents of our interview are divided into two categories: those who see the presence of Ukrainian refugees in Romania as a positive element and those who see it negatively.

The positive perspective is outlined by economic, security, cultural, and solidarity-related arguments. The young members of Generation Z believe that the presence of Ukrainian refugees is a useful element for the economy of the communities. Some respondents believe that among the refugees there are also businessmen who will create opportunities for the communities where they arrive, while "as far as I know, Ukrainian businessmen managed to reach Romania. They can open their businesses here, thus offering jobs"(I20), others, believe that Ukrainian refugees can be employed in the labor market that suffers by a lack of personnel: "they can work in places where labor is needed".(I2)

In parallel with the economic elements, members of Generation Z consider that the presence of Ukrainian refugees in the communities they belong to enriches them culturally. For them, the interaction with the Ukrainian population is a good moment to better understand their situation and to learn more about their culture: "I think it's a good opportunity to get to know them and learn more about their culture". (I3)

Many of the members of Generation Z also brought up aspects related to high levels of security. They believe that Romania's reputation is growing and that the demonstration of solidarity that the Romanian state is making now will bring a strong partnership with Ukraine at the end of the conflict: "Ukraine will appreciate the support that Romania offers and the northern area will be safer. Collaboration will increase at the end of the conflict". (I7)

Besides these aspects, the respondents brought up an interesting element. Some of them are of the opinion that the presence of refugees rekindles a sense of solidarity. "I believe that the effect of the Ukrainian refugees had a positive impact on the Romanian community as it brought back the need to show empathy and solidarity to get involved in humanitarian cases. We needed this". (I16)

¹*Mind the gap,*

<https://www.mckinsey.com/~media/mckinsey/email/genz/2022/07/05/2022-07-05b.html>,
(09.11.2022)

Although there are many who welcome the presence of Ukrainians, among our respondents there were several voices who also emphasized the negative impact that refugees can have on the communities they belong to. They believe that Ukrainian refugees do not bring economic prosperity, but on the contrary, they will take over the jobs of Romanian citizens. Moreover, Romania's security will not be increased. The respondents who are of this opinion argue that the support that Romania offers to Ukraine attracts the attention of the Russian Federation "The refugees draw Russia's attention to Romania and this may intensify already existing conflicts". (I4) the invocation of the geopolitical situation is specific to the respondents who come from science fields and do not have the most developed understanding of the topic of relations between the two states.

In parallel with these visions, there was also a certain nationalist attitude in which the refugees are seen as a burden for Romania: Why should we give them money, when we have children in the country who are dying of hunger? (I2). Attitudes like this are somewhat normal. What is encouraging is that those who debate the negative elements are far fewer than those who see the glass half full.

As a preliminary conclusion, we can say that Romania's generation Z confirms the defining characteristics of the generation: they are socially active, tolerant, and embrace diversity.

The second element that we tested and which contributes to understanding the perception of Generation Z, is the relationship between refugees and individual security. All 20 respondents stated that they do not feel in any way threatened by the presence of refugees: "They are here because the war made them leave their homes. They don't want anything from us except our help and support. I don't see them creating problems or endangering us. We share the same values and I believe we have the same allies and enemies".(I1) This tests the theory we know about them: they are open to otherness and easily accept people belonging to another culture that they do not consider under any form of threat.

The last component that helps us build the perception that generation Z has towards refugees from Ukraine is related to the way they perceive their role and that of government institutions in managing the refugee situation. As in the case of the question related to the impact on the communities, the opinions are divided: most of them consider that the state is obliged to support them in any situation "it is the duty of the Romanian state to take care of them. They must ensure that they have a home and integrate them into society" (I2), while others have more nationalist visions. "The Romanian state has many problems that it must solve. I don't think we need to spend too many funds on them" or "I don't know how much we can offer them. And if we have, I think we have to save more for Romanian children who don't or the hospitals that are full of sick people.

It is very interesting that, when it comes to government support, opinions are divided, but when it comes to the concrete support that the respondents can offer, the answers are unanimously positive: "each of us must do something for them. I, for example, participated in several support actions right when the war started. I don't see how the world would work otherwise" (I5). Other respondents

consider that the feeling of solidarity and empathy must be developed: "it's a good moment to show that we care about others and not only ourselves"(I7) "parents and school taught us from a young age that it is good to share what we have . If we share the things we have with people who need them more than us, the situation changes", especially in the context in which the Covid-19 pandemic kept us away "social distance also led to an emotional distance: we were alone too much and we forgot how to behave with each other. The refugees give us the opportunity to demonstrate that we are human, that we understand their burden, and that we can come to their support".(I11)

Conclusions

Our study analyzed the perception of the young generation Z regarding the refugees who arrived in Romania because of Ukrainian – the Russian conflict.

Generation Z is characterized by specialists as a digital, informed, socially active, and tolerant generation. Through the interviews we conducted, we managed to confirm this theory. Young people from Romania have information about the evolution of the conflict in Ukraine. Digitally, natives, it is a surprise that most of our respondents say that the information they have about the conflict comes from digital media or social networks.

Our analysis builds on the idea of perception regarding Ukrainian refugees through three elements: attitudes towards the presence of Ukrainians in communities, the effect they produce at the level of individual security, and the role that the state and citizens have in relation to refugees.

Regarding the first element, most of our respondents described positive effects and attitudes. They mentioned economic and cultural elements. Very few of the respondents considered that the presence of Ukrainians also produces negative effects such as the deterioration of diplomatic relations between Romania and the Russian Federation or economic shortcomings.

It is surprising that, although at the community level some opinions are negative, when it comes to individual security, our respondents unanimously mentioned that they do not consider that Ukrainian refugees could affect their individual security.

Regarding their views on how the state should support the refugees, the opinions are divided here as well. The vast majority say that the state must be involved in helping refugees, while few of the respondents have nationalist attitudes considering that Romanian institutions need to be involved in creating a better environment for their own citizens and be less preoccupied with the refugees. Like the previous discussion, when it comes to the role of the ordinary individual, all those questioned are of the opinion that every citizen is obliged to support the refugees.

Our study shows that generation Z in Romania is a generation of informed individuals, who have a critical view of the world and who can get involved socially. Even if opinions are not unanimous regarding some aspects, the

generation of future leaders is a generation that will proactively respond to the future problems of society.

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**FROM TEMPORARY SHELTER TO PROSPECTS OF
INTEGRATION. THE POLICY OF THE EVANGELICAL
LUTHERAN CHURCH A.C. IN ROMANIA REGARDING
REFUGEES FROM UKRAINE.
GOALS, LIMITS, AND CHALLENGES**

Abstract:	<p><i>Romania, as a neighboring country, has also been affected by the refugee crisis since the beginning of the conflict in Ukraine. Whether as a destination or a transit route to other countries, in the last five months Romania has been a short, mid-, or long-term haven for many Ukrainian refugees. The government's measures to support refugees – ranging from money for food and shelter to ensuring access to the Romanian labor market and education system - have often been ambiguous and incomprehensible. But these were completed by the massive mobilization of non-profit organizations, churches, and the population. Starting from the month of March 2022 until today, several hundred refugees have found shelter in the homes of the Evangelical Lutheran Church A.C. in Romania.</i></p> <p><i>The aim of the present paper is 1) to analyze the measures implemented by Evangelical Lutheran Church A.C. in Romania to provide a medium or long-term rapid response to the needs of Ukrainian refugees: accommodation, food, transport, assistance with funds, collection of food and goods, medical, psychological, or spiritual care; 2) to identify the limits, challenges, and the risks of working with refugees 3) to outline on the analyzed data the main lines of development of a church strategy regarding refugees, to what extent they can be integrated, given that we are talking about migrants who live mostly in transit, traumatized by the losses and destructions caused by the war, in the hope of a return as soon as possible.</i></p> <p><i>From a methodological point of view, the study is a qualitative one, the research methods used are participatory observation in the locations where the refugees are accommodated, biographical interview with the refugees, and interview with a group of experts</i></p>
Keywords:	Ukraine; refugees; integration; evangelical Lutheran Church (ELC); Romania
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Introduction

Migration is a constantly evolving process that plays a significant role in the development of societies. This phenomenon has a global dimension and political, economic, and social implications. Today, when we put the two terms - migration and Romania - in context, we are thinking of Romania as a country of emigration. The phenomenon of migration of Romanians from their country acquired mass dimensions after 2002¹. Romania remains a country of emigration, with the phenomenon of emigration being the second main cause of the country's population decline. The balance of international migration in Romania in 2021 was negative, the number of emigrants exceeded the number of immigrants by just over 16,000 people².

On February 24, 2022, Russia launched a war of aggression against Ukraine in violation of international law. The destruction and experiences of violence have had a profound impact on the people affected and have permanently changed the conditions of social coexistence in Ukraine³. But the effects of the Russian-Ukrainian war also resonate strongly with neighboring countries, all of Europe, and the world. This is the largest refugee crisis Europe has faced since World War II. Since the beginning of the conflict, the number of people who have crossed the border from Ukraine to Romania until now (September 2022) reaches over 1,246,945. Out of these, 80,498 are individually registered refugees⁴. The effects of the war in Ukraine are complex and stretch over the long term. According to unofficial estimates by aid organizations, 90 percent of the refugees have so far

¹ Remus Gabriel Anghel, *Note despre consecințe ale migrației din România*, <http://migrationcenter.ro/wp/wp-content/uploads/2017/07/Note-despre-consecin%C5%A3e-ale-migra%C5%A3iei-din-Rom%C3%A2nia.pdf>, (12.09. 2022); I. Horvath, R.G. Anghel, *Migration, and its Consequences for Romania*, in "Südosteuropa", Vol. 57, NO. 4, 2009, pp. 386-403

² Institutul național de statistică (INS), *Press release*, 210/30.08.2022, https://insse.ro/cms/sites/default/files/com_presa/com_pdf/poprez_ian2022r_0.pdf, (30.09.2022)

³ Stephan Hensell, Martin Kahl, Wolfgang Schreiber, *Transformative Effekte des Ukraine-Krieges*, in "Soziopolis: Gesellschaft beobachten", GESIS, 2022, p.1

⁴ *Estimations of the number of Ukrainian refugees after the mass migration to the neighboring countries since February until September 2022, Status: September 13, 2022*, <https://de.statista.com/statistik/daten/studie/1293861/umfrage/anzahl-der-kriegsfluechtlinge-aus-der-ukraine-nach-aufnahmeland/>, (22.09.2022)

been women and children. Over time, even more, vulnerable people will seek protection – such as elderly people or unaccompanied minors – or people injured and traumatized by the brutal Russian warfare and increasing destruction.

The Evangelical Lutheran Church A.C. in Romania (ECR), as a humanitarian, independent, non-profit, non-political institution, has been involved in the defense, support, and promotion of basic human rights - according to its possibilities and capacities - since the beginning of the Ukraine war crisis in spring 2022. The Church, as an institution for people, has seen it as a necessity to contribute, through its programs and activities, to the prevention and alleviation of suffering in all forms, and to the protection of the lives of people in vulnerable situations.

Its experience in refugee work was limited to organizing workshops and events and building and coordinating a network that would sensitize society and mobilize internal actors (church representatives, leaders or employees, aid organizations, and ONGs) for the refugee problem. Of course, the refugee situation in Romania at that time did not have the scale it has now. There were refugee centers in Bucharest and Timisoara, as well as some regional offices, coordinated by AIDRom, for the support of refugees.

Thanks to its own financial and logistical commitment and the support of its internal (Romanian state, association, company, private individuals) and external partners (Diakonie Katastrophenhilfe, Lutheran World Federation, Hope for Eastern Europe, Diakonie Württemberg, Association of Transylvanian Saxons, Evangelical Lutheran Church of America, Missionswerk Berlin, Alliance of Transylvanian Saxons in Cleveland, etc.), the ECR has implemented concrete, viable and sustainable projects. Projects such as "Emergency Aid Ukraine. Support of refugee work in ECR", co-financed by Hoffnung für Osteuropa Diakonie Württemberg, the two projects "Nothilfe Ukraine. Evangelical "Elimheim". On the run and in anticipation of return" and "Emergency aid Ukraine. Accommodation of refugees from Ukraine in institutions of the Evangelical Church A.B. in Romania", as well as the project "A new home – in dignity and with joy" co-financed by the Lutheran World Federation and ELCA, with a total budget of over 1.5 million euros (out of which more than 400,000 euros are own contribution) have been created to support Ukraine refugees, whether through aid (food, clothing, shoes, medicines, hygiene items, etc.), transporting them over the border or organizing transit to other destination countries in Western Europe, or offering a (temporary) home and supportive social environment.

All these measures that ECR implemented in the long term were not an easy thing, as the economic and social conditions in Romania - as well as in other European countries - are not the best: rising inflation, a major economic crisis, and the inevitable entry into recession. While at the beginning of the conflict there was a show of self-sacrificing hospitality, courageous love, and unwavering commitment to the displaced, there is a slight dilution of the sense of solidarity towards Ukrainian refugees at the European level, but also in Romania, against the background of a burden that costs many resources.

This study aims to capture the defining elements of this strategy of the ECR in its work with refugees. A small church, a church in the diaspora using German as the official language in a country with another national language, and as an Evangelical Lutheran Church in a non-Lutheran environment¹, it faces major challenges related to its existence, such as low membership² or preservation of church buildings and fortified churches³. The total size of this group can be estimated at about 250,000, with over 200,000 living in the Federal Republic of Germany, and another 30,000 in Austria and overseas (Canada and the United States). Their fate is part of the great European history of the 20th century⁴ and it is also determined by the phenomenon of migration.

From March to September 2022, hundreds of refugees (especially families with school and small children) have been accommodated in church homes and parsonages as well as other apartments of ECR. Besides accommodation and daily meals, they also receive medical, psychological, and spiritual care and various other forms of personal assistance. The refugees hosted in the ECR rooms are individuals, families, extended families, and heterogeneous groups.

The data of the present research has been obtained through qualitative methods, by observing the refugees, by interviewing them, the expert group, the team for coordination of work with refugees, volunteers, but also through the content analysis of documents of ECR relevant to the topic of the study (circulars, project applications and reports from the project managers of the superior consistory, press releases, info letters).

Project activities implemented by Evangelical Lutheran Church C.A. in Romania and results achieved in the support for and work with refugees during the last 6 months

1.1. Receiving the refugees

Refugees have come to the quarters of the Evangelical Lutheran Church A.B. in Romania through three channels: picked up directly from the border, assigned by state coordination centers, or mediated by partner organizations.

¹ Hans Klein, *In eine offene Zukunft, Vorträge und andere Texte zur Lage der Evangelischen Kirche A.B. in Rumänien zu Beginn des 21. Jahrhunderts*, Martin-Luther-Verlag, Erlangen, 2011, p. 13

² After the fall of the Iron Curtain, two-thirds of the members of the evangelical communities migrated in 1990 to Germany. This process continued in the following years so that less than 15 percent of the Evangelicals living in Transylvania before 1990 are still members of the Evangelical Church A.B. in Romania. In 2013 that was around 12,700. See: <https://www.evangel.ro/geschichte/>, (19.09.2022)

³ Most of the Transylvanian Saxons have left the region in the past few decades. The dramatically declined number of members belonging to the German, Lutheran community are barely capable of preserving this cultural heritage on their own.

⁴<https://www.evangel.ro/einrichtungen-werke/kirchliche-einrichtungen/institutionelle-kooperation/>, (19.09.2022)

The initiative of some parishes - like the parish in Fagaras - to take refugees directly from the Ukrainian border was an arduous, challenging, costly, but necessary action. Surprisingly, it was not easy to get to the refugees, so the help of the representatives of the Ukrainian minority in Suceava was necessary. Helping the traumatized people, who had lost all trust in strangers, could only be possible by building a network of trust.

Other refugees arrived at the Evangelical Church A.B. in Romania thanks to the mediation of state coordination centers (inspectors for emergency situations), partner organizations, or some Ukrainian refugee networks (created through social media channels). Through these actions and initiatives, as well as thanks to mediations and contacts, a safe and stable home was offered to those in need of protection.

1.2 Providing living quarters

In the period from 01.03.2022 to 31.08.2022, short-, medium- or long-term accommodation was offered to refugees - according to their needs - in the church homes and parishes (a total of 14,514 nights/ an average of 83 people x 180 days). The Superior Consistory of the Evangelical Church A.B. in Romania (for the homes in Vulcan and Cisnadioara) and the parishes in Fagaras, Sibiu, Braşov, Vulcan și Mediaş welcomed the refugees within their maximum capacities.

Until spring 2022, the rest home in Cisnadioara and the rest home in Vulcan served as accommodation and catering facilities especially for church employees and for guests from Germany and abroad, but also as a meeting place and conference center for various groups, both from the ECR and from other institutions. Beginning March 2022, the two church homes offer accommodation and meals exclusively to Ukraine refugees.

Due to the excessive and particular use of the maximum operating capacity, some interventions and measures were necessary, such as room or kitchen endowments, the installation of a new central heating system, or a capital roof repair. Adaptations, renovations, or room endowments were also necessary for the other lodging places. The establishment of appropriate apartments for small families, which by their construction would better meet the needs of a family, was a necessity, such as the conversion of a classroom into an apartment for one family (room and bathroom, small kitchen) in the parish of Sibiu. Providing properly equipped or adapted accommodation places, short or long term, as well as according to needs to the shelter seekers from Ukraine, who fled from their homeland because of the war, means offering a safe home corresponding to their needs.

1.3 Prepared and served meals

Refugees who have fled their homes have left everything behind. Not only all their belongings but also their familiar lifestyle. This also includes food. In addition to the usual daily meals, they also need to be provided with nutrient-rich supplementary food (fruit or vitamins) or food specific to children and infants.

Through the involvement of some Ukrainian women in kitchen activities (employment in homes), making them active and useful persons in the community, the refugees in the homes had the opportunity to enjoy Ukrainian meals as well.

However, offering everything ready-made to the refugees does not correspond to the Church's ideas of care. Most of the refugees are women. For them, cooking for the family was a daily activity. Both the ECR and these women wanted them to take part in these social and family activities from time to time. So, as a result of these actions and initiatives, besides the fulfillment of basic physical needs (drinking and eating) and food security, we also count the fulfillment of an important social need. However, we also talk about migration-specific needs. According to interviews, the most important needs include aspects such as family substitute, emotional warmth, a sense of home, a sense of community, security, and a search for social connection in a foreign country.

1.4 Psychosocial support for groups and individuals

During these months (March to August 2022), the church institutions and congregations of the ECR have endeavored to offer a home, a piece of normality. Psychosocial care is an essential element and ECR has been heavily involved in it. Volunteers, service providers, and professionals have been involved in this purpose. The care services include learning and recreational activities for children and adults, organizing smaller or larger excursions to get to know the country and its people or different minorities in the country, each with their own religious faith, culture, and history, or organizing hikes in the area, celebrations (March 8 - Mother's Day, June 1 - Children's Day, Easter, Pentecost, birthday parties). In addition, there are weekly, regular, and joint activities, such as creative workshops, sewing, cooking, or baking activities, sports activities, participation in bazaars, creation of a children's museum, summer activities (children's play city - a children's holiday camp for 2 weeks).

In addition to the learning or recreational programs for children, adolescents, and adults, other particular care services for groups or individuals have been secured, as needed. This means pastoral and psychological assistance for vulnerable persons, children, and adolescents, psychological weekly therapy for stress and post-traumatic stress disorder (open discussion groups, individual meetings), but also separate medical assistance. In addition to nutrition, health care for refugees plays a key role in refugee assistance. Offering refugees unlimited access to health services in the Romanian public or private health system is necessary. Thus, weekly examinations have been offered by family doctors in shelters. However, psychosocial support also includes the necessary one-on-one care as needed, social support, assistance with a return or onward travel, help with integration into the labor market, and assistance with becoming self-sufficient.

A high percentage of refugees were exposed to war trauma: they witnessed violence, destruction, and permanent or temporary losses of their family members, relatives, friends, or acquaintances. Scientific empirical studies prove that "the effects on those affected range from mild anxiety and suffering to full-blown mental disorders. Diagnosis distinguishes between short-term disorders that

immediately follow the traumatic event and long-term disorders. Long-term disorders are usually chronic stresses that have a delayed onset. Post-traumatic stress disorder is the most frequently diagnosed form”¹.

Pointing out these problems, the existence of this category of needs and upon the recommendation of partner organizations, Ukrainian refugees (individuals or groups) have been offered psychological counseling. All these initiatives and necessary actions have contributed to relaxation, family and group spirit encouragement, health, and cognitive improvement, and strengthening or psychological healing of traumas.

"Trauma is more than just the psychological symptoms of an individual: The respective social, cultural, political, and historical factors lead to different trajectories of traumatization and must therefore be considered not only in diagnosing but also in dealing with and healing from trauma. Factors of particular importance for refugees in this context are the restoration of existential security and the prospect of a normal life. However, this is prevented by the inadequate opportunities to get a job quickly in the new homeland which in many cases still lasts for a long time².

Relevance of activities for the refugees. Results achieved and impacts stated for the target groups

In common parlance, a refugee is first and foremost a person who is on the run. In concrete handling, other terms are certainly to be tested, such as people in need of protection or newcomers. The refugee crisis is the crisis caused by an armed conflict whose victims, the refugees, as the etymology of the word shows, are forced to leave the conflict zones, and need protection. The refugees are confronted with many psychosocial challenges (losing independence, forced separation from spouses, children, or parents, loss of motivation, adapting to a new, unwanted state of life, responsibility for their own life and family life, feelings of insecurity, fear, and unfamiliarity).

These "People for People Projects" are about great emotional participation. On the one hand, it should be noted the helpfulness of all (church employees, partners, volunteers, and service providers) to get involved in refugee work. These are signs of humanity and solidarity, which cannot eliminate the misery of war and flight, but which deprive the fleeing people of the worry of mere survival. "As a volunteer in the project whose goal is to support the people of Ukraine, I contributed through translation services. I have managed to reaffirm the importance of helping our neighbors, especially in a situation where they need

¹ Katrin Lehmacher, *Trauma-Konzepte im historischen Wandel, ein Beitrag zur Rezeptionsgeschichte der Posttraumatic-Stress Disorder in Deutschland (1980-1991)*, Bonn, 2013, pp. 20-21

² Jana Eisberg, Daniel Schweiß, *Trauma und Integration – eine gesellschaftliche Herausforderung*, in "360° - Das studentische Journal für Politik und Gesellschaft", Vol. 11, No. 2, 2016, p. 18

urgent support to adapt to the host country, which has become their second home at this difficult time. After the excursions, group activities, and discussions, I can safely say that the Ukraine refugees were extremely satisfied with the hospitality, empathy, material help, and support received." (Mihaela Cojocari, volunteer)

On the other hand, also worth noting are the numerous expressions of gratitude of the refugees (be it oral, non-verbal, or acting) for the safe home they get, for the good food, the protective environment, and the loving people who take care of them.

"I am now in Romania with my family because of the war. I met a lot of good people here. But Eve from the Evangelical Parish became my savior. During the hardest time of my life, when I received a bad diagnosis, Eve was sent to me by God. She helped me solve many problems; she made life here much easier for us. I am very grateful to God for meeting such wonderful people on my life path. I am very grateful to the people in the Evangelical Church who take care of us".

The physical, mental, and emotional well-being of refugees was achieved by providing them with housing, answers to their basic needs, and psychological support. In addition to housing and food, an attempt was made to give the refugees hope by allowing them to regain a small piece of their "normal" life, as can be seen from the statement of one of the refugees: "We are a family from Ukraine (Odessa) Lyudmilla Iudina and two kids, Tania & Vova. We want to express our gratitude to the Lutheran Congregation, particularly for their support and understanding at such a difficult time for us: accommodation, food, and all the necessary things. The children were pleased with excursions, walks, master classes, and all kinds of entertainment, which made it possible to distract them from thinking about the war in our homeland. Thanks to these incredible people with big hearts!! We hug you tightly!! During this time, we became one big family!" (Lyudmilla Iudina)

The external aspects of a person's life influence the social conditions, the environment, his/her inner structure, his/her psycho-spiritual development, and his/her religious life¹. But a piece of normality is integration. Here are some concrete examples of how small but concrete steps have been taken in this direction: it was possible to finance Iunia, a Ukrainian refugee, world champion hairstylist in 2021, who currently lives in the recreation home in Cismadioara, to participate in the competition 2022 in Paris, in August 2022; Dmitro, a Ukrainian refugee, opera singer, who is currently with his family in the community in Vulcan has received the chance of signing a contract with the opera in Brasov. The family's prospects currently indicate that they might remain in Vulcan or in the Brasov area. This is what he says: "Our family has been living in Vulcan since the 9th of March. We are provided with everything necessary in the guest house, our children managed to visit many excursions: Bran Castle, Dino Park, bear reservations, and the Weavers' bastion. They also took part in a lot of activities in the fortified churches in Coldea, Cristian, Ghimbav, Feldioara, and the Black

¹ Gerhard Neumann, *Religionssoziologie der Flüchtlinge*, "Soziale Welt", Vol. 8, No. 2, 1957, p. 114

Church in Brasov. They also attended drawing master classes and a children's choir in Codlea, English and German lessons in Vulcan, and sports activities: football in Vulcan, and wall climbing in Brasov. Also, we took part in a lot of outdoor activities like hiking in the mountains and at the lakes in the area. Since May I managed to get a contract at the Brasov Opera house with the help of a member from the Lutheran congregation". (Dmitro Rusinyak)

Part of the normality of life before fleeing to Romania was also access to the Internet, a necessity today. Internet connection was provided for online lessons and "home office", which continued to be offered/possible from Odessa and other Ukrainian cities almost without interruption. Thanks to the equipment of the accommodation locations (internet connection), the children were able to attend school lessons online. Some adults were also able to work from home for Ukrainian employers where possible.

One faces the challenge of dealing with refugees who speak only Ukrainian or Russian rarely English or German, and none speak Romanian. Romanian courses have been offered on a regular basis, but also English courses to give children and adults a basic knowledge of the English and Romanian languages. Language exercises (German and English) have also been offered by the volunteers. All these measures have contributed to the fact that the refugees have developed language and communication skills: „I am grateful to all who made it possible for my family to be in Elimheim. We have good fresh food every day, many activities, and care. The best memories for me are the trips to Medias, Biertan, and Sighisoara. Also, we painted pictures on canvas by acryl – it was a new experience for me. And it is great that we can speak with other Ukrainians every day – our language, our problems, news from our country, and news about living in Romania “. (Olena Yantchuk)

Education for refugees is interdisciplinary cooperation. The various childcare services such as painting lessons and children's choir, excursions, handicrafts, celebrations, etc. have helped to build new, positive experiences that have given the refugees hope or a better perspective for the future. „Casa Elimheim, located in a picturesque place on the hillside, from which we saw a beautiful view of the Carpathian Mountains. The estate was surrounded by the greenery of fruit trees, beautifully trimmed meadow grasses, and pink greenhouses. We came from Ukraine, we were given free accommodation with all amenities, food three times a day, and a very good and attentive staff. The management of our hotel held many charity events for us and gave us financial support, for which we are very grateful. We painted on the canvas, crafted handmade objects from different materials, sewed, cooked Ukrainian dishes, and learned the Romanian language. On Easter, we used to listen to the sermon in our Hall. The most memorable day for us was the excursion to Medias, where we listened to the sermon in the church with organ music“. (Nina & Volodya Zhukov)

Challenges of refugee work at ECR

We divide this category into two subcategories, namely challenges regarding the target group, and challenges related to the management of projects for refugees.

Regarding the target group

a. A challenge for the Church is the development of a proper way of dealing with the refugees. In addition to special needs such as psychological care, the refugees also need leisure activities. However, the refugees are not exactly tourists whose goal is to visit the country and the sights. But offering them concrete possibilities for leisure activities such as excursions, visits, and getting to know the tourist attractions and the country, which are in themselves pleasant activities and participation to them can also be forms of therapy.

b. A second challenge identified in the data analysis is overcoming communication difficulties with adaptive methods. Due to communication problems, the project managers (employees of the homes, pastors, volunteers, and service providers) are confronted with difficulties. First and foremost, in simple everyday communication, but also in conveying emotions such as compassion, comfort, willingness to help (on the part of the project owners), or gratitude, fear, and sadness (on the part of the refugees). The solutions for this were: employment, employment of Russian- or Ukrainian-speaking employees, psychologists, teachers, educators, or other service providers and volunteers, learning and using different translation programs on mobile phones (google translate, SprachApp etc.).

c. This category also includes the need to find solutions to unexpected needs. An example of such needs is the employment of refugees. After weeks, even months, some adults have expressed a desire to act, to get involved, to do something. This does not refer to the mothers of small children, who need all the attention and occupation of mothers during the day, but adults, such as young people without small children. Offering specific activities or temporarily employing some was a solution to these needs. Here we also mention the intermediation of jobs for some women refugees from Vulcan, employed at the Sergiana factory in Brasov. Another example is the need for special therapy. With the support of the staff, a refugee who was accommodated in one of the apartments of the Brasov parish was examined for thyroid cancer and operated on at the "Parhon Institute of Endocrinology" in Bucharest. After receiving an early appointment at short notice, the Ukrainian young mother remained in contact with the attending physician both before and after the operation and worked with him to draw up a short-, medium- and long-term intervention plan.

d. This category also includes the possibility of integrating refugees, to whichever extent this is possible, as only 10% of the persons taken over by the ECR stated that they intend to stay in Romania in the long term. Integration is a complex, lengthy process whose success depends on many factors. What makes this process difficult, in addition to "traumatic experiences and existential

insecurity of the refugees"¹ or "ability to confidently open up to the new and foreign, to allow unknown and unsettling experiences and to leave behind the old and familiar"² is also the willingness to integrate.

The Ukraine refugees who were placed in the ECR homes and parish formed a monolingual habitus (Ukrainian) and were trapped in a rather large social network. Established networks and support groups help to exchange constantly updated information (about their status and rights, or about the war situation). Likewise, the contacts and connections offered to them by the group are beneficial to convey the feeling of solidarity. At the same time, however, this hinders integration, at least at the level of communication. One doesn't learn Romanian or English if it's not necessary. In this way, an enclave is created, also based on this network on a virtual level. Online translation programs also help a lot with communication, and at the same time, the desire to attend courses that implicitly develop cognitive and linguistic skills is no longer mandatory. Learning Romanian is a key to integration.

More than half of the refugees (60%) feel the desire to learn the Romanian language. Even more of them want to learn English, 85% to overcome the difficulties of finding a job. These results correspond to those at the Sibiu level³. However, the key to integration in the case of participation in language courses is – in addition to the development of communication skills – also the development of social and emotional skills.

3.2. Regarding the project management

a. In all countries of the European Community, a legal framework was created to take over Ukrainian refugees, aimed at facilitating bureaucratic procedures (asylum application, obtaining the right of residence right to work, health insurance, subsidy for accommodation and food, recognition of studies for their continuation and employment). All EU countries have contributed financially to the admission and the host countries have already created the conditions for long-term residence. "As an important reaction to the extraordinarily large refugee movement from Ukraine, the EU states activated the EU directive on temporary protection adopted two decades ago on 4 March 2022. Accordingly, all Ukrainians and their family members are granted temporary protection and residence permits – like the protection status offered to groups of the population (*prima facie*). This is initially valid for one year and is automatically extended twice for half a year unless the Council decides otherwise. If a safe return is not yet possible, a further postponement of one year is possible. A special feature of the directive is the free choice of the EU Member State in which refugees want to settle for the time being.

¹ Jana Eisberg, Daniel Schweiß, *Op.cit.*, p. 13

² Marianne Rauwald, *Flüchtlinge und ihre Kinder. Der Einfluss von Migration und Trauma auf die Beziehung zwischen Eltern und ihren Kindern*, "Vererbte Wunden. Transgenerationale Weitergabe traumatischer Erfahrungen", Weinheim/Baser, Beltz, 2013, pp. 99-100

³ *Needs and challenges of Ukrainian refugees in Sibiu. Survey on 970+ people*, Fundația Comunitară Sibiu, Fundația Sus Inima, and Sibiu Ukrainian Center

In contrast to the classic asylum procedure under the Dublin rules, the responsibility for those affected does not lie with the countries of first reception¹. Experience has shown that refugees choose their place of residence according to where family members, friends, or acquaintances are already residents in the EU.

The change of location takes place on a voluntary basis and since it occurs in many cases, it leads to a great dynamic of refugee migration. This depends on external factors. As in the case of the classic migration model, we are also talking about the push and pull factors in the case of refugee migration. The pull factors include proximity, the ability of a country to take in refugee migrants, the refugee policy existing in the destination country, the attitude of society to the migration phenomenon, the social mood, the feeling of trust and solidarity of society with the war crisis, the trust in the institutions of the state, the appropriate information policy of the EU countries, appropriate information policy, the degree of economic development, the integration and development opportunities that a country offers, the medical and educational system, the integration policy supported by the state and the participation of non-governmental organizations in supporting the human resources mobilized in working with refugees, etc.

Migration is a phenomenon marked by a strong dynamic and unpredictability of dimensions. The variability of the number of refugees admitted to their own premises has been a challenge for the ECR in terms of the need for continuous adaptation and optimization (of the spaces, the number of human resources involved, and the services used by third parties). From this point of view, we can divide the category of refugees into several subcategories: refugees in transit, stable refugees; refugees of long, short, or medium duration; Individual refugees, refugee groups, and refugee families. The ECR's initiatives and projects in response to the crisis of the war in Ukraine had beneficiaries, refugees who – for a brief time or for a longer period - could occupy their own rooms, which were made available for this purpose. Of the total number of refugees from Ukraine taken on by the ECR, less than 10% of the beneficiaries were refugees in transit. In addition, there were many situations in which they went back for a short time. They returned to Romania amid insecurity, fear, and destruction of the infrastructure in their country (housing, water, gas, light) or an insecure supply of food and medicine. About 90% of them received here accommodation and food as well as psycho-social care services in the medium or long term.

b. Unpredictability is a major characteristic of all refugee projects. Perhaps the biggest challenge was to deal with unusual and unforeseen situations correctly and efficiently. For this purpose, it was necessary to put some people in charge of the project. The internal staff responsible for these projects include the

¹ Steffen Angenendt, Nadine Biehler, Raphael Bossong, David Kipp, Anne Koch, *Flucht aus der Ukraine: Mobilität erhalten und langfristig denken! Vom temporären Schutz zu Integrationsperspektiven*, “SWP-Aktuell“, 2022, Berlin: Stiftung Wissenschaft und Politik – SWP-Deutsches Institut für Internationale Politik und Sicherheit, <https://doi.org/10.18449/2022A24>, (15.07.2022)

management of the law firm, the project management department, the cash, and finance office department, the coordination team of refugee work, and the management of the homes and communities. To implement the refugee projects, a coordination office has also been created, which is committed to the interdisciplinary and professional cooperation of all church institutions and state authorities active in the field of Ukraine refugee work in Sibiu and the region.

The tasks and obligations of this body include a financial overview of expenses, assessment of future needs, billing of costs, establishment of contact and network of different actors (municipalities, homes, departments of the Superior Consistory, partners, service providers), public relations (inquiries and announcements to all those involved in the refugee projects).

Development of strategic lines of the ECR in refugee work. From attitude to coordinated action

The beneficiaries of ECR projects are victims of armed conflict, and vulnerable people going through the trauma of war. However, the topic of trauma has long since left the boundaries of medical and psychiatric science and has become the predominant "instrument of interpretation for the personal and social processing of events perceived as threatening"¹. We are talking about the collective handling of large-scale violence or other events that are shocking at the level of society as a whole².

A strategy for the planning, management, and development of the actions should be developed. In this process of concrete participation in the aid and support of refugees from Ukraine, it is necessary to develop a positive attitude toward working with refugees. Whether we talk about church representatives, church employees or church institutions, work groups and departments (women's work, youth work, diakonia, committees) and their participation in the actions of the church for refugees, or about increasing the sensitivity of society to the cause. Openness to dialogue, solidarity, generosity, and tolerance are human values but also theologically founded and justified central axioms, which play a decisive role in this context. The ECR has been committed to nurturing these values since the beginning of the conflict and throughout the period of the last six months. This is all the more necessary as public opinion tends to undergo some changes in terms of willingness to help Ukrainian refugees in the long term. It turns out that religion is part of the integration process at all three levels of the social sphere, that integration readiness and efforts are generally better off than often appear in the

¹ Svenja Goltermann, *Die Gesellschaft der Überlebenden. Deutsche Kriegsheimkehrer und ihre Gewalterfahrungen im Zweiten Weltkrieg*, Deutsche Verlags-Anstalt, München, 2009, pp. 425-426

² Angela Kühner, *Kollektive Traumata. Annahmen, Argumente, Konzepte. Eine Bestandaufnahme nach dem 11. September, Report Nr. 9*, Forschungszentrum für Konstruktive Konfliktbearbeitung, Berlin, Berghof, 2002, p. 14

public media perception, and that religion is more a form of help than a cause of conflict, despite all the ambivalences.

The Church lays the basis for tolerance towards foreigners and refugees on the teaching of the Bible and the lesson of history. "The history of the world shows that everything we call history today has a background to migration (...) How can we continue with this in a prosperous Europe and in a safe Romania? We can learn from history and the Bible: God is a God who loves and protects strangers. He calls upon us to engage with strangers as well¹. To be created in the image of God means that every human being – including every refugee – regardless of their nationality or religion, legal status, or other differences, has an unbreakable dignity that makes their lives precious and worthy of protection.

Recent refugee migration has apparently activated civil society. Churches and religious communities have traditionally been important platforms for volunteering. They combine a religious ethic of solidarity, which is expressed, for example, in the Christian commandment of charity or the obligatory donation as one of the five pillars of Islam, with an individual promise of salvation and a community united by collective rituals.² The sensitization of church members, the theological justification for the commitment to tolerance, the fight for human rights and dignity, the love of humanity, and the openness to the foreign can be found in the internal appeal to the external partners for providing financial support or through the public campaign (press article, organization of interconfessional prayers for peace, setting a time of day - 12 noon - for prayer, a moment of silence for the victims of war, prayer to end the conflict).

Particularly important in the work with refugees is the coordination and good management of projects, the mobilization of human and logistical resources necessary to provide them with food, shelter, access to education and medical services, counseling and activities, and courses to better adapt and integrate. This has given the Church more space and time to build its administrative capacity, plan well, and act on time. Building a network of different actors (church and extra-church actors) such as professionals, service providers, staff, and volunteers was a necessity.

The context of migration, flight, and religion can be empirically traced not only from a sociological but also from a practical-theological perspective. It is important not only to respond to the basic needs of refugees (food, drink) but also to ensure psychosocial protection (psychological and diaconal, pastoral care). Refugees had to leave behind almost everything except their memories and their lived religion. They brought with them experiences of flight. It was important to

¹ Reinhart Guib, *Gott liebt die Fremden – Biblische Herausforderungen mit Fremden*, Broschüre für die Vernissage der Wanderausstellung, Sibiu, May, 2018, p.2

² Alexander-Kenneth Nagel, Yasemin El-Menouar, *Religiöse Hintergründe der Flüchtlingshilfe*, in O. Hidalgo und G. Pickel (eds.), *Flucht und Migration in Europa. Politik und Religion*, p. 251, https://doi.org/10.1007-978-3-658-23309-9_11, (26.08.2022)

show them a perspective of hope. Thus, a coordination center for pastoral, psychological, and diaconal care was created.

Also, through participation in the workshops organized by LWF, appropriate action guidelines for the protection of vulnerable people have been developed: Preventing child abuse and ensuring the protection of children and women¹. The purpose of these workshops was to exchange information about policies that are already in place in different churches and ideas on how to spread awareness about safeguarding, and how to make it clear and available for everyone involved in the projects. Based on a model developed by partner organizations, the ECR has its own code of conduct regarding child protection in emergencies.

Some of the refugees who came to Romania faced unfriendly, inadequate accommodation conditions, such as too many people for the space provided, insecurity (they had to move), lack of emotional comfort (hosts unfriendly to children), or financial difficulties (landlords' demands to pay rent for accommodation)². The ECR has used its resources to address potential sources of harassment in terms of properly dealing with refugees, and offering protection and comfort to refugees, more than the new milieu can, unfortunately, offer a potential source of disappointment because the expectations placed on these relationships are so high³.

We have seen that reception and longer-term integration is problematic if it is not a desired, final migration. From our interviews, 90% of Ukrainians hope and desire to return to their country as soon as possible, not least because family members (men of military age) have had to stay behind in Ukraine and families have been separated. In addition to the fear caused by the armed conflict and the partially or completely damaged houses, they expressed the desire to return to their country to rebuild, participate in social life, and find income opportunities. Most respondents indicated that they would only stay in Romania until the end of the war, 25% would like to stay in Romania for more than a year, regardless of whether the war ends or not. The Church's commitment is to continue to be as flexible as possible, offering, or mediating opportunities for integration (language courses, employment of refugees - according to their needs and abilities - in its own institutions and ministries, or mediation of possible jobs on the labor market).

Conclusions and consequences for future work

Like all governments, non-governmental organizations, or institutions that were surprised by the escalation of the conflict and put in a position to mobilize

¹ 1,000 children have been killed or injured in the war in Ukraine, figures that the UN has been able to confirm, the real number is much higher. Ukraine's education system has been devastated by escalating armed conflict across the country. 1 in 10 schools has been damaged or destroyed, <https://beta.news.un.org/story/2022/08/1125132>, (10.09.2022)

² *Needs and challenges of Ukrainian refugees in Sibiu. Survey on 970+ people*, Fundația Comunitară Sibiu, Fundația Sus Inima, and Sibiu Ukrainian Center.

³ *Idem*

and intervene according to their capabilities, the ECR has also provided direct support and developed its own strategy for working with refugees during the six months of the refugee crisis. Beginning with a prior experience in refugee work, the church has sought to develop normative perspectives in dealing with the refugee crisis, cultivate a positive attitude among its members and society toward the need to offer support to these victims of war, also to act concretely and efficiently by hosting refugees in its own premises, responding to their basic needs - short, medium, or long term, as needed.

Providing shelter and food, as well as educational and recreational activities, and pastoral and psychological assistance is part of an immediate response. After this emergency intervention, however, the ECR is faced with the great and new challenge of continuing the necessary measures and, at the same time, further developing a strategy to be able to continue to help those seeking protection from Ukraine who has fled their homeland to escape the war, in the medium and long term.

The work for the refugees is responsible work, which is done with the cooperation of several actors (the Romanian state, public or private organizations, refugee centers, associations and companies, private persons, and partners). Without good cooperation and consultation, it would not be possible to carry out large and complex projects.

New challenges (linguistic, cultural, structural, psychological, social, religious) give rise to new needs. The Church's response to the challenges and risks posed by today's migratory phenomenon is on two levels: 1) to respond to grief and suffering, to show empathy, to build a culture of solidarity and welcome, to create hope and perspective for the future, to offer opportunities for integration; 2) to provide a response to basic needs (food, sleep, drink, clothing, medicine).

The process of detachment from the old social environment and integration into a new unknown environment is perceived by many as very painful. In all places of accommodation, there is material, informational, and emotional support (security, esteem, feeling of safety, access to social network) or spiritual support (church services, pastoral care, community). All these are resources provided to refugees, as aid for integration. A clear evolution in the refugee status can already be noticed: since the first days of the Ukraine crisis, the traumatic mode of escape has been replaced almightily by more stability. There are the first signs of possible integration. Hard work still needs to be done for this.

One faces the question of how the church, but also society in general, will continue to deal with migration - in terms of support for refugees. The experience of the ECR in refugee work has shown satisfactory results on the one hand, but also great challenges and inevitable shortcomings on the other. The challenges of refugee work still include the unpredictable development of the situation and ensuring medium- and long-term funding for refugee projects. In recent months, it has been possible to create guidelines necessary for a strategy of the church in refugee work. What was accomplished – is a unitary concept that not only takes

responsibility for individual refugees but also offers approaches to solutions at the societal level.

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**SOME CONSIDERATIONS ON HOW HUMAN SECURITY HAS
BEEN AFFECTED BY THE COVID-19 PANDEMIC, WHICH HAS
BROKEN HUMAN LIFE, FREEDOM, AND DIGNITY (PART I)**

Abstract:	<p><i>Today we are experiencing a deep crisis in society, accentuated by the pandemic with this Coronavirus, but chronicled and accentuated by the gloomy prospects after the end of the plague. What is happening is not at all proof of the lucidity of the world, no testimony of solidarity, and no proof of vigilance in the service of universal values. What is happening is simply evidence of gross manipulation, produced against the background of the lack of education and culture of the population. Everyone who goes to a serious school and accumulates enough knowledge of general culture - not necessarily historical - knows that each historical epoch has its own values and prejudices.</i></p> <p><i>Many times, what had been perfectly moral and legal in the past had become immoral and illegal in newer times. Of course, over time things have changed gradually, in stages and now the pandemic, artificially created and premeditated, has profoundly affected human security with the immediate consequence of altering life, dignity, rights, and fundamental freedoms, the rule of law being on the verge of dissolution. How did you get here and what to do, here are the questions that this study is trying to answer.</i></p>
Keywords:	Human security; pandemic; health crisis; freedom; dignity; human rights; criminal law; rule of law
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1. Argumentum: starting points and terminological clarifications

1.1. Clarifying issues

We all live in turbulent times today, and human security is "living" in difficult times. We have all been marked and provoked by the COVID-19 crisis, to

which is added the amplified humanitarian crisis caused by Russia's invasion of Ukraine. So, we decided that it would be appropriate to meet them with this study on deeply affected human security. Obviously, it is not enough to consult international or national doctrine or jurisprudence if the interest is not in the sense of studying and applying them. With the health crisis we have experienced, the interest that human security has aroused is not at all surprising, but it must be encouraged. The COVID-19 pandemic will pass, but its repercussions will continue to exist, and it is important not to forget (both health and legal professionals) how necessary and useful updated and coherent legislation would have been in times of crisis. Now that the economic crisis caused by the COVID-19 pandemic has left deep wounds in the global business environment. Entrepreneurship in Romania, part of the planetary economic ecosystem, has suffered from the negative effects of coronavirus, being foreshadowed by medium- and long-term implications. In this unfortunate period for business, the financing and good administration of the company are, for entrepreneurs, the main daily concerns. The pandemic of spread of COVID-19 worldwide has changed the entire ecosystem of the functioning of society and has greatly affected the professional activity and personal life of each person. All public authorities have prioritized public health insurance, assuming the inherent negative effects on the economy, justice, or other areas of social life. That being said, when I received the invitation to participate in the International Conference "Human Security - Theoretical Approaches and Practical Applications, October 22-23, 2022, organized by the Center for Research in Political Science, International Relations and European Studies within the Department of Relations International, Political Science and Security Studies of the "Lucian Blaga" University of Sibiu I did not hesitate for a moment, knowing closely the professional and organizational capacity of the teachers who form this wonderful team, with whom I collaborated over time. But decisive was the chosen theme "The concept of human security between normative requirements and practical consequences", especially since it occurs after a pandemic that simply demolished human security, freedom, and human dignity with the consequence of the profound violation of fundamental human rights. In this context, I started the documentation and work for this study. And how any approach to scientific research begins by clarifying the nature of the problem that will be analyzed, in our case human security, to proceed.

1.2. Human security analysis - a clarification of the terms

Human security is an extremely debated concept today in the fields of international relations, security studies, economics, and the social sciences and humanities. Human security, along with other concepts such as global civil society, human development, and human rights, appears as a response to new challenges within states or to recent international confrontations¹. The concept of human security, originally defined in the 1994 Human Development Report by the United Nations Development Program as "protection against permanent threats such as

¹ Kaldor Mary, *Human security*, CA Publishing, Cluj-Napoca, 2010, pp. 19-23

hunger, disease and repression" and as "protection against sudden and damaging effects on daily life"¹ later developed in relation to fundamental human rights, freedoms, capabilities or needs that together determine the idea of the vital core of human lives because human security does not cover all aspects of human life and not even all important aspects of human life, but is limited to its vital core.² This core life concerns three considerations: those related to survival, livelihoods, and minimum dignity, even if the rights and freedoms corresponding to these aspects are not specified. According to the simplest wording of the definition, human security protects or defends this vital core of all human lives. Another clarification of the idea of human security states that its objective is either to protect the vital core of all human lives from global threats, in a way that is compatible with long-term human fulfillment, or to guarantee a set of freedoms and rights vital to all people, without compromising them, unjustifiably, the ability to pursue other goals, or the creation of political, economic, social, cultural and environmental conditions in which people live, knowing that their vital rights and freedoms are ensured. The concept most often used in security analysis, in the new context, is that of human security. This is determined by the fact that the subject and object of reference of security is the human individual, and the security status of individuals must be the starting point of any study in this field, regardless of the level analyzed (national, regional, or global). Man is the essential element of any form of social organization, and the degree of achievement of his security is reflected in the security of the group to which he belongs. Human security is a state that expresses the perception of the absence of risks, dangers and threats to the existence, values, and interests of human individuals (in any form of constitution), but also the processes of managing this perception and its formation. The existence of the human individual cannot take place outside the global system and, consequently, the security analysis cannot ignore its elements:

- the structural and historical context, which defines the basic parameters or circumstances;
- culture, i.e., the ideological perspectives, cognitions, feelings, and judgments that give the system value, meaning, and orientation;
- the structure of actors and their resources, with the help of which they achieve the established goals, as well as the processes, dynamic cooperative, or antagonistic relations, through which the actors pursue the achievement of short or long-term goals, but also the consequences of processes.

The notion of human security as formulated in the above-mentioned Report has become a benchmark for a new security model, a new paradigm of

¹ Human Development Report, 1994, p. 23, <https://upwikiro.top/wiki>, (29.08.2022). The Human Development Report (HDR) is an annual report published by the Human Development Report Office of the United Nations Development Program (UNDP)

² Horațiu-Traian Crișan, *Human Security. An analysis from the perspective of individual rights*, in Cătălina-Daniela Răducu, Bogdan Ștefanachi, *Human Security. Contemporary challenges*, ProUniversitaria, București, 2015, pp. 71-87

security. According to this vision, human society must quickly embark on a two-level process of transformation, the result of which will be on the one hand the transfer of the center of gravity from territorial security to that of the people, and on the other hand the transfer the means of achieving security from the acquisition of weapons to sustainable human development. This report identifies seven elements specific to the concept of human security, which include a wide range of threats to people, grouped into:

- economic security - ensuring a minimum income necessary for each individual;

- food security - guaranteeing physical and economic access to basic food;

- health security - guaranteeing minimum protection against diseases and an unhealthy lifestyle;

- ecological security - protection of people against environmental damage and natural disasters;

- personal security - protecting people from physical violence, whatever its source;

- community security - protecting people from the loss of traditional relationships and values, ethnic and sectarian violence;

- political security - providing a living environment based on respect for human rights in society.

Overall, human security is ensured through various actions, peacekeeping, humanitarian intervention, support for refugees, etc. Human security seeks to protect the individual and the society to which he belongs in the face of a wide range of dangers, ranging from physical security to economic security and, more recently, environmental security. Human security is not just about the survival of the individual or society. It is intended to give individuals the freedom to make the decisions they want and to allow them to develop in the way they choose. State security is complemented by human security in several ways:

- the traditional concept of security was built based only on the need of the state to protect itself, while human security wants to protect the state, its role becoming the protector of the individual;

- the traditional dangers to state security have diminished, but new dangers have emerged that primarily target the security of the individual, dangers such as ecological disasters, pandemics, or cancer, and actors in the field of international relations have changed.

The state is no longer the only actor, nor the most important. International organizations, such as NATO, or supranational organizations, such as the EU, have an increasingly difficult word on the international stage. Transnational corporations, international corporations, and NGOs have already clarified their international roles. Human and state security complement each other. While state security is, by definition, focused on territorial or economic security, human security has a wide area, covering the whole sphere of the welfare of individuals and society, not just territories within borders. In the case of traditional security,

the essential role was played by the state, while in the case of human security, the central role is played by the individual or the society of which he is a part¹.

The concept of human security is closely linked to the security of human development and human rights. Human development cannot take place without ensuring respect for universal human rights, and for ensuring human rights it is necessary to ensure the development of society and the individual so that he understands their importance. Human security embraces both concepts and transforms them by creating a unitary whole. But precisely because of the quality of human security to encompass everything related to human society, the definition of the concept is almost impossible, just as it is impossible to classify the needs of the individual in order of importance. The concept of human security may include the objective, the dangers, and threats, the right to ensure security, and the ways to ensure it. The goal of human security is the individual, not the state as was customary until recently. The human security paradigm borrows terms and nuances from a plethora of political, economic, and social concepts, doctrines, and models, especially those centered on the individual. But there is also a new dimension of the concept, the security of the community, of which the individual is part, thus trying to protect the living environment of the individual in the face of disruptive or even destructive elements characterized by its non-military dimensions.

1.3. The non-military dimensions of human security

Most security studies consider that the dimensions of human security, as the fundamental problem of mankind, limited to the broad process of globalization, fall within those of security in general; these are the military dimension; the political dimension; the economic dimension; the social dimension; the cultural dimension; the ecological dimension. The stated dimensions are just as important for achieving security status and, moreover, they interrelate. Thus, the political dimension concerns both the relationship between the state and its citizens, as well as the international relations of the respective state. The economic dimension considers the economic substantiation of military power, but also the purely economic component of security at all its levels, with emphasis on the individual. This last level is also the one targeted by the social dimension of security: the security of the state is extremely important, but it cannot be achieved without being based on the security of individuals, and the security of people. The cultural dimension concerns the delicate issues of ethnicity and religion, the sources of some of the most important conflicts of recent decades. Finally, the ecological dimension, a problem under study in the last years of the last century, includes three aspects that cannot be ignored: environmental problems caused by war,

¹ Sabina Alkire, *A Conceptual Framework for Human Security*, Center for Research on Inequality, Human Security and Ethnicity, Crises Working Paper, 2003, <https://www.gov.uk/research-for-development-outputs/a-conceptual-framework-for-human-security>, (28.09.2022)

natural resources whose possession or control can give rise to international disputes, and natural disasters.

It is certain that the right to human security cannot be conceived only as a negative right, respectively as a right that imposes only negative obligations on others. It is not a right that requires others to just refrain from acting to the detriment of the freedom of other individuals who hold that right. If according to the theory of will, rights are conceived as freedoms to which correspond exclusively negative obligations, and the right to human security obviously has in its composition also positive obligations - to provide goods or services - it becomes clear that the foundation of the right to human security within the theory based on the will is incomplete, as it does not cover the area of positive obligations. The type of action required by the need to ensure human security can be translated into a special type of "duty", such as helping those in need, when doing so requires a small amount of effort. This type of "debt" of a charitable nature plays the role of a kind of "imperfect" obligation. They are characterized as "imperfect", as they do not correspond to any right, but represent simple moral duties, which are, however, like moral rights, universalizable. The responsibility for fulfilling this type of "imperfect" debt is not clearly attributed to any entity - agent, institution, or community - but rather it is left to the entities willing to get involved in contexts that require "humanitarian" interventions. Then, another attribute of 'imperfect' obligations is the imprecise nature of their content. There are, therefore, moral obligations that may not have any correspondence in a moral right. However, human security obligations cannot be treated only as "imperfect" debts, as ensuring human security requires specifying the exact type of (non) action required by that context, as well as identifying the entities responsible for their execution to ensure the desired major of each person, his safety.¹

1.4. The security of the individual - a major desideratum of each person and of the human community

The notion develops by transforming the concept of "human individual development", a widely used lexical group in the 1960^s and 1970^s. The concept has in its center the individual as an element of society, the focus being not on the state but on the community to which the individual belongs². The security of the individual or human security in the narrow sense, according to other authors³, aims to ensure the physical integrity of the individual against any form of violence, resulting or not from a conflict. Security is a fundamental need of human being. It is a pervasive concern of any human community. That is why most individuals seek security. Improving security as an explicit goal can be a considerable

¹ H.T. Crișan, *Op. cit.*, p. 90

² Aurel Băloi, *Methodology and security indicators. Analysis of international security: conceptual delimitation*, p.1, [http://: www.studiidesecuritate.ro](http://www.studiidesecuritate.ro), (12.09.2022)

³ Julliette Voinov-Kohler, *La sécurité globale: Une approche exhaustive de manaces envers la sécurité de l'individu*, p.7, [http://:www.deza.admin.ch/ressources/deza.produit-f332.pdf](http://www.deza.admin.ch/ressources/deza.produit-f332.pdf), (12.09.2022)

mobilizing force. The security of the individual is more than the absence of risks and threats to the physical or mental integrity of one person or another. This is a state in which the dangers and conditions that can cause harm to a human being are controlled in such a way that the individual is protected in all respects. Therefore, it can be appreciated that human security is an indispensable resource of daily life that allows the individual and the community to freely realize their aspirations and ideals. At the same time, the security of the individual can be considered as a state resulting from the dynamic balance that is established between the different components of the given living environment. It is the result of a complex process in which the human being interacts with his environment. "By environment is meant not only the physical environment but also the cultural, technological, social, political, economic and organizational environment"¹. In conclusion, the security of the individual presupposes adequate control of the dangers, not their total absence, it entails with itself a feeling of well-being, of peace for the whole of humanity.

1.5. Global human security, a constant concern of the international community

After the end of the Cold War, the internal security of states, that is, the security of their population begins to be the object of attention of the international community. For the first time in 1991, the Security Council described as a threat to peace a violation of the security of civilians within a state, thus opening the door to all the consequences of Chapter VII of the UN Charter, including the use of force. This humanitarian intervention was followed by others when the international community considered that in one state or another fundamental human rights had been violated, thus the respective population was in an advanced state of insecurity. Putting the human individual and populations at the center of international concerns is, in fact, a new direction of aid policy in support of human development. Now, the well-being of the individual, in addition to the role played by the economic factor, is beginning to be associated with other factors, such as longevity, health, access to education, or an adequate standard of living, increasing the choice of each, active involvement in political and social life. The emphasis on the human individual and the population to which he belongs, regardless of race, religion, ethnicity, etc., has led to a crystallization of the way of defining the concept of "global human security"².

In a relatively broad sense, global human security aims not only at a range of threats to the individual and the population to which he belongs but also about the concern of all state and non-state responsible factors to ensure the well-being of the human being. In this context, we consider all types of threats that can affect, significantly, consistently, and over a long period of time, the human being physically, mentally, and materially, but also its free and sustainable development. Global human security is a constant concern of the UN, which, through its

¹ *Sécurité et promotion de la sécurité*, <http://www.cspq.qc.ca/oms/promotion>, (12.09.2022)

² H.T. Crisan, *Op. cit.*, p. 91

specialized agencies, is working to establish this beneficial status for the international human being and community. In this context, the goal set by the UN, in terms of security, is a world free of fear. At the same time, it is recognized that in addition to the military threat, there are other serious dangers that hover over human security. These include: the systematic violation of human rights in several countries around the world; the prohibition for humanitarian organizations to help the population in precarious living conditions; repeated violations of international humanitarian law; the development of transnational crime¹, inequality of opportunities in terms of access for all to education, health care, social protection, etc. There are several sources of insecurity. Among them, according to Julliette Voinov-Kohler's² study, are: economic security (unemployment); security of use (access to work, poverty); food security (unequal access to food); health protection (existence of serious diseases, different and differentiated access to medical care); environmental security (water, soil, air pollution, deforestation, natural disasters); personal security (physical violence, domestic violence, child abuse, gender-specific issues, human dignity, drugs, etc.); cultural security (infringement of the value system, discrimination, oppression); political security (interstate conflicts, freedom of expression, torture, repression, human rights violations). Therefore, it can be appreciated that global human security not only targets a wide range of threats but also seeks to ensure the well-being of human being. However, human security, as we approached it, theoretically, in the previous ones had terrible practical applications, especially in Romania, during the pandemic caused by COVID - 19.

2. How human security has been affected by the pandemic caused by COVID-19

2.1. Introductory considerations

The present paper includes the results of research on the theoretical and practical aspects that led to the shaping of the legal identity of this phenomenon. So high was the legislative inflation adopted for the legal arrangement of the pandemic genocide that we can talk about a real law of the pandemic. So, the goal of this analysis is to see how fundamental human rights have been affected, even altered, or even eliminated. More clearly, how human security has lost its fundamental values. We set out to carry out a scientific research approach, but without claiming an exhaustive analysis of the whole issue, since, as will be seen, the evolution of legislation, the dynamics of practice in this matter, implicitly the jurisprudence of courts, such as and the transdisciplinary of the subject could be the subject of a treaty. Disputes over our social health insurance system caused by the difficulties of qualifying contracts for the provision of medical services,

¹ *Cracking down on transnational crime*, in "Révue électronique du Département d'Etat des Etats-Unis", août 2001, Vol. 6, No. 2, Le département d'État publie son rapport 2021 sur la transparence fiscale - United States Department of State, (12.09.2022)

² Julliette Voinov-Kohler, *Op.cit.*, p.8

medicines, and medical devices have led the legislator to produce a real "legislative pandemic", unifying the provisions of public and private law in an only matter, even if it is an exceptional institution of law. For example, health insurance companies "play" the role of legal entities under private law, although, according to the law, they are legal entities under public law, so the specificity of the field cannot be fully claimed by private law. The interest in the scientific research of these challenges is determined by their often-controversial legal nature, so we aim to gain a better understanding of this institution. In the alternative, we intend to highlight the distinction between the military command act and the normative administrative act issued for the application of the state of emergency or for removing the consequences of the epidemic, developing some clarifications on the possibility of challenging before the administrative contentious court military orders issued by the Ministry of Affairs. The internal pandemic caused by COVID-19. So, let's take them one by one and start with the way in which the rule of law received a strong blow to death, even from the Romanian state, through the newly created medical state. So, we are talking, state by state, each with mutual values and influences, most of them negative, on the citizens.

2.2. Rule of law vs. medical status

The contemporary period represents a historical moment in the evolution of society and the rule of law in terms of organized reactions to the pandemic situation generated by the world occult, as well as the conflict in Ukraine. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is a viral respiratory syndrome that led to the coronavirus epidemic from 2019–2020. The name COVID-19 is an abbreviation in English, respectively CO = corona, VI = virus, D = disease, 19 = 2019, which indicates that it is used to indicate infectious disease caused by this severe acute respiratory syndrome and not the virus per se, which is known as SARS-CoV-2, initially using the title "2019 novel coronavirus (2019 - nCoV)". As the World Health Organization stated at the press conference on 11.03.2020 that at that time COVID -19 can be considered a pandemic, being the first pandemic caused by a coronavirus¹, it is necessary to make the appropriate distinction between "epidemic", this being an extension, through contamination, with an unusual frequency, of infectious disease, to a large number of people from a certain locality, region and "pandemic", which reflects an extension on the continental territories of an epidemic. So, we are experiencing a deep crisis in society, accentuated by the pandemic with this new Coronavirus, but chronicled for several decades and accentuated by the gloomy prospects after the end of the plague.

During large-scale crises, there were always violent demonstrations in the streets, with barricades, arson, robberies, riots, physical assaults, murders, etc. What is happening is not at all proof of the lucidity of the world, no testimony of

¹https://www.who.int/docs/default-source/coronaviruse/transcripts/who-audio-emergencies-coronavirus-press-conference-full-and-final-11mar2020.pdf?sfvrsn=cb432bb3_2, (19.09.2022)

the fight against discrimination, and no proof of vigilance in the service of universal values. What is happening is simply evidence of gross manipulation, produced against the background of the lack of education and culture of the population. Everyone who attends a serious school and who accumulates enough knowledge of general culture knows that each historical epoch has its own values and prejudices. Many times, what had been perfectly moral and legal in the past had become immoral and illegal in newer times. For example, the law of retaliation ("eye for an eye, tooth for a tooth") has ruled primitive mankind for hundreds of thousands of years. War was a moral practice throughout the Middle Ages, tournaments and duels were occasions for the manifestation of chivalric honor, and the oppression and persecution of marginalized groups of society was a duty of the authorities and some individuals. Of course, over time things have gradually changed. However, the war that bled our borders takes us back in time to the dark Middle Ages! Strangely, this conflagration seems to have stopped another war, the bacteriological one, caused by the pandemic that claimed millions of lives. This world is increasingly shaken by crises that come from the Earth's biosphere or that affect the biosphere in one way or another. And finally, man, the one who forgets or tries to forget that he is an integral and inseparable part of the biosphere of this planet.

From a historical perspective, we highlight the legislative course and the legal regime of the defining notions underlying the legal institution of the provision of medical services, medicines, and medical devices, identified both in national legislation and in the legislation of other European states, given that the system of Social health insurance developed and implemented in our country is based on the Bismarck model, the oldest health system, German legislation, introduced in the late nineteenth century in Germany by Chancellor Otto von Bismarck. From a sociological perspective, the transition from the Semaşko-type to the Bismarckian-type health insurance system is of great importance in the context of the evolution of the legal regime, but also the need to comply with the relevant legislative framework developed under European Union law. internal framework with European public health standards. Hermeneutic research integrates the components that make up the system, namely the social dimension and the legislative dimension. For this reason, we allocate space for awareness and contextualization of the elements that shape the legal identity of the health protection system, the authorities involved, as well as legal subjects, beneficiaries of health protection, analysis that will transcend the internal borders of public and private law, reaching the limits of public international law, so that we will identify elements from several branches of law.

Whereas the legal institution, which ensures the protection of policyholders against the costs of medical services in the event of illness or accident, is organized in a state governed by the rule of law, within which health and the right to health are exercised within a well-established legal framework; their exercise implies precise legal guarantees, in this study our attention is focused on the considerations that led to the birth of this institution, namely the analysis of

the manifestations of health and their connection with health systems. Thus, we consider the understanding of the adjacent concepts of “health” and “public health”, but also of those of “right to health” and “right to health”, as well as their relationship with other factors that influence them. The motivation is given by the importance of health and the right to health for the individual, group, community, or society, but also by the need for systemic and legal organization of health, so that modern society can meet the general interest determined by the need to higher health care. Determined by the same desire to capture as many of the elements that shape the legal identity of the institution, we will highlight its image as it has emerged and developed in the internal social and economic context. This aspect will lead us to an interdisciplinary approach, as the legal reality implies the interference between areas of law and dimensions of political, economic, and social factors.

2.3. Some clarifications regarding the definition and delimitation of the branch of medical law

Any scientific approach involves determining its object. As for the object of medical law, we must start from the delimitation of the notions of "medical law" and "health law", to see what the meaning of these notions is and whether they are synonymous. The phrase "medical law" of course encompasses not only the forms and procedures of the medical act but also the substantive issues that have arisen in medical practice. The two notions are fundamentally different, the notion of "health law" being much broader than that of medical law. Medical law is that part of the law of health that includes the rules of law governing the profession of medical science. In our country, there is no unitary opinion regarding the recognition of medical rights as a distinct branch in the legal field, although several countries recognize it as such. This branch of law is a relatively new one in the Romanian legal system, the reason for which the limits of its scope are uncertain due to its interferences with other branches of law. Without a long existence, medical law is constituted as a frontier science in the medical and legal disciplines. With the development of society and social and legal needs, medical law has evolved naturally, being closely related to the progress of medical sciences, whose patronage it holds¹.

In the field of medical law in our country, there is impressive legislation that is based on the regulation of social relations in the medical field. Therefore, there is not only medical legislation but a distinct branch of law that includes all the legal norms that regulate the medical relations between the natural and legal persons who carry out their activity in the field of health. From the desire to correlate medical issues with legal ones, the necessity of establishing the branch of medical law was affirmed. Most medical rules are valued and objectified in medical law. Summarizing the above, medical law can be defined as "the set of legal rules governing the patrimonial and non-patrimonial professional relations

¹ Alina Doina Tănase, *The particularities of medical law in the current legal system in Romania*, in "Universul Juridic Premium", No. 4, 2021, p. 2

established between those who practice the medical professions and patients, as well as the specific relations of health institutions, characterized by the legal equality position of participants. to these legal relations”. Also in the Romanian legal literature, medical law has been defined as “that branch of law that includes all the norms and legal institutions of public or private law, which regulate the relations between medical service providers and patients born, in principle, by agreement of the parties, having as object the provision of medical services for prevention, diagnosis, and treatment”¹. Within the science of medical law, there is a well-ranked structure, based on a series of legal rules in the medical field.

However, from the theoretical research of the phenomenon to the practical aspects that the population of Romania faced during the two academic years, things are shocking, even if only from one perspective, the financial one. Specifically, according to the official communication of the Government, incredible figures related to vaccines against COVID-19 were bought by Romania. Vaccine doses have been contracted for three times the vaccinable population, with a total cost of over one billion euros for them and we have already lost about 17 million euros on expired or unused vaccines, purchased by the Romanian Government. The resulting figures are staggering. Specifically, in the context of the hysteria caused by the COVID-19 pandemic, Romania contracted 79,713,749 doses of vaccine in two doses, 8,520,538 doses of vaccine in a single dose, and another 20,000 doses of non-vaccines. still not even approved. Romania has bought Covid vaccines for almost three times the country's population. So, in total, our country has reached 88,234,287 doses of approved vaccines that can be administered in two doses. Basically, enough to vaccinate 48 million people. In other words, we bought or were forced to buy, according to the contracts, vaccines for almost three times the population of the country, if we made a presence, we would have 16,000,000 people vaccinated against COVID in the country. Why did the allogeneic, anti-Romanian, traitorous state and country decide to buy so many vaccines? Nobody knows and probably won't be able to give a coherent answer. The explanations regarding the obligations imposed by the European Commission may be plausible, but I do not think that there was a tax that would reach such a large number that it cost us 1,236,837,607 euros. More than we can imagine, Romania donated almost half of the vaccine doses it administered. Well, here's the most interesting part financially. 17 million euros is the value of the losses, in other words of expired and unused vaccines, until March 30, 2022. Considering that we must receive 2022, 2023 over 46 million doses of vaccine it is very clear that these losses will increase quite enough. It should also be noted that Romania has so far administered 17 million doses of vaccine to its population, while 3,571,410 doses have been resold to other states, and 3,600,000 doses have been donated or are being donated. So, I donated or sold almost half of what I used. Unfortunately for the Romanian state, the donations were often accompanied by the payment of transport and related customs duties. In conclusion, the pandemic

¹ *Idem*

was and will be extremely costly for the Romanian poppy related exclusively to what vaccination meant. Who is responsible for the waste of these dizzying amounts collected from taxes and duties to the Romanian taxpayer? No one, as in all cases of pandemic corruption installed in Romania after the coup d'état of December 1989.

In the field of medical law, the applicable legal provisions in this field deal with the regulation and arrangement of the following areas: organization of primary and outpatient care, organization and management of hospitals, social health insurance, rules on the exercise of medical professions (doctor, dentist, pharmacist, nurse), as well as a series of legal norms that regulate the way of employing the professional civil liability of the medical staff and of the provider of medical, sanitary and pharmaceutical products and services. Thus, the hybrid character of the medical law can be deduced, this expressing the diversity of the protection systems adopted by the national legislation. The transformations that we have tried to evoke schematically have determined the adoption of the critical position by the doctrine in our country towards the current system of regulation of the medical law. Considering the opinions expressed in the legal literature of our country, the concept according to which there is or is not a distinct branch of medical law, is a controversial one. It all started with the lack of specific regulations for the evolution of medical science regarding various aspects related to the medical act, but also with the establishment and delimitation of the object of medical law. In this context, a "country of droughts, a minor country, shamefully failed in the aptitude test in front of Europe. Ordinary politicians, moralized thieves today, ministers who have sold themselves for a lifetime, and smuggled deputies have brought us here. We are not collapsing with the enemy's numbers or his weapons, we have the disease in our souls, it is a frightening epidemic of moral meningitis", to regulate the problematic issue of the pandemic was issued vast legislation, often unconstitutional, illegal, and immoral which has caused material and moral damage, irretrievable not only for the present generation but also for the future. Let us leisurely investigate the "legal work" drafted "with mastery" by the political tricksters of the occult, allogeneic and anti-Romanian state, which is waging a deaf fight against the Romanian people.

2.4. The object of medical law

While the object of regulation of medical law, as a branch of law, is the medical act with all its rigors, the object of study of the medical act, in the sense of legal science, is the norms of medical law. Having the character of scientific research, the study of the norms of medical law is not limited to an accumulation of medical knowledge about their content and scope, but on the contrary, this knowledge is gathered in a systematized set of concepts, principles, and theories. The provision of medical services, medicines, and medical devices within the social health insurance system is the way in which the legislator has materialized the constitutional obligation to guarantee the "protection of the health of the population" and to organize systemically "public health" and "social health insurance". „Which ensures“ access to a package of basic services for the insured”.

Thus, "the protection of the insured against the costs of medical services in the event of illness or accident" and "the protection of the insured in a universal, fair and non-discriminatory manner, under the efficient use of the Single National Health Insurance Fund" become the objectives of this legal institution. relatively new in our legal system. The institution of providing medical services, medicines, and medical devices has over time had an evolutionary path, adapting to the needs of society, but constantly keeping in touch with the foundation that marked its identity, namely the interest of the status to ensure and finance health care. population, by developing a complex system of social health insurance¹.

The protection of public health, the activity of providers of medical services, medicines, and medical devices in the realization of this fundamental right, and moreover, all subjects of public and private law involved, are directly influenced by the decisions of public authorities and institutions belonging to the executive. positive or negative legal order. "Contracting" is the main activity carried out in the social health insurance system, for which the state is fully responsible, a strategic option through which the performance of this system is ensured, and which is carried out by health insurance companies and service providers. medical, medicines and medical devices, natural or legal persons, public or private law. The state makes use of the contractual instrument, and as an effect of its use, it has a significant influence on the way health care is financed. However, the state must also act as a regulator of contractual practices, by supporting contractual relations (defining the legal framework, developing the IT system, control, evaluation, etc.), incentives, especially financial, but also the development, implementation, and evaluation of policies. contractual. Moreover, while requiring the development of contractual practices, the state must also ensure their coordination².

At the same time, the state must be able to exercise its role of "guardian" of the general interest, that of protecting the health of the population, putting in the center of interest patients - insured persons, but also the interests of professionals and professionals-traders, who in addition to the main objective of providing quality medical services and medicines needed by the population, they have professional and economic interests³. Therefore, in compliance with the mandatory legal norms enshrined in the fundamental right to health of citizens, the state must limit contractual freedom, which infringes the autonomy of will, a foundation that has known various dimensions and meanings throughout the history of legal and

¹ Smaranda Angheni, Laura-Valeria Malinetescu, *Provision of medical services, medicines and medical devices*, Bucharest 202, file:///D:/Documents/CONFERIN%C8%, (19.09.2022)

² J. Perrot, E. de Roodenbeke, *La contractualisation dans les systèmes de santé - Pour une utilisation efficace et appropriée*, Editions Karthala, Paris, 2005, pp. 541-547

³ George Gîrleşteanu, *The legal value of contractual freedom in Romanian and French law*, in "Revista de Ştiinţe Juridice", No 3, 2006, Themis Publishing House, Craiova, 2006, p. 175

philosophical doctrine. the theory of its decline because of the extension of the obligation to conclude contracts for the provision of medical services, medicines, and medical devices in the form imposed by the legislator. But only in such conditions does a contract become a useful tool for improving the health care services that the population needs. Specific, unique contractual regulations can enhance relationships between legal subjects, which can help improve the efficiency of the health insurance system, but there is a significant risk that these specific contracts will lead to some modest or even adverse results in certain circumstances¹.

On the other hand, a contractual policy in the field of the provision of health care services provides a framework for the controlled development of specific contracts, which may require the necessary coherence to ensure their effectiveness. In order to give us an overview of the financial dimension of contracting health care services under the social health insurance system, we must not lose sight of the fact that the funds allocated annually in the budget of the Single National Health Insurance Fund, the second largest in Romania, after the state social insurance budget, are about 35 billion lei, of which over 50% are allocated for the payment of hospital medical service providers (public and private hospitals), about 25% are allocated for medicines dispensed through community pharmacies, primary care services, which are provided through family doctors, have allocated more than 8% of the budget, while paraclinical medical services (laboratory tests and radiological and high-performance investigations) they have allocated funds of about 4% of this budget. The rest of the funds are allocated for the payment of medical services in the outpatient clinic for various clinical specialties, rehabilitation services, medical transport, home health care, and palliative care, as well as for the payment of medical services provided based on international documents. Contextually, we set out to highlight the image of the institution providing medical services, medicines, and medical devices, as it has emerged and developed upwards, at a time when the approach to multidisciplinary, interdisciplinarity, and transdisciplinary is manifested by interference between areas of law and dimensions of economic and social factors, but also political.

The multidisciplinary nature of the issues related to contracts for the provision of medical services, medicines, and medical devices reveals the difficulties in identifying the basis of their existence, but also in the preliminary acts or those deriving from their application, as well as in establishing the applicable legal regime. With regard to the interdisciplinarity of matters relating to the institution of the provision of medical services, medicines, and medical devices, but also with regard to the legal nature of contracts used in the health

¹ Smaranda Angheni, *Legal relations between professionals-traders*, C.H. Beck, București, 2014, pp. 3-6; *Law no. 287/2009 regarding the Civil Code*, republished in the Official Gazette of Romania, No. 505/2011, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/109883>, (12.08.2022)

insurance system and of acts before or after their conclusion or jurisdiction. In this matter, we considered it interesting to study the decision of the legislator to introduce these contracts under the scope of application of civil law, which established them as a legal institution specific to civil law, while having strong administrative rights. The provision of medical services within the social health insurance system is a real legal institution of civil law, but it can also be represented as an individualized institution in a newer field of law, that of health law, which goes beyond private law and extends to the units of public administration, right in interference with the monistic system implemented by the Civil Code¹, at the border between the two major divisions of law, public and private, driven by both the principles promoted at the EU and international level. A ubiquitous constant is represented by the interest of the state, in terms of respecting the right of insured persons to benefit from health care services and its significance in the legal relations of private law that arise between health insurance companies and public or private health units, regardless of the legal form of their organization. Arguments can also be found in domestic, international, and European international law, jurisprudence, or doctrine, as well as in various studies. Invoking the public interest, but more precisely the interest of the insured and the sovereignty of the statute is the foundation of the measures regarding the way of regulating, negotiating, and concluding contracts for the provision of medical services, considered to prevail over the principle of freedom of will.

The epidemiological context that our country is going through is an application point of the theoretical notions analyzed, to show that considering the interest of the insured is mandatory, especially in terms of the legal effects of contracts for the provision of medical services, medicines, and medical devices, the health of citizens. To capture as much detail as possible about the legal institution of the provision of medical services, medicines, and medical devices, we appreciate these relevant aspects being researched². These are issues that demonstrate the usefulness and timeliness of the topic and reflect the reasons that led to the choice and positioning in the research interest of the exceptional institution of civil law of the provision of medical services and, consequently, the development of this scientific research. To develop a research topic that offers a broad spectrum of analysis, in a transdisciplinary manner, a topical topic, with new perspectives of approach, and that represents a real interest for professionals in the field, but also for the environment's current and future socio-economic situation. To legal regulation of pandemics, it has been issued in vast legislation, often unconstitutional, illegal, and immoral, which has caused material and moral damage, irretrievable not only for the current generation but also for the future. Let us leisurely investigate the "legal work" drawn up "with masters" by the political

¹ Law no. 287/2009 regarding the Civil Code, republished in the "Official Gazette of Romania", No. 505/2011

² Smaranda Angheni, Malinetescu Laura-Valeria, *Op.cit.*, p. 7

tricksters of the occult, allogeneic and anti-Romanian state, which is waging a deaf fight against the Romanian people.

2.5. The legal framework of the plan or the legal implications of the health crisis

In a challenging environment, the process of complying with the provisions of the Constitution must be continuous and personalized, according to the specific activities carried out by each entity, whether from the public or private environment. Given that law is the cornerstone of any analysis of these institutions, given the novelty of the pandemic and the innovative way of working in the healthcare system, unlike any other activity so far, the preliminary understanding and clarification of these issues are especially necessary for the researcher concerned with the legal implications of the health crisis. One of the modern phenomena of legal crime concerns criminal and criminogenic legislation, adopted during the reference period, with important repercussions in the life of society. Therefore, by law, by Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania issued by the President of Romania, the state of emergency was established for a period of 30 days, taking into account the evolution of the epidemiological situation and the public health risk assessment, which indicated a massive increase of people infected with the coronavirus SARS-CoV-2, in order to reduce the negative effects on the economy caused by the measures adopted at national and international level to combat the spread of this new virus¹. Thus, to prevent the spread of COVID-19 infectious disease and to manage the consequences, the exercise of the following rights was restricted during the state of emergency:

- a) free movement;
- b) the right to intimate, family, and private life;
- c) inviolability of the domicile;
- d) the right to education;
- e) freedom of assembly;
- f) the right of private property;
- g) the right to strike;
- h) economic freedom.

Prior to the establishment of the state of emergency, by Decision no. 1 of February 2, 2020, on the approval of measures necessary to increase the capacity to intervene in the prevention and control of infections with the new Coronavirus, issued by the National Committee for Special Emergency Situations, it was decided to approve the proposals taken by the Technical-Scientific Support Group the territory of Romania. Pursuant to the Decree on the establishment of the state of emergency, the Government Emergency Ordinance no. 1/1999 on the state of

¹ Raluca Laura Dornean Păunescu, *Firul Ariadnei: the possibility of partial or total cancellation of the provisions contained in the military ordinances issued during the state of emergency caused by COVID-19*, <https://drept.uvt.ro/administrare/files/1634397556-articol-raluca-paunescu.pdf>, (19.09.2022)

siege and the state of emergency, as well as the assessment made by the National Committee for Emergency Situations, a series of military ordinances were issued by the Ministry of Internal Affairs, respectively:

1. Military Ordinance no. 1/2020 on some first aid measures concerning crowds and the cross-border movement of goods through which:

a) The activity of serving and consuming food and alcoholic and non-alcoholic beverages, organized by restaurants, hotels, cafes, or other public places, is suspended in the spaces intended for this purpose inside or outside the location, being allowed to be organized by these entities. the marketing of food and alcoholic and non-alcoholic beverages, which do not involve customers remaining in the premises intended for this purpose, such as drive-in, room-service, or customer delivery,

b) All cultural, scientific, artistic, religious, sports, entertainment or gambling, spa treatment, and personal care activities carried out indoors shall be suspended;

2. Military Ordinance no. 2/2020 on measures to prevent the spread of COVID-19, by which:

a) The activity in the dental offices is temporarily suspended;

b) The retail sale of products and services in shopping malls where several economic operators operate is temporarily suspended, except for the sale of food, veterinary or pharmaceutical products, and cleaning services,

c) It was allowed to officiate the services in the places of worship by the church/religious ministers, without public access, the services being able to be transmitted in mass media or online allowed only the officiating of liturgical/religious acts with private character (baptism, weddings, funerals), in which a maximum of 8 people can participate, as well as the sharing of sick believers at the hospital or at their home;

3. Military Ordinance no. 3/2020 on measures to prevent the spread of COVID-19 by which:

a) The movement of all persons outside the dwelling/household is prohibited, with the following exceptions: travel in the professional interest, including between the dwelling/household and the place/places where the professional activity takes place and back; travel to provide goods that cover the basic needs of persons and pets/pets, as well as goods necessary for the professional activity; travel for medical care that cannot be postponed or made remotely; travel for justified reasons, such as caring for/accompanying the child, assisting the elderly, sick or disabled or the death of a family member; short trips, close to the home/household, related to the individual physical activity of the persons (excluding any team sports activities), as well as for the needs of pets/pets; travel for blood donation to blood transfusion centers; travel for humanitarian or voluntary purposes; travel for agricultural activities; the movement of agricultural producers for the sale of agri-food products;

b) the movement of persons who have reached the age of 65, outside the home/household, is allowed only in the time interval 11.00-13.00, strictly for the

following reasons: travel for the provision of goods that cover the basic needs of persons and pets/pets; travel for medical care that cannot be postponed or made remotely; moving for justified reasons, such as caring for/accompanying a minor, assisting other elderly, sick or disabled people, or in the event of the death of a family member; short trips, close to the home/household, related to the individual physical activity of the persons (excluding any collective physical activities), as well as for the needs of pets/pets;

4. Military Ordinance no. 4/2020 on measures to prevent the spread of COVID-19 which establishes that:

a) The movement of persons who have reached the age of 65, outside the home/household, is allowed outside the time interval 11.00–13.00 if it is done to solve medical problems, such as planned oncological treatments, dialysis, etc., using their own means of transport or those of the family/supporters or, as the case may be, the means of special medical transport intended;

5. Military Ordinance no. 5/2020 on measures to prevent the spread of COVID-19 by which:

a) The measure of suspension of flights performed by air economic operators to Spain and from Spain to Romania is extended for a period of 14 days, starting with March 31, 2020, at 18.00;

b) The measure of suspension of flights performed by economic operators to Italy and from Italy to Romania is extended for a period of 14 days, starting with April 6, 2020;

6. Military Ordinance no. 6/2020 regarding the establishment of the quarantine measure in the municipality of Suceava, of some communes from the neighboring area, as well as of a protection zone on some administrative-territorial units from Suceava county;

7. Military Ordinance no. 7/2020 on measures to prevent the spread of COVID-19, by which:

a) The quarantine measure is established during the state of emergency in Țândărei city, Ialomița county;

b) All flights by air operators to Austria, Belgium, the Swiss Confederation, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands, Turkey, and Iran, and from these countries to Romania shall be suspended. for all airports in Romania, for a period of 14 days.

8. Military Ordinance no. 8/2020 on measures to prevent the spread of COVID-19, which establishes that:

a) It is allowed the movement outside the home/household of the holders of commercial fishing authorizations/permits on the Danube/inland waters/ lack Sea in order to carry out commercial fishing and aquaculture activities, as well as for capitalization/marketing of products resulting from these activities;

b) It is allowed to move beekeepers outside the home/household to/from the apiary location or to move the apiary. Proof of the quality of the beekeeper is made with the certificate containing the code of apiary issued by the county offices

of animal husbandry or with any other documents proving the quality of the beekeeper and the ownership of the hives.

9. Military Ordinance no. 9/20202 on measures to prevent the spread of COVID-19, which highlights the following:

a) The suspension of flights to Austria, Belgium, the Swiss Confederation, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands, Turkey, and Iran, and from these countries to Romania shall be extended for all airports in Romania, for a period of 14 days, starting with April 18, 2020;

b) Cross-border workers who, at entry into Romania from Bulgaria, do not show symptoms associated with COVID-19 are exempted from home isolation or quarantine measures.

Subsequently, by Decree no. 240/2020 on the extension of the state of emergency on the Romanian territory, issued by the President of Romania, the general public interest is required, which requires the extension of the exceptional state, respectively maintaining the application of the adopted measures, but also taking new measures to allow public authorities and institutions to intervene efficiently and with all the appropriate levers for crisis management, meaning that it was ordered that starting with April 15, 2020, to extend by 30 days the state of emergency throughout Romania, initially established by Decree no. 195/2020. *A fortiori*, this pandemic caused by the new coronavirus also generates in the world of law new analyzes of the legal nature and effects produced by the administrative acts of authority issued by public authorities, being a recent concern to outline a correct application and interpretation of special legislation¹. In a nutshell, these pandemic events are reminiscent of Nero, the Inquisition, Lenin, Stalin, Hitler, Mao Zedong, and all the dictators who destroyed worlds, forbade real universes to build worlds, and false universes. Communism, however, destroyed most of the statues, and in Soviet Russia, it even melted down railroad tracks for the simple reason that they were made by "capitalists". We cannot always fight with history to build a just world. The upset of history is ridiculous. Most of the evils of contemporary society lie in contemporary society itself. Books, movies, statues, or people from the past cannot be blamed for our prejudices and deeds, but the wrong education received in the family and at school, the inappropriate entourage, ignorance, and stupidity. Our superiority over the policeman who suffocated a human being is not in the force of destruction but in the art of building. How many of those who have banned a movie, who has condemned a book, who have taken down a statue, know how to speak harmoniously about that movie, about that book, about that statue? "A people without culture is an easy people to manipulate", Immanuel Kant warned long ago. How many of us can weigh the news that is attacking us moment by moment through all the media? Very few of us have the information in mind to do that. Most do not even strive to have such databases. And the memory of your computer or phone is useless if we don't even

¹ Raluca Laura Dornean Păunescu, *Op. cit.*, p. 3

try to search. Contemporary manipulators are also based on this lack of discernment. There are forces that want to turn us into demolition workers, without creating the premises for us to be architects/builders. Others take care of the construction plans. Once upon a time, we were taught that whoever rules the information rules the world. Today we know that it is not so, since the manipulation of information becomes more powerful than the information itself and human security tends to become only a hypothetical ideal, affirmed, and supported only in the conclaves of scientists passionate about the plight of their peers. And this trend has been found prominently during the pandemic, as we will demonstrate further on in our concluding remarks.

3. Instead of conclusions. Human security is also a human right in the conditions of the pandemic caused by COVID - 19

The difficulty of answering the title question arises from the attempt to identify the right to human security, a human right but also from the temptation to redefine the idea of human security as a simple way or tool for implementing human rights, and in particular, those human rights that are considered necessary to protect the vital core of individuals' lives. Moreover, the human being is the starting point of any goal of government, the field of human rights and human needs offers the best approach to social development, and humanity and is based on rights and needs. Unlike the needs-based approach, the rights-based approach offers several advantages, for at least three reasons: it focuses on citizens; pays special attention to rights and property; brings to the fore the importance of the norms and rules by which the Society is governed. However, the current socio-political and economic context requires a more complex treatment of the idea of human security, and, moreover, demands as imperative the effort to establish it as a fundamental human right. In other words, the current context, dominated by various types of conflicts, extreme poverty, terrorism, and natural disasters constrains the transgression of the instrumental meaning of human security and inspires its approach as an end, respectively as a human right. Being easily included in the category of fundamental moral rights, the right to human security outlines a minimum morality necessary either to respect the dignity of human beings or to protect their fundamental interests. Although human rights can be seen both as a subclass of moral rights, held by all individuals by virtue of their humanity, and as universal rights, the implementation and/or institutionalization of which appears as a moral imperative, the need to establish human rights must be conceived separately from that of their institutionalization. Certainly, the list of rights proclaimed in international declarations and treaties cannot be considered definitively closed, for the simple reason that they are not universally accepted, respectively they are not accepted without reservations in all state legal systems¹.

¹ John Tasioulas, *The Moral Reality of Human Rights in Freedom from Poverty as a Human Right. Who Owes What to the Very Poor*, in Thomas Pogge (ed.), *Freedom from*

However, in the first instance, it is not difficult to say that the right to human security can stand by rights such as the right to subsistence, the right to protection against extreme poverty, and the right to a minimum necessary for subsistence, which meet the criterion of moral universality. The difficulty, however, lies in justifying the option of placing all these rights on the same plane, despite the differences between them. The legitimizing solutions are offered by the two great paradigms of moral theories, respectively the consequentialist and the non-consequentialist. Imposed in the consequentialist paradigm, the requirement to ensure and maximize well-being creates the favorable background for legitimizing the right to human security as a universal moral right, as it is the only one that ensures the minimum level necessary for the genesis of individual welfare and can protect its evolution¹.

Moreover, the concept of human security is closely linked to human rights and human development, in that all these notions concern human lives and impose minimum standards on how all individuals and collective entities, such as states, should relate to human lives. Another perspective on the issue of human security places it in a relationship of complementarity with human rights and human development. If human development aims to increase the quality of human lives and the fulfillment of individuals, aiming at equitable economic growth, human security applies especially to periods of economic crisis and aims to ensure a minimum standard for those affected by these crises. From this point of view, the "freedoms" that human security protects are, in fact, simple forms of protection against the insecurities to which, in different parts of the world, a very large number of individuals are subjected, forming a "class", an important part of human rights"². The theme of human security from the perspective of rights in general and human rights has an advantage over other angles from which the issue of human security can be analyzed. This advantage lies in the fact that rights always involve correlative obligations, and these, whether negative or positive, are required to be fulfilled by various agents, individually or collectively. Through the correct attribution of those human rights that delimit the concept of Human Security, it becomes possible to determine much more precisely the scope of the obligations meant to protect individuals against the threats of insecurity. Therefore, to explain the type of relationship that is established between the idea of human security and human rights and to account for the dynamics and evolution of this relationship, it becomes necessary for a deeper and more applied analysis of the concepts that make up human rights.

Poverty as a Human Right: Who Owes What to the Very Poor? Oxford University Press, 2007

¹ Horațiu-Traian Crișan, *Human Security. An analysis from the perspective of individual rights*, in Cătălina-Daniela Răducu, Bogdan Ștefanachi, *Human Security. Contemporary challenges*, ProUniversitaria București, 2015, pp. 71–87

² *Development, Rights and Human Security*, in *Human Security Now Final Report*, Commission on Human Security, New York, 2003, pp. 2-9

We are currently witnessing the emergence of new transnational and non-state factors on the world stage that have the necessary and sufficient means to lead and lead to global action. Of course, the role of nation-states does not diminish, but it is no longer the decisive one but acquires new dimensions. Today, the conditions are in place for an international coalition of states and civil society organizations to support projects aimed at placing the security of individuals and human communities at the heart of international security. In this context, the UN supports such a view by relying on international law that guarantees peace and good governance. A new international approach is needed both to fight the causes of insecurity and to work together to address the dangers and threats that plague millions of people every day. The new vulnerabilities, risks, and threats facing humanity today require, at the beginning of this century, that the concept of security must be articulated around the principles of international security, national security, and human security. This relationship will allow the simultaneous satisfaction of global, state, people, and individual needs. The link between this relationship is found in economic security, in its capacity as a dimension of international and state security, as well as a resource of human security. In this study, we have tried to demonstrate, based on several arguments, that the idea of human security can be grounded as an individual moral right. More precisely, reducing the content of the idea of the moral law to the implicit sense of requirement, which can be invoked at any time by an individual, as it corresponds to both negative and positive obligations on the part of other individuals or collective agents, we set out to support that human security can also be approached as a human right, which establishes the tasks of all entities, whether individual or collective. In view of its connotation of requirement, the right to human security imposes not only negative obligations, not to affect, through certain actions, the individual security of certain persons, but also positive obligations to protect or assist those in critical or insecure situations. The impossibility of separating negative from positive obligations in the case of requirements imposed by human security is also the main argument in favor of establishing human security as a fundamental and universal individual moral right. Human security understood as a fundamental and universal moral right can also determine the threshold from which international interventions and therefore the violation of the sovereignty of a state can be justified morally and politically. At the same time, I have shown how the establishment of the right to human security can withstand counterarguments against human rights, insofar as it is treated as a minimal and fundamental moral right, which can be based on both a non-consequentialist and a fundamentalist moral perspective, as well as from a consequentialist, respectively non-foundationalist one. In addition, we have tested its "enforceable" nature by mentioning the extent to which it is achievable in current human rights practice.

Finally, it is clear that the process by which the insecurity of the people within a nation can spread at the zonal, regional or global level, giving rise to an international armed conflict, starts at the level of the individual. Security, from the national to the international level, cannot be analyzed only in terms of nation-states

and their interests, but, ultimately, depends on human individuals and their interests, in other words on human security. Human security is particularly evident in the non-military dimensions of security, as the military dimension is largely aimed at the government's ability to counter internal and external military dangers and threats, but also at using military force to defend states or governments against dangers and threats. non-military to their existence. However, the non-military dimensions of security and the military are deeply interdependent, with any risk, danger or threat manifested in one of them affecting the others. The problem of human security refers, in fact, in daily practice to human insecurity, as the existence of vulnerabilities, risks, dangers, and threats makes us aware of the need for security. Thus, the causes of human insecurity gradually affect all levels of society, and produce international reactions, including the use of armed force by a state or a group of states, eventually leading to the outbreak of an armed conflict. Consequently, the understanding of the concept of human security as a human right risk being truncated in the absence of a critical thematization of the essential elements that constitute the vital core of human lives and without appealing to the idea of individual rights.

Until the current pandemic context, health legislation seemed to be sufficient for everyday issues such as health insurance, medical malpractice, patients' rights, and informed consent. Law no. 95/2006 - the queen of the health law - was only a first step towards consolidated legislation. Given that no less than 14 years have passed since its adoption and a pandemic, is still ongoing, a revival of medical law is needed. Recent concern and interest in health law (pandemic) must be encouraged, promoted, and harnessed to strengthen regulation and increase the literature and case law in this area. I think it would be an exaggeration to say that the pandemic was the only trigger for this reinvention of health law, but we can certainly say that until recently the interest in this branch, although constant, was in a latent form. And yet. Why the right to health? The first time I managed a malpractice case, I was surprised by the legislative gaps, the rigidity of the jurisprudence in the matter, and the substantial lack of specialized doctrine. Our expectation was that in a matter of law so vast and always in constant evolution, there should be, if not legal norms, at least norms of recommendation, guidelines, or any acts (legal or specialized) that would constitute the guidelines. of the incident subdomains - from the branches of medicine to issues related to the regulation of certain procedures or the failure of certain procedures. Faced with the challenge of coordinating this magazine, I constantly had in mind my affinity and even my legal appetite for health law - an interesting field, full of challenges, but which gives rise to an indirect interest proportional to its complexity. The affinity started from the natural considerations of my age, now that my visits to the medical offices have multiplied, as well as the queues at the pharmacies. Therefore, I aimed to bring medical staff closer to the law and to make available legal subjects covered by health law innovative articles, developed in an accessible language and to people without a legal education. Creating a guide dedicated to health law is a challenge, at least from the perspective of the fact that through our

article we initiated debates and proposed solutions to controversial problems, problems that until recently were mostly lost in obsolescence. So, we invite other authors, and practitioners with experience in health law, to contribute to its revitalization by using reasoning explained in an intelligible manner even for non-jurists, the grounds of law, doctrine, and jurisprudence are only referred to in the analysis. Considering the motivation that would unite us all, to contribute to the development of such a tender field from a legal perspective, also initiating practical aspects of health law, namely involving informed consent, medical malpractice, the field "almost virgin" of telemedicine, legislative gaps in treatment guidelines and addressing issues related to collection and transplantation, insurance law, treatment of inmates or criminal law which tangentially tend to intertwine with the health law.

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