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Editorial

The eight (co)authors of the five papers appearing in this issue of the Journal of Criminal Justice and Security reflect on relevant contemporary policing, criminal justice and broader security issues. This issue focuses on investigating ecological issues and policing, human resources development among Slovenian police Criminal Investigation Department employees, addresses the importance of police officers' physical abilities in Croatia, while dealing with violence in the workplace and discussing diplomatic assurances given in the extradition process. A diverse issue in its nature, but very interesting and contemporary in its contents.

In the first paper *Water Crimes and Policing*, **Katja Eman**, **Saša Kuhar** and **Gorazd Meško** discuss water as a crucial natural resource. Due to this fact, water is becoming more and more attractive for various economic and criminal groups. In the paper, the authors present crimes against water, types of water crimes, and analyse the situation in Slovenia from the police measures point of view.

David Smolej seeks to answer the question of how to strengthen employee engagement among Slovenian criminal investigators in the second paper. He describes employee engagement as a positive atmosphere in the workplace, reflected in the dedication, absorption, and psychological state, accompanied by the personal energy invested in the work. In terms of the human resources development process, there is a fundamental question for the management of the CID of how to achieve maximum engagement and commitment in investigators' work, which in turn will contribute to greater security in Slovenia.

The objective of the paper by **Damir Lauš** and **Goran Ribičić** was to establish a link between Croatian police officers' motor abilities and their achievements in the martial arts. They discover some statistically relevant associations between martial arts achievements and the officers' motor abilities. The authors conclude that attention should be paid in police officers' martial arts training to developing and improving their coordination, agility as well as their explosive and repetitive strength.

In the fourth paper *Violence Towards Nursing Employees in Slovenia*, **Branko Gabrovec** presents a systematic review of research studies conducted in the field of violence directed at nursing employees in Slovenia. The purpose of his paper was to establish the types and prevalence of violence, as well as the methodology and deficiencies of the research conducted to date. The aim is for the findings to support systematic measures for preventing, reporting and surviving such violence in Slovenia.

In the last paper, **Vesna Stefanovska** analyses diplomatic assurances and the state's responsibility when considering extraditing a person whose human rights may be violated. The author describes the potential tension between a state's needs to protect its citizens from security risks and to respect fundamental human rights. This is illustrated by current controversies concerning the use of diplomatic assurances in the context of extradition.

We at the Journal of Criminal Justice and Security trust you find the articles worth reading and a good source of fresh ideas for both your future research and hopefully new papers.

Assoc. Prof. *Branko Lobnikar*, PhD
Editor of English Issues

Uvodnik

V tokratni številki revije Varstvoslovje se osem soavtorjev v petih člankih loteva izzivov sodobne policijske dejavnosti, kazenskega pravosodja in širših varnostnih problemov. Natančneje, v pričujoči številki je poudarek na preiskovanju okoljskih izzivov in policijske dejavnosti, krepitvi delovne zavzetosti med slovenskimi kriminalisti, raziskovanju pomembnosti fizičnih sposobnosti policistov na Hrvaškem, preprečevanju nasilja na delovnem mestu ter proučevanju diplomatskih zagotovil v postopkih izročitve. Raznolika, hkrati pa vsebinsko zelo zanimiva in aktualna številka.

V prvem članku *Policijsko delo na področju kriminalitete zoper vodo* **Katja Eman, Saša Kuhar in Gorazd Meško** proučujejo vodo, enega izmed ključnih naravnih virov. Prav zaradi slednjega postaja voda središče zanimanja za različne gospodarske in kriminalne skupine. Avtorji predstavijo kriminaliteto zoper vodo, oblike kriminalitete in analizirajo stanje v Sloveniji z vidika policijskega ukrepanja.

David Smolej v svojem članku poskuša odgovoriti na vprašanje, kako okrepiti delovno zavzetost slovenskih kriminalistov. Delovno zavzetost opisuje kot pozitivno vzdušje na delovnem mestu, ki se odraža v predanosti in vključenosti, ter kot psihološko stanje, ki ga spremlja vlaganje osebne energije v delo. Z vidika procesa razvoja človeških virov se ključni izziv za vodstvo Uprave kriminalistične policije nanaša na doseganje čim večje zavzetosti in predanosti delu kriminalistov, kar bo prispevalo k večji varnosti v Sloveniji.

Namen članka **Damirja Lauša in Gorana Ribičića** je ugotoviti povezanost motoričnih sposobnosti policistov z njihovo uspešnostjo pri borilnih veščinah. Njune analize kažejo na statistično pomembno povezanost med uspešnostjo pri borilnih veščinah in motoričnimi sposobnostmi policistov. Avtorja skleneta, da je treba pri policijskem treningu borilnih veščin posvetiti pozornost razvoju in izboljšanju koordinacije, agilnosti in eksplozivne ter repetitivne moči policistov.

V četrtem članku *Nasilje nad zaposlenimi v zdravstveni negi v Sloveniji* **Branko Gabrovec** predstavi sistematični pregled raziskav s področja nasilja, usmerjenega proti zaposlenim v zdravstveni negi v Sloveniji. Namen prispevka je ugotoviti oblike in prevalenco nasilja ter proučiti metode in pomanjkljivosti opravljenih raziskav. Ugotovitve bi lahko vodile v razvoj in podporo sistematičnih ukrepov za preprečevanje, prijavljanje ter pomoč žrtvam tovrstnega nasilja v Sloveniji.

V zadnjem članku **Vesna Stefanovska** analizira diplomatska zagotovila in odgovornost države pri obravnavanju izročitve oseb, ki so jim morda kršene človekove pravice. Avtorica izpostavlja potencialno napetost med potrebami države po zaščiti svojih državljanov pred tveganji nacionalne varnosti in med spoštovanjem temeljnih človekovih pravic. To ponazarja s perečimi polemikami glede uporabe diplomatskih zagotovil na področju izročitve.

V uredništvu revije Varstvoslovje verjamemo, da so članki vredni branja in dober vir svežih idej za vaše prihodnje raziskave ter nove prispevke.

Izr. prof. dr. Branko Lobnikar
Urednik števil v angleškem jeziku

Water Crimes and Policing

Katja Eman, Saša Kuhar, Gorazd Meško

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Purpose:

Water is a crucial natural resource for the survival of the human and various other species. As a result, water is becoming more and more attractive to various economic and criminal groups. Therefore, the purpose of this paper is to present crimes against water, the types of water crimes, an analysis of the situation in Slovenia and the police measures in the field of water security.

Methods:

The water crimes phenomenon was analysed by applying a descriptive method, literature review, statistical data analysis and information received from the police.

Findings:

Water crimes are an emerging global issue. Water crimes include diverse types of crimes ranging from the pilfering of water from pipelines, illegal waste management, water theft, river and marine pollution, manipulation of sampling methods to avoid treatment costs, fraud and illegal trafficking of water, terrorism and cyber-attacks on water management operations, illegal waste discharges from factories, and unauthorised consumption from the water network. Water crimes are hard to detect, investigate, prosecute and study. It is necessary for law enforcement officers to have knowledge related to water crimes – from natural and social sciences to other knowledge such as biology and chemistry. Further, they must have well-organised coordination and cooperation with other formal social control entities like inspectorates, institutes etc.

Originality/Value:

The paper presents water crime issues and makes an important contribution to the professional and general public with respect to the prevention and formal social control of water crime.

UDC: 351.741:[343.3/7:502.51]

Keywords: water, water crime, environmental crime, police, policing

Policijsko delo na področju kriminalitete zoper vodo

Namen prispevka:

Voda je eden izmed ključnih naravnih virov za preživetje ljudi in drugih živih bitij. Zaradi tega je postala zanimiva za različne gospodarske in kriminalne skupine. Namen prispevka je predstaviti kriminaliteto zoper vodo, njene oblike in policijsko delo na področju zagotavljanja varnosti vode.

Metode:

Pojem in oblike kriminalitete zoper vodo ter policijsko delo na področju obravnavane tematike smo analizirali s pomočjo deskriptivne metode, pregleda literature, statističnih analiz podatkov in informacij, pridobljenih od policije.

Ugotovitve:

Kriminaliteta zoper vodo je nastajajoč globalni problem. Vključuje različna kazniva dejanja od tatvine vode iz cevovodov, nezakonitega odlaganja odpadkov, onesnaženja rek in morij, manipulacije z metodami vzorčenja v izogib stroškom čiščenja, goljufij, nedovoljenega transporta vode, terorizma in kibernetских napadov, do ponarejanja dokumentov, nedovoljenih izpustov iz tovarn in nepooblaščne uporabe vode iz vodnega omrežja. Kriminaliteto zoper vodo je zelo težko odkriti, preganjati in preučevati. Zato je toliko bolj pomembno, da imajo policisti znanje z različnih področij, od naravoslovnih do družbenih ved in drugih specializiranih znanj. Prav tako morajo imeti dobro organizirano sodelovanje z drugimi institucijami, kot so inšpektorati, inštituti in druge organizacije.

Izvirnost / pomembnost prispevka:

Prispevek podrobneje predstavi problematiko kriminalitete zoper vodo in ima pomemben doprinos za strokovno in splošno javnost z vidika preprečevanja in zatiranja obravnavane tematike.

UDK: 351.741:[343.3/.7:502.51]

Ključne besede: voda, kriminaliteta zoper vodo, ekološka kriminaliteta, policija, policijska dejavnost

1 INTRODUCTION

Although more than 71 percent of the Earth is covered by water (Williams, 2016), 97 percent of that amount is salt water held in the oceans. The remaining 2 percent is freshwater locked away in snow and ice, leaving less than 1 percent available for human requirements. Moreover, freshwater is not evenly distributed. As Hill and Symmonds (2013) note, only 11 countries share 60 percent of the total amount of freshwater. For example, the Amazon rainforest has 15 percent of the total resources of water but only 0.3 percent of the world's population. Further, 873 million people lack access to safe drinking water. Brisman, McClanahan and South (2016) reported that, by 2025, 1.8 billion people will be living in places marked by water scarcity, where each person will have access to less than 1,000 cubic metres of water a year. The uneven distribution of water around the world has led to the situation in which water theft is on the rise.

Water can be described as an environmental resource damaged by a crime (e.g. surface water pollution, or fraudulent water quality reporting), the object of a crime (e.g. drinking water theft or corruption on the part of private companies involved in the economic control/exploitation of water), or the means of a crime (e.g. intentional flooding or the deliberate poisoning of a water supply). There may also be criminal threats to water management infrastructure such as terrorism and cyber-attacks (Water Crimes Project, 2016).

Water crime can be defined as "any punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation, which uses surface, and ground water, or water services, as a mean for committing other crimes" (Mattioli & Segato, 2016, p. 14). Thus, water crimes include any intentional

act that poses potential harm or damage to water. Gleick (2006) emphasises that the biggest problem is that water resources and systems are attractive targets because there is no substitute for water. Whether due to a physical supply interruption, being a natural scarcity, or entailing contamination, a community of any size lacking in sufficient fresh water will suffer greatly. We agree with Mattioli and Segato (2016) who stress that water-related crimes are often recorded under other offences like fraud (provided by public services with concessions and others), corruption, trafficking, falsification of documents etc.

Resolution 64/292 (United Nations, 2010), which was adopted by the United Nations in 2010, explicitly recognises the human right to water and sanitation and acknowledges that clean drinking water and sanitation are essential for the realisation of all human rights, and protects water as a national resource and the people that need it the most. According to the World Health Organisation, only half (54%) of the world's population can access water through a household connection to a water pipeline (Gonzalez Rivas, 2014). Despite Resolution 64/292 having been adopted, water is still a huge issue all around the world. The importance of water was evident when establishing institutional structures whose priority was to determine water allocations for extraction purposes. Besides the issue of buying land with water springs or underground water reserves, the process of privatising water management in cities is occurring as a second area, where water is seen only as a tradeable commodity.

Even though environmental crime is a high-profit/low-risk activity, crimes involving water are also hard to detect, assess, prosecute and study (Mattioli & Segato, 2016). We studied the water crime phenomenon in the Republic of Slovenia through the descriptive method. Statistical data and information received from Slovenian police reports were analysed, i.e. case study analysis. Thus, the paper's purpose is to present the phenomena and typology of crimes involving water in the Republic of Slovenia (RS), and how the Slovenian police responds when dealing with water crime and how it cooperates with other institutions. The paper first presents water crime issues from global perspectives, especially as a basic human right, and collects several definitions of water crimes. The forms of water crime are then outlined. In the third section, analysis of water crime cases in the RS in the past decade is presented and the Slovenian police's work concerning crimes against water is described. In the conclusion, the authors discuss the future situation, focusing on alternative, often also innovative, prevention and repression measures in the area of water crimes.

2 WATER CRIMES AND THE HUMAN RIGHT TO WATER

Crimes against water are an emerging global issue and have significant impacts, although intelligence is scarce and information fragmented (Water Crimes Project, 2016). Identified research challenges include "the absence of an international classification of water-related crimes"; no working definition of water-related crimes; the scarcity of criminological studies; no mapping of criminal behaviour, motivation or threats; and the complexity of data collection (Water Crimes Project, 2016, p. 6). Mattioli and Segato (2016) emphasise that these new, water-related issues are steadily rising in importance.

Water-related crimes are often recorded under other offences (e.g. fraud, corruption, trafficking, falsification of documents, organised crime etc.) due to the lack of a systematic analytical approach leading to an agreed (working) definition and international classification of water-related crimes. Mattioli and Segato (2016, p. 14) define *water crime* as “any punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation, against the surface, and ground water, or against water services”. Water crime also includes any intentional act that potentially harms or damages water. Further, Mattioli and Segato, (2016, p. 14) described water-related crime as “any punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation, which uses surface, and ground water, or water services, as a means for committing other crimes”.

A wide range of types of crime against water has emerged in history. Many countries and institutions have made lists of different crimes against water. Some of them are presented below.

2.1 Forms of Water Crimes

Examples of diverse types of water crimes identified by the Water Crimes Project¹ (2016) include: pilfering of water from pipelines, illegal waste management, water theft, river and marine pollution, manipulation of sampling methods to avoid treatment costs, fraud and illegal trafficking of water, terrorism and cyber-attacks on water management operations, illegal waste discharges from factories, and unauthorised consumption from the water network. Another form of water crimes is water smuggling. It is known in the USA where rich Canadian water resources are smuggled into the country, where it is sold for enormous sums of money. For example, Kelly and Oldring (2015) described a case where 50 2 litre bottles were being sold for several hundred dollars.

Interpol's report on environmental crime (Interpol/UNEP Environment, 2016) highlights three groups of water crimes: 1) water fraud (e.g. the alteration of sampling techniques or results to avoid treatment costs, bringing negative health implications); 2) water pollution (i.e. intentional contamination of water); and 3) water theft (i.e. the unauthorised use and consumption of water before it reaches the intended end-user).² According to statistical data from the Slovenian Police

1 The water crimes project is an international project funded with support from the European Commission (Directorate-General Home Affairs – HOME/2014/ISFP/AG/EFCE/7241). It is a research project aimed at providing an inventory of water-related crimes in Europe, the first report on water crimes in Europe, and the first strategic analysis in Europe on crimes against water resources. The organisations working on the project come from four countries: Italy, Hungary, Spain and Slovenia. The partner that is responsible for coordinating the Water Crimes Project is SiTI – Istituto Superiore sui Sistemi Territoriali per l'Innovazione, Italy. The other partners are RiSSC – Centro Ricerche e Studi su Sicurezza e Criminalità (Italy), REC – The Regional Environmental Center for Central and Eastern Europe (Hungary), UDC – University of Coruña (Spain), and FJCS-UM – Faculty of Criminal Justice and Security of the University of Maribor (Slovenia). More information about the project is available at its webpage: <http://www.watercrimes.eu/>

2 It is estimated that between 30 and 50 percent of the global water supply is illegally purchased. Regions experiencing chronic water stress (e.g. Southern Europe, Africa) and marginalised deprived areas (e.g. slums in India, Bangladesh or Brazil) are particularly vulnerable. Local communities are therefore forced to find alternative solutions to fulfil their daily water needs. In Africa, the number of unregulated wells skyrocketed from 2 million to an estimated 23–25 million in a decade. While this reflects poor water management, this practice also leads to the major degradation of water resources (Interpol/UNEP Environment, 2016).

and the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning, water pollution also prevails in Slovenia. Despite the prevailing cases of water pollution, criminals involved in water fraud and water theft jeopardise the integrity of the existing supply chain. Moreover, water crimes intersect with other criminal activities, such as fraud, document forgery, corruption, bribery, misappropriation of funds that also include organised criminal groups (Interpol/UNEP Environment, 2016). Gleick (2006) cautioned that plausible threats hold the potential to cause not just fear and anxiety but societal disruptions and disarray. The best defence against such threats is “public confidence in water management systems, rapid and effective water quality monitoring, and strong and effective information dissemination”, which can help ensure public confidence and calm (Gleck, 2006, p. 483).

The uneven distribution of water around the world has led to the situation in which water theft is on the rise. Moreover, the re-conceptualisation of water as a tradable commodity has increased its prices and placed it in fields of interest given the potential profit for organised crime. Water theft includes the illegal acquisition of natural water courses as well as piped or harnessed water, both of which are described as ‘non-revenue water’, meaning water that is ‘lost’ before it reaches the intended consumer. Loss of water through theft can occur in a variety of ways, including damaging or removing water meters and physically installing a connection to water distribution pipes as well as stealing aid tanks (The Global Initiative, 2014). Water scarcity and smuggling are often seen in North Africa (e.g. Nigeria, Mozambique, Kenya, Sudan, Chad) and the Middle East (e.g. Israel, Jordan) (The Global Initiative, 2014), and from Canada to North America (Kelly & Oldring, 2015).

Despite the huge interest in water, transparency in the water sector is often limited, thereby opening the door to corruption. The World Bank (2016) estimates that criminal and/or corruption in the water sector causes between 20 and 40 percent of lost revenues. Petty bribes to government officials and water suppliers are used to falsify meter readings, avoid disconnections and conceal illegal connections. The growing demand for water only serves to reinforce these corrupt practices and enforce a sense of discretionary power among officials, consequently weakening a country’s rule of law (The Global Initiative, 2014).

The involvement of organised crime has flooded the private sector and also reaches into many aspects of public services, such as waste management and disposal, construction and maintenance, material supply in the healthcare sector, transportation etc. (Savona, Riccardi, & Berlusconi, 2016). Sergi and South (2016) argue that such involvement often results in corruption, pollution or (semi) completed projects that are inadequate or dangerous. Ruggiero and South (2010) named these criminal activities ‘dirty collar crime’.

A recent Australian study by Barclay and Bartel (2015) provides further insight into different crimes against water, namely: 1) *water theft* (including the pumping, impoundment or diversion of water from irrigation channels, river systems, dams or groundwater bores without a licence or in contravention of licence conditions that cause changes to flows and reduce water access to neighbouring farms, livestock and riparian zone management); 2) *water contamination* (industrial contamination,

contamination due to depletion of underground and surface water sources, degradation of soil, contamination of surface and ground water through fertiliser/chemical or effluent run off from farm land, destruction of wildlife habitat, and reduction of biodiversity); 3) *waterway diversion* (referring to water theft through the illegal damming of waterways, filling of tankers and deep drilled water bores); 4) *unauthorised taking of surface or ground water*; 5) *violation of water compliance and enforcement*; 6) *water-related corruption*; 7) *water-related terrorism*; and 8) *water-related consequences of other forms of illegal or unregulated activity* (e.g. the impact of toxic chemicals and hazardous waste materials being swept up in flood waters and polluting freshwater systems, or the storage of legacy mining waste, stockpiling of tyres, repositories for chemical wastes and so on can be indirectly implicated in water-related crime insofar as how this occurs may violate relevant regulatory regimes and thus contribute to greater harm than might normally be expected).

The Water Crimes Project (2016) elaborated seven water crime categories: 1. water corruption, 2. water organised crime, 3. water pollution, 4. water theft, 5. water fraud, 6. water terrorism, and 7. water cyber-attacks. Water corruption is like grand corruption, which involves political decision-makers, the exploitation of natural resources, international cooperation, and large-scale investments and large procurement contracts (e.g. past cases of forced water privatisation in India, Brazil, Africa and even Europe); and petty corruption, which people can experience every day referring to the payment of sums of money to gain access to water services or to avoid controls and fines (The Global Initiative, 2014). Water organised crime is the activity of criminal organisations that have taken the control of the management of the water or water services within a certain territory. Water pollution is offences against the natural environment and, especially, directly against water quality. Under this type of water crime, we also include deliberate contamination of drinking water. Water theft, intended to reduce the quantity of water, is carried out by consumers in the water supply system to provide an economic advantage by physically altering the supply system. Water fraud, composed by fiscal artifices aimed at adulterating the registered water consumption and achieving an illicit gain. Water terrorism is intended, like the threat of terrorist attacks on the water sector, against the quality (e.g. poisoning) or availability (e.g. an attack on critical infrastructures) of water (Congressional Research Service, 2010). It might also include taking control of water services to illicitly finance terrorist activities. Another scenario for a terrorist attack on domestic water supplies involves physical attacks on water infrastructure, such as using conventional explosives to damage dams, pipelines or treatment plants. This could lead to the deaths of thousands of people, along with damage to property, damage to commercial fisheries, and the loss of freshwater supply and hydroelectric power. Water cyber-attacks can occur by way of intrusion into an ICT system, manipulation of information or networks, data destruction etc. of water management companies. It includes ransomware and malware attacks. Gleick (2006) also suggests that the risk of a cyber-attack on the supervisory control and data acquisition systems and networks employed by water agencies to control intake and release are more than just academic and theoretical, and thus calls for the probability of such water-related terrorism and its consequences should one occur to be reduced.

The three most common water crime cases identified in European countries (The Water Crimes Project, 2016) are deliberate contamination of drinking/ground water, water pollution and water theft (losses in the public water supply system). These cases cover 86 percent of European countries.

Environmental criminal groups have found an ideal business in which to make an easy profit, especially due to the loopholes in national environmental protection legislation and the huge differences in this field among countries. This also applies to water. As long as climate change, conflict and poverty continue to aggravate the Earth's dwindling water supply, crimes against water (especially water theft and water smuggling together with forced water privatisation (Eman & Humar, 2017) and violation of water quality regulations) will remain a reoccurring and ever more intense global problem. Gleick (2006) recommends protecting water systems through a combination of physical barriers, extensive biological and chemical monitoring and treatment, and the development of smart and rapid integrated response strategies. The Global Initiative (2014) stressed that whilst ever water crimes are still viewed as petty offenses or small crimes within a national context rather than as transnational organised crime issues, it is unlikely they will ever be effectively resolved.

3 WATER CRIME IN THE REPUBLIC OF SLOVENIA

Slovenia has rich water resources but they are not distributed evenly across the country. Water resource management in Slovenia is introduced in line with the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta 2000/60/ES, 2000). The priority is to eliminate adverse effects on waters, providing appropriate quality water for humans and natural ecosystems, and maintaining biodiversity. The first classification of surface water intended for the abstraction of drinking water in Slovenia was prepared in 2002 and also published in the Official Gazette of the Republic of Slovenia. Further, in 2002 the Water Act (Zakon o vodah [ZV], 2002) defined water as a public natural good. Since then, water is a public good, administered by the state (Agencija Republike Slovenije za okolje, 2008). The Environment Protection Act (Zakon o varstvu okolja [ZVO-1], 2006) regulates the protection of the environment against burdens, which is a precondition for sustainable development, and within this framework lays down basic environmental protection principles, environmental protection measures, environmental monitoring and environmental information, economic and financial instruments for environmental protection, public services for environmental protection and other related issues (Banjanac, 2013). Some other regulations are important for water safety and security in Slovenia: Regulation on the drinking water supply in Slovenia (Uredba o oskrbi s pitno vodo, 2012), Rules on the drinking water supply (Pravilnik o oskrbi s pitno vodo, 2006) etc. The protection of drinking water resources is the subject of regulation by Ministry of the Environment and Spatial Planning and the municipalities. In 2016, the

Republic of Slovenia became the first country in the world to include the human right to water³ in its Constitution.

Slovenian police reports on cases documented and investigated between 2005 and 2015 show that water crimes were dominated by water pollution offences (85%). Typically, the object of the offence is drinking water and free water in nature such as rivers, lakes and ponds. Potential dangers for the water sector are groundwater pollution, pollution of streams and rivers by factories, water theft from the pipeline system and the privatisation of water resources. In most cases, the perpetrators are unknown. The biggest challenge is posed by a dark figure of crime against water because many cases go unreported.

The reports of the Environmental Inspection Service together with the database of criminal offences against the environment, space and natural resources investigated by the Slovenian police reveal that water crime (in most cases involving water pollution, intensive agriculture, industrial emissions, uncontrolled wastewater discharges etc.) is the prevalent environmental offence in Slovenia (Eman & Meško, 2013; Eman, Meško, Dobovšek, & Sotlar, 2013).

Criminal offences involving water are listed in the category of offences against the environment, defined in section 32 of the Criminal Code of the Republic of Slovenia (Kazenski zakonik [KZ-1], 2008). According to the statistics, water crimes are not very frequent in Slovenia, as seen in Table 1 below.

Table 1: Number of water crimes*	Year												Total
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016		
	Burdening and destruction of environment	12	9	14	57	31	33	21	47	34	42	25	325
	Marine and water pollution by ships	/	/	/	0	0	1	0	/	/	1	/	2
	Contamination of drinking water	0	4	4	3	0	2	4	5	5	/	/	27
	Total Criminal offences against environment, space and natural goods	12	13	18	60	31	36	25	52	39	43	25	354
	All criminal offences in the Republic of Slovenia	133	116	145	201	169	196	152	180	100	254	/	1,646
		90,354	88,197	81,917	87,463	89,489	88,722	91,430	93,833	87,474	68,810	61,574	929,263

*Number of water crimes, crimes against the environment, and all criminal offences in Slovenia from 2006 to 2016 (source: Ministrstvo za notranje zadeve, Policija, 2016)

3 Article 70a of the Constitution of the Republic of Slovenia (Right to Drinking Water): "Everyone has the right to drinking water. Water resources shall be a public good managed by the state. As a priority and in a sustainable manner, water resources shall be used to supply the population with drinking water and water for household use and in this respect shall not be a market commodity. The supply of the population with drinking water and water for household use shall be ensured by the state directly through self-governing local communities and on a not-for-profit basis" (Ustava Republike Slovenije, 1991).

Table 1 shows the number of crimes involving water is low in Slovenia. According to the data presented in Table 1, water crimes represent a small share (one-quarter or less) of all criminal offences against the environment. If we compare the number of all criminal offences reported in the Republic of Slovenia in the last ten years with the number of water crimes that were reported, the percentage share is minimal (0.04%). The contamination of drinking water and pollution of rivers, lakes etc. (included in the group “Burdening and destruction of environment and space”) also occurs (5 to 10 crimes a year). In Slovenia, the object of crime is most frequently drinking water or free water in nature, such as rivers, ponds etc. The pollution of free water sources is the most common water crime in the Republic of Slovenia. The perpetrator mostly remains unknown (Eman, 2016). Some river sections are still loaded with excessive amounts of industrial and municipal wastewaters and are therefore substantially polluted or even over-polluted. Problems are also found in groundwater, which is the main source of drinking water in Slovenia. Groundwater is polluted with nitrates and pesticides and, on a local level, also with chlorinated organic solvents. The highest level of pollution is registered in the north-eastern region of Slovenia and near Celje (Agencija Republike Slovenije za okolje, 2008).

3.1 Police and Crimes Against Water in the Republic of Slovenia

The story of water security can be told in terms of both historical and contemporary dimensions of conflict. Brisman, McClanahan, and South (2016) pointed out that the growing population has increased the burden on our water supply. The Earth’s population has never been higher than today, and in many places people are using water at unsustainable rates. This is why the police have acquired an important role in ensuring safety and security in the fields of the environment and water.

The legal water protection system in the Republic of Slovenia is well regulated. Jurisdiction over ensuring clean drinking water has been transferred from the state government and the Ministry of the Environment and Spatial Planning to the municipalities (local governments). Water as a source is both a natural public good and a public asset.

Police work in the water crime field is developing and the police are adapting to the challenge of investigating environmental crime, like elsewhere in Europe. Their work is to detect and investigate water crimes and prepare different policies⁴. In the area of environmental crime, the General Police Directorate devised the so-called eco campaign and emphasised all the problematic aspects of ecological crime. One of the General Police Directorate’s tasks was to prepare training in the area of environmental crime, which was implemented in 2015 and 2016. According to Eman, Meško and Ivančič (2012), the Slovenian police has published instructions on investigating a water pollution crime scene for police officers,

⁴ *Preparing and prepositioning different policies is one of the roles of the Slovenian police. The police propose measures and actions with which they want to achieve a social situation that will make people feel safe and finally make the work of the police easier.*

and prepared two internal acts of great assistance in the procedure of handling and investigating criminal acts against the environment. The General Police Directorate also participated in the last amendment to the Environment Protection Act (ZVO-1, 2006), where it examined the proposed changes and gave its opinion that was taken into account. Further, with the occurrence of new water crimes cases the police is constantly adapting to the challenges of investigation, because water is a 'living source' that moves and changes constantly, so the investigation and collection of proof can sometimes be demanding. Moreover, environmental crime is according to the manner of police work often related to other crime forms; for example, theft and fraud fall within the investigation of property crime while the depletion of natural resources is often related to higher economic interests and thereby to corruption and other forms of white-collar crime.

According to information provided by the Slovenian police, the cooperation between the police and the Inspectorate of Environment and Spatial Planning is good. They have to cooperate every time a water crime case is reported. The operational cooperation between the police, the Inspectorate of Environment and Spatial Planning, the municipalities and other institutions is facilitated by the Resolution on the National Programme on the Prevention and Suppression of Crime for the period 2012–2016 (*Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2012–2016 [ReNPPZK12-16]*, 2012). It has also helped increase cooperation with non-governmental environmental organisations, and the use of measures of situational prevention of crime against the environment. The protection of drinking water resources is also regulated by Ministry of the Environment and Spatial Planning and the municipalities. The challenges of ensuring a safe water supply in rural areas have been effectively met by the Institute of Public Health of the Republic of Slovenia and its local action plans. The Ministry of Health and the Ministry of Environment and Spatial Planning are both responsible for supervising the implementation of the local action plans.

In addition to the police's work with other entities, and noting that their coordination is well organised, it is necessary for law enforcement officers focusing on environmental crime to have working knowledge of various fields, from the natural and social sciences through to specialised knowledge (Murray & Tedrow, 1992) in areas like chemistry, physics, biology and new technologies. White (2009) stressed that our knowledge and interest in this field may well be growing, but the more we know the less secure we seem to be regarding the knowledge we have about environmental crime.

Eman and Meško (2014) emphasise that different types of crime prevention methods are needed to address specific environmental crimes (a multidisciplinary approach) where a combination of natural and social science can be used. Knowledge and awareness of environmental problems and dangers that may threaten us are the key to better preventive measures and the development of effective methods for detecting and investigating environmental crime. Pavšer, Franca and Kontić (2016) stress that such crimes must be addressed in collaboration with all the entities responsible for prevention. The training of police must enable them to carry out high-quality prevention and law enforcement. It is also necessary

for police officers to become aware that the greatest problem of water crime is the harm it causes to humans, flora and fauna.

Education and training of the police constitute an important link in protecting the environment and preventing further environmental damage. General programmes and training modules that directly contribute to the better, more effective and more efficient prevention, detection and investigation of environmental crime should be prepared (Pavšer et al., 2016).

The results of a study by Pavšer et al. (2016) reveal a lack of awareness, particularly in terms of the education of police officers and managerial staff. Deficiencies are found in knowledge of individual current topics, thematic sets, and techniques for investigating environmental crime. The existing technical literature is deliberate and only to some extent sufficient for the investigations of criminal police, appropriate manuals with environmental thematic sets are missing. Such sets include water pollution, air pollution, and hazardous waste in addressing environmental crime. The education of police investigators and higher-ranking positions is required (Pavšer et al., 2016).

Another problem in police investigations of water crimes is the rarity of these crimes because they do not occur on a daily basis, meaning police officers are not very familiar with and used to investigating them. Moreover, water crimes can constitute ordinary water thefts or water pollution cases that will occupy uniformed police officers, while other water thefts and frauds could have the characteristics of sophisticated crime forms for which criminal investigators will be responsible. An additional issue for the Slovenian police, apart from the lack of employees in this field, is the equipment. Water pollution cases in particular generally involve toxic and hazardous compounds (i.e. chemicals or waste) that call for sophisticated protective equipment (Dobovšek & Praček, 2011). This equipment is quite expensive and so it is very hard for the Slovenian police to provide enough supplies of good equipment for police officers and related analyses. Moreover, chemical analyses of collected evidence are also expensive and, in any event, the National Forensic Laboratory is not qualified and accredited for such analyses so the police must obtain them from other institutes and laboratories, and pay for them. Given the very high costs of such analysis, police chiefs prefer to not order these analyses. In this way, certain big cases remain unsolved due to resource issues.

4 CONCLUSION

"The water problem is not simply one of neglect and mismanagement. It is a problem, actively constructed through harmful human intervention." (Whelan & White, 2005, p. 142)

Water is a natural resource that is vital for life, social and economic activities as well as the functioning of the ecosystem. It is a strategic resource for the future of the entire world. Drinking water represents a problem for many countries. The lack of water is linked to the overexploitation of natural resources and is the result of global warming (White & Heckenberg, 2014). Population growth could trigger a huge global crisis related to water. Therefore, we must be even more aware

of water crimes because such acts have a considerable effect on the quality and quantity of water. As noted by Johnson, South and Walters (2016), water should be a public good, the common heritage of people and nature, as well as a fundamental human right. Moreover, water must be provided to everyone continuously and in a sufficient quantity for personal as well as household purposes.

In the light of what we presently know about water crimes and the potential drivers of increases in such crimes, there is an important need for research in this area. Further, Johnson et al. (2016, p. 160) suggest that green criminology and environmental protection should focus on “legal and governance frameworks that prioritise the human right to water and ecological sustainability over private interests”. In addition, a guarantee should be given to those countries in possession of rich water resources that they will not become the targets of other countries or water conglomerates while, on the other hand, one option could be a well-thought-out arrangement whereby these countries can help people coming from water-scarce areas. Regarding the quality of water, constant, controlled monitoring by both governments and society must be introduced. Various cases from history show that water companies have violated the standards in the pursuit of profit (e.g. Thames Water in Adelaide), causing people to no longer trust them.

We must bear in mind that water crimes can affect water quality, water scarcity and water insecurity. Accordingly, Gleick (2006) recommends protecting water systems through a combination of improved physical barriers, more extensive real-time biological and chemical monitoring and treatment, and by developing smart and rapid integrated response strategies.

Slovenia is rich in water resources and, despite the low number of water crimes, it is crucial to also focus on this area. The police’s work in this field is good and the cooperation with the Inspectorate of the Environment and Spatial Planning is proceeding very well. Therefore, we suggest that education be increased on the local level and for officers at individual police stations. It is necessary to upgrade the general educational programmes and training in the field of environmental protection with contemporary issues of water crimes, due the current insufficiency (i.e. constantly changing crime cases and new *modus operandi*). Further, water is a living natural resource that flows its own way, therefore a manual on biological and chemical treatment in the event of water crimes (i.e. water pollution or contamination) and integrated response strategies would make police responses to water crime much more easily and effectively.

Finally, it is important to raise people’s awareness around the world as enhanced awareness can bring about major changes. Most people do not think about the problem early enough, but unfortunately it is then often too late to solve the problem because enormous damage has already been done. We must begin to protect the planet for the following generation(s), and, in doing so, we must reduce the use of chemicals and other substances that pollute water resources and the environment in general.

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How to Strengthen Employee Engagement Among Slovenian Criminal Investigators?

David Smolej

Purpose:

In terms of providing security, employee engagement may be defined as an important contribution by individual criminal investigators or their physical, cognitive and emotional dedication to their work. Employee engagement positively correlates with one's work, as reflected in the dedication, absorption, and psychological state accompanied by personal energy invested in the work. A fundamental question for the criminal investigation police thus arises of how to achieve maximum engagement and commitment in police work, which in turn will contribute to greater security in Slovenia.

Design/Methods/Approach:

The article is based on empirical research conducted among 160 Slovenian criminal investigators. We used Gallup's Q12 Employee Engagement Survey to measure employee engagement.

Findings:

The research encompassing 160 Slovenian criminal investigators shows that most criminal investigators are disengaged. The research also reveals that employee engagement is statistically significantly correlated with self-efficacy, social undermining by one's supervisor, social support by one's supervisor and colleagues, as well as cynicism. To raise employee engagement among the Slovenian criminal investigators, we propose several measures affecting the conduct of the police, labour legal matters, operational issues and the leadership.

Research Limitations/Implications:

The first limitation is social desirability bias. The second limitation is a labour strike that was underway while we were collecting the data from the police officers.

Practical Implication

The proposed actions should raise the level of employee engagement of Slovenian criminal investigators, while also enhancing the police service's reliability.

Originality/Value

This is the first paper to research employee engagement among Slovenian criminal investigators.

UDC: 351.741+331.101.3

Keywords: employee engagement, criminal investigators, cynicism, self-efficacy, social undermining, social support.

Kako okrepiti delovno zavzetost slovenskih kriminalistov?

Namen:

Za zagotavljanje varnosti v skupnosti je pomembno tudi delo kriminalistične policije oziroma kriminalistov. Pomembna je njihova čustvena, kognitivna in intelektualna predanost policiji, kar definira delovno zavzetost. Delovna zavzetost predstavlja pozitivno povezanost z delom, ki se odraža v predanosti in vlaganju energije v delo. Glavni cilj prispevka je ugotoviti, kako krepiti delovno zavzetost kriminalistov, ki posledično zagotavlja boljšo varnostno situacijo v skupnosti.

Metode:

Prispevek je nastal z empirično raziskavo med 160 slovenskimi kriminalisti. Za merjenje delovne zavzetosti smo uporabili Gallupov vprašalnik Q12.

Ugotovitve:

Ugotovili smo, da je večina kriminalistov za delo nezavzetih. Prav tako je bilo ugotovljeno, da na delovno zavzetost slovenskih kriminalistov statistično značilno in pozitivno vpliva samoučinkovitost ter socialna opora. Statistično značilen in negativen vpliv pa ima na delovno zavzetost kriminalistov socialno spodbujanje in cinizem. Za višanje delovne zavzetosti je predlaganih več ukrepov na področju vodenja, delovnopравnih zadev in operativnega dela.

Omejitve/uporabnost raziskave:

Omejitev predstavlja socialna zaželenost odgovorov, ki je značilna v družboslovju. Omejitev predstavlja tudi stavka, ki je v policiji potekala v času izvajanja anketiranja.

Praktična uporabnost:

Prispevek je praktično uporaben, saj bi se lahko ob izvedenih predlaganih ukrepih dvignila delovna zavzetost slovenskih kriminalistov.

Izvirnost/pomembnost prispevka:

Prispevek je prvi tovrstne narave, ki obravnava delovno zavzetost slovenskih kriminalistov.

UDK: 351.741+331.101.3

Ključne besede: delovna zavzetost, kriminalistična policija, cinizem, samoučinkovitost, socialno spodbujanje, socialna opora.

1 INTRODUCTION

Employee engagement is a new concept in human resources management, considered from different organisational aspects. Employee engagement is analysed from the point of view of an employee's satisfaction, organisational

behaviour and motivation, as well as their emotional, intellectual and cognitive dedication to the organisation (Sharma & Kaur, 2014). It is sensible to measure employee engagement in an organisation in order to predict profits and future performance. While the Police are not exactly a profit-oriented organisation, the employee engagement of its workers is nonetheless vital since it maintains and provides the country's home security. The employee engagement of Slovenian criminal investigators is increasingly relevant due to the country's membership of the Schengen area and its role in providing security for the entire European Union (Smolej, 2016).

The reliability of the police service cannot be taken for granted. It depends on the effort of every individual criminal investigator, their cognitive, physical and emotional commitment to their profession, which according to Kahn (1990) falls within the definition of employee engagement. Accordingly, this paper will examine the employee engagement of Slovenian criminal investigators or how to maximise their commitment and employee engagement so as to contribute to greater security and a safer environment, namely, one of the key tasks of the Slovenian police.

1.1 Employee Engagement

Employee engagement denotes exploitation of oneself in a workplace to which one is emotionally and cognitively connected (Kahn, 1990). Rothbard (2001) connects employee engagement to an employee's attention, which signifies the cognitive spending of time in the company. Haudan and MacLean (2002) claim that people who are engaged do not notice the passing of time – their hearts and minds are immersed so time seems unimportant. Employee engagement, according to Schaufeli, Salanova, Gonzalez-Roma and Bakker (2002) means a positive, fulfilling, work-related state of mind that is characterised by vigour, dedication and absorption. Harter, Schmidt and Hayes (2002) define employee engagement as an individual's content and enthusiasm for work. Employee engagement can also be defined as emotional and intellectual commitment to the company (Baumruk, 2004; Richman, 2006) or the discretionary effort of an employee (Frank, Finnegan, & Taylor, 2004). Robinson, Perryman and Hayday (2004) link the positive attitude held by employees to the organisation and its value. An engaged employee is aware of the business context and works with colleagues to improve their performance of the job for the organisation's benefit. The organisation must work to develop and nurture engagement which requires a two-way relationship between the employer and employee. Some authors (Gonzalez-Roma, Schaufeli, Bakker, & Lloret, 2006; Maslach, Schaufelli, & Leiter, 2001) claim that employee engagement is the opposite of burnout in the workplace. The negative interrelationship of employee engagement and workplace burnout is pointed to by Maslach and Leiter (1997), who also claim that employee engagement displays liveliness, integration at the workplace, and efficiency. Schiemann (2005, p. 19) contends that employee engagement means »that the hands, hearts and minds of employees are deployed at full tilt to meet the objectives of the business, serve customers, create a caring culture, and produce

quality products and services». Another definition of employee engagement is by Wollard and Shuck (2011), namely it is an individual employee's cognitive, emotional and behavioural state directed at desired organisational outcomes. Hewitt Aon (2012) states that engagement means when they say, stay and strive, consistently speak positively about the organisation to fellow workers, potential employers and customers, an intense desire to be part of the organisation and exert extra effort and engage in behaviours that contribute to business success.

1.2 Negative Consequences of Low Employee Engagement

Engagement has an impact on the actual business results of the company, customer, productivity, customer loyalty and staff turnover. Many believe that employee engagement is a dominant source of competitive advantage and have thus been drawn to its reported ability to solve challenging organisational problems such as increasing workplace performance and productivity amid widespread economic decline (Macey & Schneider, 2008; Macey, Schneider, Barbera, & Young, 2009). According to Kowalski (2003), low employee engagement is also a threat to business growth and productivity. Research conducted by Gallup (2013) shows that active disengagement in the USA costs between USD 450 to USD 550 billion a year. In Germany and the UK, these numbers hover between USD 151 to USD 186 billion and USD 83 to USD 112 billion, respectively. Low employee engagement not only adds to the employee's misery, but can also hold serious consequences of greater proportions. One of the first indicators of low employee engagement is a high employee turnover rate (Harter et al., 2002). Similarly, when establishing the contrast with enthusiastic employees, Watson and Tellegen (1985) point to employees who are burnt out, exhausted, cynical and inefficient. These factors also apply to employees with low employee engagement. Employee engagement is an emotional and intellectual commitment to the company. On the other hand, burnout in the workplace results in cynicism, exhaustion and inefficiency. Employee engagement is meant to express liveliness, integration at the workplace, which is the opposite of workplace burnout represented by exhaustion, cynicism and inefficiency.

1.3 Three Levels of Employee Engagement

Employees may be engaged at one of three levels – engaged, disengaged, or actively disengaged. The first level is **actively disengaged employees**, who harm the organisation. In their work, they have more accidents, take deficiencies into account, contribute to the company's contraction, are more absent due to illness and try to discredit the accomplishments of the employees who are engaged (Gallup, 2013). Most are unhappy and disappointed and seek to share their misery with anyone who will listen. Every day they try to recruit new members into their "club of active disengagement" (Harter, Schmidt, Killham, & Asplund, 2006). **Disengaged employees** are hard to recognise as they are not disturbing or hostile. They waste their time on unimportant issues and are passive with their clients. They are always thinking of lunch or their next break. It is a fact that

disengaged employees are not only part of the company's workforce, but often fill the executive seats of a company (Gallup, 2013). As claimed by Harter et al. (2006), disengaged employees do the necessities, but do not invest any energy or passion. **Engaged employees** are the key employees in the organisation who are strongly involved in and committed to their work, which they do with great enthusiasm. They are familiar with the scope of tasks they need to do and search for newer and better ways to achieve good results. These employees are 100% psychologically connected with their work and attract new clients (Gallup, 2013). Engaged employees are a source of innovation, help develop the company and are those employees who become ambassadors and promoters of their organisation through their commitment and development skills (Chong, 2007; Gronstedt, 2000).

Research has shown that the majority of employees in organisations are disengaged when it comes to work. Table 1 summarises data on employee engagement levels by country.

Table 1:
Employee
engagement,
country by
country (source:
Gallup, 2013)

Country	Engaged (in %)	Disengaged (in %)	Actively disengaged (in %)
Denmark	21	69	10
Malta	19	61	20
Portugal	19	65	16
Spain	18	62	20
United Kingdom	17	57	26
Iceland	16	75	9
Ireland	16	64	20
Norway	16	77	7
Sweden	16	73	12
Switzerland	16	76	8
Germany	15	61	24
Slovenia	15	70	15
Austria	14	74	12
Italy	14	68	18
Luxembourg	14	72	14
Belgium	12	66	22
Finland	11	76	13
France	9	65	26
Netherlands	9	80	11

1.4 Some Research on Police Officers' Employee Engagement

Some research has been conducted on the employee engagement of police officers. Schaufeli, Bakker and Salanova (2006) tried to establish a correlation between employee engagement and burnout in the workplace based on the Utrecht Work Engagement Scale (UWES) developed by Schaufeli et al. (2002). Storm and Rothmann (2003) also used the UWES for a sample of 2,396 African police officers from nine South African regions. They concluded there were no

statistically significant values between the factors included on the scale based on the ethnic groups in South Africa. Moreover, there were no statistically significant differences between uniformed officers and police investigators from different ethnic groups. Richardsen, Burke and Martinussen (2006) tried to establish the employee engagement of 150 Norwegian police officers based on the UWES. They concluded that employee engagement is a good presenter of self-efficacy and organisational affiliation. However, employee engagement depends on leadership responsibility and social support to employees. Research conducted in Latin America by Crabtree, Rios and Revelo (2014) showed that a high level of police officer employee engagement is imperative for ensuring personal security and protecting human lives. Research encompassing 739 Slovenian police officers showed that most police officers are disengaged. Some officers are actively disengaged. The share of engaged employees is the smallest. The research also showed that employee engagement affects self-efficacy, the social undermining of supervisors and colleagues, social support of supervisors, and cynicism (Smolej & Lobnikar, 2016).

2 DESCRIPTION OF THE METHOD, INSTRUMENTS AND SAMPLE USED

The goal of this paper is examine the employee engagement of Slovenian criminal investigators. We would like to find out which factors statistically significantly correlate with the employee engagement of Slovenian criminal investigators.

We applied factor analysis. The goal of factor analysis is to reduce “the dimensionality of the original space and to give an interpretation to the new space, spanned by a reduced number of new dimensions which are supposed to underlie the old ones” (Field, 2009; Rietveld & Van Hout, 1993). The scales were also tested with a factor analysis (the principal components method). Factors with sufficiently high coefficients were retained for further analysis (Cronbach’s alpha factor analysis > 0.60), but where $\alpha < 0.6$ an omega coefficient was calculated $\Omega = 1 - (\sum_{i=1}^N h_i^2) / (N + 2R)$, since Carmines and Zeller (1979, p. 62) claim that “the evaluated coefficient Ω provides the same data for the highest and the nearest actual reliability of the measurement”. Finally, we used Pearson’s correlation which represents the correlation between the independent and dependent factors.

We used Gallup’s Q12 Employee Engagement Survey to measure employee engagement. It consists of 12 variables that measure a sense of affiliation, growth, contribution and also includes an emotional aspect (Harter et al., 2006). We found poor internal consistency and a low weighting factor for 2 of the 12 variables and so we used only 10 of the 12 variables. To measure the independent variable of self-efficacy, we applied a scale for measuring sources of and influences on self-efficacy developed by Frlec (2005). To measure the cynicism of police officers (an independent variable), we used a survey containing 16 claims developed by Regoli, Crank and Rivera (1990). To measure social support and social undermining (independent variables), we relied on the survey developed by Duffy, Ganster and Pagon (2002).

The data for the study presented above were collected with convenience samples from 160 Slovenian criminal investigators based in eight district police headquarters (small, medium and large police stations) and the General Police Directorate. The Slovenian police has 1,688 criminal investigators (Ministry of the Interior, Police, n. d.). Regarding the official data, our sample represents approximately 10% of the population. The data were collected within a broader survey of Slovenian police officers. After presenting them with purpose of the study and the survey, the respondents voluntarily filled in the surveys and put them in cardboard boxes or handed the survey to the surveyor. The survey sheets were then entered into the database. The sample encompassed 16.3% of female criminal investigators and 83.1% of male criminal investigators, with the youngest respondent being 23 years old, and the oldest 52. The respondents' average length of service is 19.11 years, and 7.70 years in the current workplace. Half the respondents (50%) have a high school education, 10.5% a higher college education, 18.8% a higher school education, 16.3% a university or MA Bologna education, while 2.5% have a master's degree education or higher. Finally, 1.9% did not answer the question.

3 ANALYSIS AND INTERPRETATION OF THE RESEARCH RESULT

Table 1 presents employee engagement data. Based on reference levels considered by certain other authors (Gallup, 2013; Harter et al., 2006; Lobnikar & Grom, 2011), actively disengaged employees score less than 30 points or an average grade of below 2.5. Disengaged employees score 31 to 44 points, or an average grade from 2.5 to 3.7. Engaged employees score 45 points or higher, or an average grade of above 3.7.

Table 1:
Employee
engagement*

Types of Employees	Engagement level – average value	Share of Employees (in %)	Number
Actively disengaged	Below 2.5	33.13	53
Not engaged	3.7 to 2.5	55	88
Engaged	Exceeding 3.7	11.87	19

*Employee engagement of Slovenian criminal investigators

Table 1 shows that most Slovenian criminal investigators are disengaged (55%), followed by those who are actively disengaged (33.13%), and those who are engaged (11.87%). The majority of Slovenian criminal investigators are disengaged in their work, and there are many factors that impact employee engagement.

Care for employee development of the criminal investigators was measured by seven statements: 1) My progress has been discussed in the last 6 months. 2) The mission of the police reflects the importance of my work. 3) My opinion is appreciated and acknowledged. 4) I have been commended in the last 7 days and my accomplishments have been recognised. 5) In the last year I have had the opportunity to learn and develop. 6) My development and well-being is being taken care of systematically. 7) My leader acknowledges me as a person. The level of agreement with these statements was measured with a 5-point Likert scale from 1 – “I strongly disagree” to 5 – “I strongly agree.” A factor “*Care for employee development*” was calculated from these claims ($\alpha = 0.824$; mean value $[M] = 2.94$; standard deviation $[SD] = 0.73$).

The relevant conditions for efficient police work were measured with three statements: 1) I am aware of my responsibilities. 2) I have everything available to do my job efficiently. 3) In my workplace I have the opportunity to do what I am best at. The level of agreement with these statements was measured with a Likert scale from 1 – “I strongly disagree” to 5 – “I strongly agree.” A factor “*Relevant conditions for efficient criminal investigation*” was calculated from these claims ($\alpha = 0.624$; mean value $[M] = 2.57$; standard deviation $[SD] = 1.15$).

Vicarious experience in criminal investigators was measured with four statements: 1) I observe co-workers with have similar working tasks. 2) I pay attention to the mistakes of others. 3) In my workplace I have a role model. 4) My supervisors inform me of my work. The level of agreement with these statements was measured with a Likert scale from 1 – “I strongly disagree” to 5 – “I strongly agree.” A factor “*Vicarious experience*” was calculated from these claims ($\alpha = 0.611$; mean value $[M] = 3.12$; standard deviation $[SD] = 0.69$).

The emotional state of criminal investigators was measured with three statements: 1) I feel relaxed at my workplace. 2) I like to do my job and it makes me feel good. 3) I get a lot of quality feedback. The claims were measured with a Likert scale from 1 – “I strongly disagree” to 5 – “I strongly agree.” A factor “*Emotional state*” was calculated from these claims ($\alpha = 0.647$; mean value $[M] = 3.15$; standard deviation $[SD] = 0.76$).

Personal experience of criminal investigators was measured with three claims: 1) The results of my work confirm my qualifications. 2) The work I do is appropriate. 3) I experience success at my workplace. The level of agreement with these statements was measured with a Likert scale from 1 – “I strongly disagree” to 5 – “I strongly agree.” A factor “*Personal experience*” was calculated ($\alpha = 0.449$; $\Omega = 0.69$; mean value $[M] = 3.82$; standard deviation $[SD] = 0.74$).

Normative cynicism of criminal investigators was measured with five statements: 1) The rules police officers should respect are not entirely clear. 2) The instructions given are sometimes ambiguous or even contradictory. 3) Many laws and regulations which should be enforced by the police are nonsensical. 4) The rules and regulations are not clear enough to know what is allowed and what is not allowed at the workplace. 5) Change and reforms weaken the police’s reputation. A factor “*Normative cynicism*” was calculated ($\alpha = 0.851$; mean value $[M] = 3.27$; standard deviation $[SD] = 0.84$).

Cynicism towards one’s supervisor among criminal investigators was measured with four statements: 1) As it seems, the people in charge have no respect for police officers who, in the end, perform fundamental police tasks. 2) The main problem of the police is that the people in charge do not understand the tasks ordinary police officers have to undertake. 3) The people in charge only look after themselves and are not interested in others’ situations. 4) Promotion in the police depends more on your connections than your qualifications. A factor “*Cynicism towards one’s supervisor*” was calculated ($\alpha = 0.851$; mean value $[M] = 3.93$ standard deviation $[SD] = 0.95$).

Cynicism towards the community among criminal investigators was measured with three statements: 1) Many people in the municipality have a bad opinion of police officers. 2) The attitude to the police is more unfavourable

than ever before. 3) The police's reputation has dropped in recent years. A factor "*Cynicism towards the community*" was calculated ($\alpha = 0.825$; mean value $[M] = 3.92$; standard deviation $[SD] = 0.81$).

Cynicism towards the rule of law among criminal investigators was measured with four statements: 1) Perpetrators should often be apprehended for a longer period until the case is brought to court if the police assess it as necessary. 2) Courts and laws grant so many rights that it is hard to maintain public law and order. 3) The police should be given greater authorisation for the use of particular investigative measures when the police assess it as necessary. 4) When police officers testify in court, they are often considered as criminals. A factor "*Cynicism towards the rule of law*" was calculated ($\alpha = 0.749$; mean value $[M] = 3.84$; standard deviation $[SD] = 0.78$).

Social support by one's supervisor among criminal investigators was measured with 19 statements: 1) The supervisor has supported you in front of your colleagues. 2) The supervisor listened to you when you talked about your intimate feelings. 3) The supervisor kept your feelings to him/herself. 4) The supervisor helped you when work needed to be done. 5) The supervisor complimented your work during a meeting. 6) The supervisor listened to you when you talked about work-related matters. 7) The supervisor expressed his/her concern for your well-being. 8) The supervisor helped you get appropriate equipment or means. 9) When you experienced difficulties with your colleagues, the supervisor helped you. 10) The supervisor provided you with useful information. 11) The supervisor said you were good at what you do. 12) The supervisor took risks to your advantage. 13) He admitted you can do your job well. 14) The supervisor values you as an expert. 15) The supervisor was willing to listen to you. 16) The supervisor helped you set your goals. 17) The supervisor helped you go through an exhausting day at work. 18) The supervisor gave you advice on a certain matter. 19) The supervisor enabled you to take leave when you needed it. A factor "*Social support by one's supervisor*" was calculated ($\alpha = 0.968$; mean value $[M] = 2.64$; standard deviation $[SD] = 0.94$).

Social support by one's colleagues among criminal investigators was measured with 13 statements: 1) A colleague told you that you did nice work. 2) A colleague was there for you when you were in a stressful situation. 3) A colleague helped you handle a case. 4) A colleague listened to you when you talked about intimate feelings. 5) A colleague expressed his/her respect for your character or quality. 6) A colleague supported you in front of your supervisor. 7) A colleague listened to you when you talked about work-related issues. 8) A colleague told you that he/she understands you. 9) A colleague gave you advice on a situation similar to his/her experience. 10) A colleague gave you good advice on a work-related matter. 11) A colleague was interested in your feelings. 12) A colleague helped you go through an exhausting day at work. 13) A colleague asked you how your family was doing. A factor "*Social support by one's colleagues*" was calculated ($\alpha = 0.954$; mean value $[M] = 2.92$; standard deviation $[SD] = 0.89$).

Social undermining by one's supervisor among criminal investigators was measured with 15 statements: 1) The supervisor nullified your successful efforts at work. 2) The supervisor interfered in your personal matters. 3) The supervisor

broke his/her promise. 4) The supervisor disapproved of you expressing your feelings at work. 5) The supervisor talked to you arrogantly. 6) The supervisor did not want to discuss an important issue. 7) The supervisor made you feel stupid. 8) When you felt bad about work, the supervisor only exacerbated the situation. 9) The supervisor did not take seriously the issues which seemed important to you. 10) The supervisor made you feel incompetent. 11) The supervisor did not take your work-related problems seriously. 12) The supervisor criticised your work in a bad way. 13) The supervisor failed to recognise your achievements at work. 14) The supervisor discredited the validity and meaning of your ideas. 15) When you questioned the regularity of working procedures, the supervisor behaved condescendingly. A factor *"Social undermining by one's supervisor"* was calculated ($\alpha = 0.970$; mean value $[M] = 1.62$; standard deviation $[SD] = 0.79$).

Social undermining by one's supervisor in public among criminal investigators was measured with four statements: 1) The supervisor gave you bad advice. 2) The supervisor criticised you in front of other people. 3) The supervisor shared private matters about you. 4) The supervisor did not support you when individuals belittled you. A factor *"Social undermining by one's supervisor in public"* was measured ($\alpha = 0.897$; mean value $[M] = 1.70$; standard deviation $[SD] = 0.73$).

Social undermining by one's colleagues was measured with 13 statements: 1) A colleague lied to you. 2) A colleague refused to discuss important matters. 3) A colleague did not listen to you. 4) When you felt bad about work, a colleague only exacerbated the situation. 5) A colleague misinformed you about work. 6) A colleague criticised your work in an ineffective way. 7) A colleague criticised your work in a bad way. 8) A colleague interfered in your personal matters. 9) A colleague mimicked you in a condescending or humiliating way. 10) A colleague broke his/her promise. 11) A colleague shared private matters about you. 12) A colleague talked to you with contempt. 13) A colleague deliberately helped you less than promised. A factor *"Social undermining by one's colleagues"* was calculated ($\alpha = 0.958$; mean value $[M] = 1.41$; standard deviation $[SD] = 0.59$).

Social undermining by one's colleagues in public among criminal investigators was measured with six statements: 1) A colleague did not support you when individuals belittled you. 2) A colleague failed to recognise your achievements at work. 3) A colleague made it clear he/she did not like you because of something. 4) A colleague discredited the validity and meaning of your ideas. 5) A colleague competed with you for reputation and recognition. 6) A colleague nullified your successful efforts at work. A factor *"Social undermining by one's colleagues in public"* was calculated ($\alpha = 0.94$; mean value $[M] = 1.57$; standard deviation $[SD] = 0.61$).

Finally, we also considered whether these factors were related to each other. The results of this analysis are presented in Table 2 below.

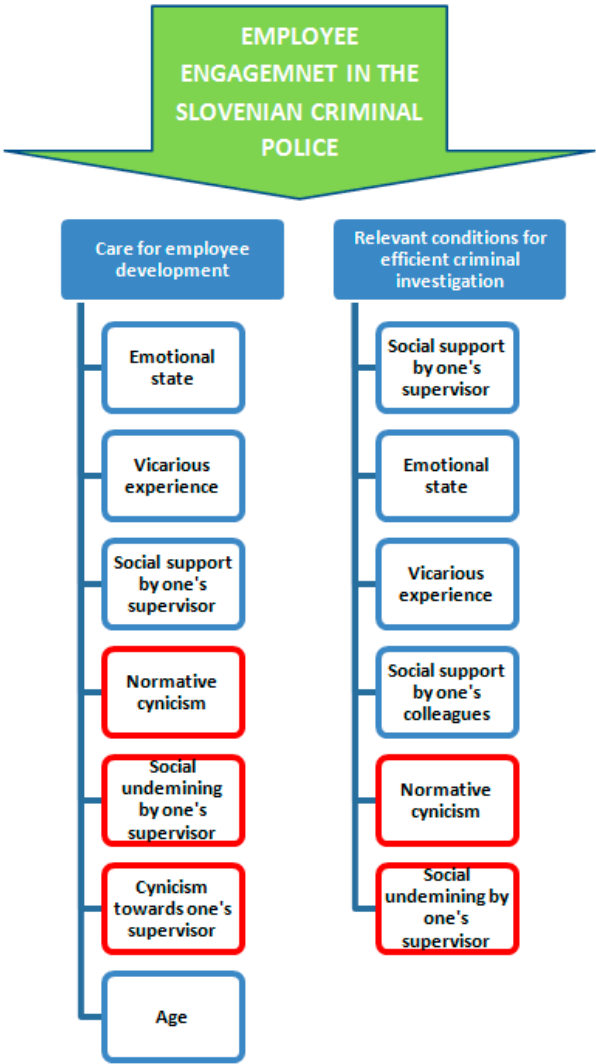
Table 2:
Relationship
between the
dependent and
independent
factors

Factors		ES	VC	SSS	SSC	NC	SUS	CS	AGE
Care for employee development	<i>r</i>	.672**	.500**	.554**	/	-.463**	-.391**	-.341**	.162*
	<i>p</i>	.000	.000	.000	/	.000	.000	.000	.045
Relevant conditions for efficient criminal investigation	<i>r</i>	.333**	.333**	.443**	.253**	-.260**	-.259**	/	/
	<i>p</i>	.000**	.000**	.000**	.002**	.001**	.001**	/	/

Legend: ES – Emotional state; VC – Vicarious experience; SSS – Social support by one’s supervisor; SSC – Social support by one’s colleagues; NC – Normative cynicism; SUS – Social undermining by one’s supervisor; CS – Cynicism towards one’s supervisor; **p* = 0.005; ***p* = 0.01

Based on the results shown in Table 2, in the image below we present a model for strengthening employee engagement within the Slovenian criminal investigation police.

Figure 1:
Model for
strengthening
employee
engagement
within the
Slovenian
criminal
investigation
police



4 DISCUSSION AND CONCLUSION

It has been determined that most Slovenian criminal investigators are disengaged (55%), followed by actively disengaged criminal investigators (33.13%), and engaged criminal investigators (11.78%). A similar ratio of employee engagement among police officers (not just criminal investigators) was established by other researchers (Smolej & Lobnikar, 2014, 2016). They found that most employees in the Slovenian police are disengaged (56.97%), followed by actively disengaged police officers (32.20%), and engaged police officers (10.83%). Improving employee engagement in a non-profit organisation (police) means fewer criminal offences. Crabtree et al. (2014) found that raising employee engagement in the Latin American Police means fewer homicides, robberies, kidnappings and more arrests of wanted fugitives. It is necessary to move beyond military management in the police and to apply humanistic management. Crabtree et al. (2014) suggest that a police manager should recognise a police officer's achievement and give them an opportunity for self-realisation in the workplace, along with emotional awards, which are more than simply monetary awards. This is why the Slovenian criminal investigation police should pay greater attention to the management of its human resources. We suggest establishing a centralised criminal investigation police in Slovenia where the responsibility and duties of specific criminal investigators would be clearly defined.

To improve employee engagement and propose ways to improve it, the factors affecting employee engagement need to be determined. Employee engagement was measured using the Q12 questionnaire and then subsequently explained with two factors: *Care for employee development* and *Relevant conditions for efficient criminal investigation*. We may conclude that employee engagement is statistically significantly correlated with several factors, namely: self-efficacy, social support by one's supervisor and one's colleagues, social undermining by one's supervisor and one's colleagues, and cynicism. We found that both factors of employee engagement have a statistically significant and positive correlation with the *Emotional state* factor. The conclusions arising from this paper correspond to those of other research (Psakash Pati & Kumar, 2010) that with the help of a regression model showed that self-efficacy influences employee engagement. Some authors (Bandura, 1977; Pajares, 2000, 2002) claim that strong emotions, stress and agitation also influence self-efficacy and employee engagement. Based on the conclusions, the Slovenian criminal investigators should dedicate greater effort to stabilising the emotional state of criminal investigators, namely because their work is completed in stressful working conditions (serious criminal offences, family violence, suicide ...), where emotional involvement is inevitable. Good partner relationships should be built between colleagues who together face stressful situations in the field. Namely, some authors contend that (Bandura, 1977; Pajares, 2000, 2002) stress and agitation contribute to the inappropriate solution to an assignment given to an individual. Therefore, criminal investigators should build partner relationships in non-stressful situations in order to ensure appropriate reactions in stressful situations, to sufficiently concentrate to cope with negative emotions (anxiety, restlessness ...) and successfully complete one's

assignment. *Vicarious experience* also have a statistically significant and positive correlation with the two factors of employee engagement. If an individual has no personal experience, *Vicarious experience* can be a substitute source of self-efficacy, which takes shape by observing the behavioural patterns of other colleagues and the consequences of those patterns (Bandura, 1969). This assertion points once more to the importance of mentorship among the criminal investigators. A young criminal investigators can improve their self-efficacy through observing an older colleague. It has to be kept in mind that mentors must be suitable people to be observed. As some authors (Schunk, 1987; Schunk, Hanson, & Cox, 1987) claim, observers believe in their success when they carry out an activity in a similar way as the person observed and when the latter is similar in terms of their age, years of experience and gender.

Statistically significant and positive correlations with employee engagement were also found for *Social support by one's supervisor* and *Social support by one's colleagues*. Social support means an interactive exchange including emotional support and care for well-being in the workplace (Cobb, 1976; House, 1981; Jahoda, 1981; Vaux, 1988). The conclusions of this research concur with those of previous research as (Lord, 1996; Mushtaq & Khan, 2013) discovered that social support influences the employee engagement of police officers. More attention to strengthening social support should be paid to operative criminal investigators because Kaufmann and Beehr (1989) found that police officers in management positions have obtained more social support than their operational colleagues. Research among employees in the Slovenian police has also shown a similar result (Smolej & Lobnikar, 2016). Social support creates a balance between work and private life (Batoool & de Visser, 2014) which is very important for criminal investigators in stressful situations. Social support is also a way of soothing a stressful situation and post-traumatic stress disorder (Long & Stephens, 1997). This explains why criminal investigators should be offered not only ad hoc help, but that interaction between employers and employees should also be established through different forms of leadership to create a positive working atmosphere. This can be achieved in different ways, such as informal socialising, conversations and workshops.

We also found that cynicism (*Normative cynicism in Cynicism towards one's supervisor*) was statistically significantly and negatively correlated with employee engagement. These conclusions are in line with Watson and Tellegen (1985) who found a negative correlation between cynicism and employee engagement. Cynicism in the police negatively affects the assignments handled by the police (Osborne, 2014) because stress and burnout bring about lower productivity in the police together with worse physical and mental health (Lumb & Breazeale, 2003). The constant experiencing of anger and opposition is the most significant element of police cynicism (Niederhoffer, 1967), reflected as a fear of normative changes among criminal investigators. Criminal investigators should cooperate when regulations are being amended because they know which tools are needed for investigation. Criminal investigators would see such changes as something useful for ensuring efficient work. One of the main dimensions of police cynicism is cynicism towards one's supervisors (Regoli et al., 1990). We found that Cynicism

towards one's supervisor statistically significantly and negatively correlated with employee engagement. Cynicism cannot be eliminated by simply educating criminal investigators. The most important factor is the individuals to whom such cynicism is aimed at (e.g. the supervisor, legislator ...). Therefore, the responsible authorities within the Slovenian criminal investigation police should pay attention to quality since the selection of good leaders should come after a practical test of competence, not only on the basis of an interview or even clientelism.

Social undermining by one's supervisor in public has a statistically significant and negative correlation with employee engagement. Vinokur, Price and Caplan (1996) defined social undermining as behaviours directed toward the target person that display a negative effect and behaviours that make difficult or hinder the attainment of instrumental goals. Some authors (Tepper, 2007; Tepper, Moss, & Duffy, 2011) claim that *Social undermining by one's supervisor* is a form of leadership some people engage in. As a result, it is essential for the leadership of the Slovenian criminal investigation police that those responsible hold leadership competencies and use e.g. transformative leadership, which is, among other features, also recommended by Bass and Riggio (2006). It is necessary to find an area of work which brings leadership and the criminal investigator's goal together within the same vision.

In the last part, we consider some demographic data found to have a statistically significant relationship with employee engagement. The age of criminal investigators was statistically significantly and positively correlated with employee engagement (*Care for employee development*). These conclusions are in accordance with Trahant (2009) who claims that employee engagement is high when an employee comes into the organisation. Employee engagement drops after one year and increases again after five years. Therefore, criminal investigation police should focus on the young criminal investigators to improve their employee engagement. Mishra, Boynton and Mishra (2014) suggest that supervisors should take care to develop the skills of young employees and ask them for feedback. This is also important for the Slovenian criminal investigation police due to the high fluctuation of human resources. It is thus necessary to establish a good career system that enable careers to be built within the Slovenian criminal investigation police.

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Police Officers' Motor Abilities and Their Link to Martial Arts Achievements

Damir Lauš, Goran Ribičić

Purpose:

The objective of this paper is to determine the link between police officers' motor abilities and their achievements in the martial arts.

Design/Methods/Approach:

The research involved a sample of 140 police officers employed by the Ministry of Internal Affairs of the Republic of Croatia.

The sample of criterion variables involves evaluating five groups of elements that are used to assess the quality of performing martial arts elements: N1 – strikes and blocks; N2 – judo falls and throwing; N3 – arrest techniques; N4 – defence against an unarmed attacker; and N5 – defence against an armed attacker. The quality of a performance was evaluated by three kinesiologists who are martial arts instructors.

The sample of predictor variables involves 17 tests for assessing motor abilities and one test for assessing functional abilities.

Findings:

Regression analyses revealed a significant correlation between the predictor variables and each of the five criterion variables. The link between the police officers' achievements in the martial arts and their motor abilities was defined according to the following variables: side steps, standing long jump, throwing a 3-kg medicine ball, push-ups in one minute, overhand grip pull-ups on a bar, and squats in one minute.

Value:

It may be concluded from the research results that attention should be paid in the martial arts training of police officers to developing and improving their coordination, agility, as well as their explosive and repetitive strength.

UDC: 796:351.74/.76(497.5)

Keywords: police, police officers, self-defence, motor abilities, Croatia

Povezanost motoričnih sposobnosti policistov in njihove uspešnosti pri borilnih veščinah

Namen:

Namen prispevka je ugotoviti povezanost motoričnih sposobnosti policistov z njihovo uspešnostjo pri borilnih veščinah.

Metode:

Raziskava je izvedena na vzorcu 140 policistov Ministrstva za notranje zadeve Republike Hrvaške.

Vzorec kriterijskih spremenljivk vključuje 5 skupin elementov, ki se uporabljajo za ocenjevanje kakovosti izvedbe elementov borilnih veščin: N1 – udarci in blokade; N2 – judo padci in meti; N3 – tehnike za privedbo; N4 – obramba pred neoboroženim napadalcem; N5 – obramba pred oboroženim napadalcem. Kakovost izvedbe elementov so ocenjevali trije kineziologi, inštruktorji borilnih veščin.

Vzorec neodvisnih spremenljivk vključuje 17 testov za oceno motoričnih sposobnosti in 1 test za oceno funkcionalnih sposobnosti.

Ugotovitve:

Z regresijsko analizo so bile ugotovljene pomembne korelacije med neodvisnimi in kriterijskimi spremenljivkami. Povezanost med uspešnostjo pri borilnih veščinah in motoričnimi sposobnostmi policistov se kaže v naslednjih spremenljivkah: koraki v stran, skok v daljino z mesta, met 3 kg medicinske žoge, sklece v eni minuti, zgibi na prečki in počepi v eni minuti.

Pomembnost prispevka:

Iz rezultatov raziskave lahko zaključimo, da je treba med treningom borilnih veščin pri policistih posvečati pozornost tudi razvoju in izboljšanju koordinacije, agilnosti, eksplozivne in repetitivne moči.

UDK: 796.351.74/.76(497.5)

Ključne besede: policija, policisti, samoobramba, motorične sposobnosti, Hrvaška

1 INTRODUCTION

Good knowledge of legal regulations applying to the use of coercive measures, a good physical condition, good knowledge of special police skills and the successful realisation of police tactics are a guarantee of the safe conduct of any police task (Zorec, Flander, Čoh, Bračić, & Ribičić, 2010).

Police officers often rely on knowledge of martial arts and skills while performing their duties in situations involving breaches of the public order or when they are under attack (Kosanović, 1988). Police officers with good knowledge of self-defence skills are able to cause minimal or negligible injury to themselves and the person being acted upon by applying coercion (Anderson, Plecas, & Segger, 2001; Bonneau & Brown, 1995; Hoffman, 2012; Osborn, 1976; Suminski, 2005). Martial arts are attributed with primary importance in the execution of all police tasks. They are an integral part of police officers' lives and a necessary means in their work.

By improving martial arts techniques, police officers positively transform their anthropological features, develop their sense of ethics in treating and belonging to a group and to society as a whole. The structure of the techniques helps develop effective and efficient motor action skills. The educational value of martial arts lies in the development of habitual, conscious every-day improvement of the skills and

enhancing one’s motor and functional abilities. The aforementioned facts point to the inestimable effect of exercise on police officers’ health (Smith & Tooker, 2005; Tooker and Cashwell, 2008). The educational value of the martial arts is also reflected in the formation of new motor skills. The forming of new motor skills is a relevant contribution to awareness of motor skills and an unavoidable part of general culture (Oreb, 1992).

Police training involves programmes for developing and maintaining general physical fitness, learning and applying martial arts and skills, learning how to handle firearms, driving official police vehicles, and other necessary programmes. The high level of ability and knowledge that is developed and maintained during such police training is essential for the safe and successful work of police officers (Anderson et al., 2001; Bawah, 2013; Beck, 2012; Strating et al., 2010). General physical fitness refers to the process of ensuring the balanced and versatile development of all functional, motor and morphological characteristics. It is aimed at improving the condition of all topological body regions, the efficiency of all organs and organ systems, increasing functional and motor skills while considering sensitive development phases and strengthening any weak parts of the locomotor system (Milanović, 2013). The structure of motor abilities is made up of quantitative (intensity, strength, speed, endurance and mobility) and qualitative (coordination, agility, balance and accuracy) motor skills (Meinel & Schnabel, 2007; Metikoš, Gredelj, & Momirović, 1979).

The objective of this paper is to determine the connection between the motor skills of police officers and their achievements in the martial arts, in particular for police tactics, i.e. tactics of police behaviour in situations requiring the use of coercive measures and repelling of direct physical attacks.

2 DESCRIPTION OF THE METHODS, SAMPLE AND INSTRUMENT USED

The research involved a sample of 140 male subjects, namely police officers employed by the Ministry of the Internal Affairs of the Republic of Croatia.

Table 1:
Test subject
sample – male
police officers

Test subjects = 140	Arithmetic mean	Standard deviation
Age, years	39.21	5.20
Height, cm	178.32	6.12
Weight, kg	90.72	12.68

The test subjects were physically healthy, meaning they had passed the medical evaluation for authorised officials. They were informed of the aims and contribution of the research, as well as the fact their participation in it was voluntary. Subjects were able to leave the research protocol at any moment without consequences. The data were collected by martial arts instructors working at the Police Academy of Croatia’s Ministry of the Interior.

3 PROCEDURE

The sample of predictor variables is made up of 17 tests for assessing motor abilities and one test of functional abilities.

Motor abilities were measured by the following tests: overhand grip pull-ups on a bar (ZGIB), forward bends lying on the back in one minute (MFETRB), push-ups in one minute (MFESKL), squats in one minute (MFECUC), push-ups on ring grips (SKLRUC), squats with a weight equalling 75% of own weight (CUC75), running 60 metres (T60M), forward bends on a bench (MRETRB), throwing a 3-kg medicine ball lying on the back (MFEBML), standing long jump (MFESDM), side steps (MAGKUS), figure of eight with a bend (MAGOSS), straddle seated forward bend (MFLRAZ), forward bend on a bench (MFLPRE), flex with a stick (MFLISK), foot tapping against the wall (MBRTNZ), and hand tapping against the table (MBRTRS) (Metikoš, Hoffman, Prot, Pintar, & Oreb, 1989).

Functional abilities were measured with a 1,500-m running test (T1500M). The set of predictor variables also includes the variable "subject's age" (DOB), in accordance with the international biological programme (Lohman, Roche, & Martorell, 1988).

The criterion set of variables included the evaluation of five groups of police officers' techniques achieved in the practical part of the examination in martial arts. The following groups of techniques were evaluated:

Group	Group elements
N1	postures, movements, strikes, kicks, hand blocks, leg blocks
N2	judo falls, judo throws, holding techniques, joint locking techniques, choking techniques
N3	arrest techniques: key lock on the elbow from the front, key lock on the elbow from the back, breaking passive resistance on the stomach, breaking passive resistance on the back
N4	defences against an unarmed attacker: defences against strikes, kicks, throwing, choking, grabbing
N5	and defences against an armed attacker: defences against an attack with a baton, defences against knife attacks, defences against gun attacks

Table 2:
Evaluated
groups of
techniques

Techniques of the first group (N1): Movement structures are of a polystructural, acyclic type and consist of strikes and kicks, feinting, hand and leg blocks, parallel and diagonal postures, rectilinear movements and circular movements.

Techniques of the second group (N2): Judo techniques are performed in direct contact with an opponent and their purpose is to symbolically overcome and control the opponent. During a sports fight, this symbolic overcoming may be performed using one of four groups of techniques: throwing (nage-waza), choking (shime-waza), joint blocking (kansetsu-waza), or hold down (osae-komi-waza) (Sertić & Lindi, 2003).

Techniques of the third group (N3): Arrest techniques are used for breaking active and passive resistance while simultaneously controlling the opponent at a maximal level. Normally they finish with the use of handcuffs and arrest. Most arrest techniques are based on joint blocking and are combined with various forms of pronating and supinating a wristlock and gripping (Kosanović, 1988).

Techniques of the fourth group (N4): Defences against an unarmed attacker entail an attacker's actions arranged in advance and the defence reactions of the person being attacked, where all attacks differ in their structure (strikes, kicks, throws, grabs, grips, choking).

Techniques of the fifth group (N5): Defences against an armed attacker entail an attacker's actions arranged in advance and the defence reactions of the person under attack during which the attacker uses their arms (baton, knife, gun).

The collection of the data for this research took 30 weeks. Each police officer was evaluated at the end of a three-week martial arts seminar. Each day, apart from the first three days, the police officers were trained for 90 minutes in fighting techniques prescribed by the Martial Arts and Skills Curriculum of the Ministry of Internal Affairs of the Republic of Croatia. During the first three days the officers' motor and functional abilities were tested.

4 DATA PROCESSING

Data were analysed with the program Statistica 7.0 for Windows (2004; StatSoft, Inc., Tulsa, OK, USA). The Kolmogorov-Smirnov test (K-S) was used to test for the normality of the distribution of the results. To measure the reliability of the multiparticle tests Cronbach's alpha coefficients were calculated, which also represent the evaluators' objectivity measures, while homogeneity measures represent the correlations between individual measurement items (ICC). The procedure aimed at ensuring reliability was applied to the variables presented in Table 3. The relations between motor and functional abilities from one side and the five criterion variables from the other side were determined using regression analysis. A total of five regression analyses were applied (forward stepwise) to calculate multiple correlations (R), determination coefficients (R^2), standard errors of multiple correlation (Std. Err.), unstandardised partial regression coefficients (B), standard errors B (Std. Err. B), standardised regression coefficients (Beta), t -test (t), level of statistical significance of results (Sig.) and the range of values of the unstandardised regression coefficient (B) in a 95% confidence interval (95% CI).

5 RESULTS

The K-S test analysis shows that the distributions of all measured variables do not differ significantly from a normal distribution. Average results in the zone of lower values are present in the following tests: overhand grip pull-ups on a bar (ZGIB) and push-ups on ring grips (SKLRUC) (Table 4). While performing these tests, the subjects were lifting their own body weight (relative strength) so subjects whose body mass index exceeded the upper limit of normal body mass (≥ 25.0) achieved lower results. The body mass index (BMI) 28.52 ± 3.72 kg/m² indicates being overweight (World Health Organisation, 2012).

Variables	A. mean	SD	Table 3: Basic descriptive parameters of motor variables
Overhand grip pull-ups	4.21	2.95	
Forward bends lying on the back in one minute	40.45	8.01	
Push-ups in one minute	33.50	9.37	
Squats in one minute	48.44	6.05	
Push-ups on ring bars	5.56	4.86	
1,500-m running (sec)	475.50	57.82	
Squats with a weight of 75% of own weight	22.39	10.81	
60-m running (sec)	9.01	0.66	
Forward bends on a bench	18.04	8.08	
Throwing a 3-kg medicine ball lying on the back (cm)	713.19	92.20	
Standing long jump (cm)	206.99	22.76	
Side steps (sec)	9.28	1.03	
Figure of eight with a bend (sec)	18.67	1.49	
Straddle seated forward bend (cm)	58.65	10.95	
Forward bend standing on a bench (cm)	34.28	5.19	
Flex with a stick (cm)	112.98	11.92	
Foot tapping against the wall (no. of repetitions)	29.66	3.01	
Hand tapping against the table (no. of repetitions)	39.59	3.70	

Testing the normality of the distribution of the criterion variables showed they were normally distributed. Such normality of distribution may be explained by the fact that the sample was properly selected and that the subjects were rated in a quality manner by the evaluators.

For the purpose of assessing reliability and the level of objectivity, Cronbach's reliability coefficients were calculated. The homogeneity measure is represented by the correlations between the ratings of the three evaluators (ICC). The total average correlation of the three evaluators' ratings is $R = 0.71$ ($p < 0.05$) (Table 4). The coefficient of the integral average correlation R of 0.71 indicates that 50.0% of the information is shared between them.

Table 4:
Correlations
between the
evaluators'
ratings

Groups of techniques	$R = 0.71$	$p < 0.05$
	Homogeneity ICC	Reliability Cronbach's alpha
N1	0.79	0.92
N2	0.70	0.87
N3	0.75	0.90
N4	0.68	0.87
N5	0.63	0.84

R – coefficient of integral average correlation (total average correlation between evaluators), *p* – level of significance, ICC – correlations between evaluators' ratings (homogeneity measure)

For the purpose of determining the relationships between the group of predictor variables and each criterion variable the forward stepwise regression analysis was applied. The first predictor variable obtained makes the greatest contribution to explaining the criterion variable, followed by the next greatest variable up to the last predictor variable whose beta coefficient is statistically significant.

The interclass correlation coefficients (ICC) of motor tests that were conducted four times, at the level of $p < 0.05$, are presented in Table 5.

Table 5:
Motor test
interclass
correlation
coefficients
(ICCs)

Motor test	ICC
MFEBML	0.93
MFESDM	0.98
MAGKUS	0.90
MAGOSS	0.96
MFLRAZ	0.99
MFLPRE	0.96
MFLISK	0.96
MBRTNZ	0.94
MBRTRS	0.93

The regression analysis results (Table 6) show a statistically significant correlation ($R = 0.61$) between the group of predictor variables and the *first criterion variable* N1. The group of predictor variables explains 37% (R^2) of the criterion variable ($p < 0.01$).

A significant contribution to explaining the correlation between the group of predictor variables and the N1 criterion variable is made by the standing long jump (MFESDM) (Beta = 0.22), subject's age (DOB) (Beta = -0.27), push-ups in one minute (MFESKL) (Beta = 0.26), throwing a 3-kg medicine ball (MFEBML) (Beta = 0.22) at the level of statistical significance $p < 0.05$.

The regression analysis results of the group of predictor variables and the *second criterion variable* N2 (Table 7) show a statistically significant correlation ($R = 0.58$). The group of predictor variables explains 33% (R^2) of the total variance at

the level of significance $p < 0.01$. The predictors making the greatest contribution to explaining the criterion variable are side steps (MAGKUS) (Beta = -0.34), overhand grip pull-ups on a bar (ZGIB) (Beta = 0.17), throwing a 3-kg medicine ball (MFEBML) (Beta = 0.20) and squats in one minute (MFECUC) (Beta = 0.16) at the level of statistical significance $p < 0.05$.

The correlation between the predictor group of predictor variables and the *third criterion variable* N3 (Table 8) is of middle strength ($R = 0.66$). The predictor group of predictor variables explains 43% (R^2) of the total variance at the level of statistical significance ($p < 0.01$). The greatest contribution to explaining the criterion variable was made by the following predictors: side steps (MAGKUS) (Beta = -0.35), squats in one minute (MFECUC) (Beta = 0.23), throwing a 3-kg medicine ball (MFEBML) (Beta = 0.23) and overhand grip pull-ups on a bar (ZGIB) (Beta = 0.19) at the level of statistical significance $p < 0.05$.

The regression analysis of the group of predictor variables and the *fourth criterion variable* N4 (Table 9) also showed a correlation of middle strength ($R = 0.66$). The predictor group of predictor variables explains 43% (R^2) of the total variance at the level of statistical significance ($p < 0.01$). The greatest contribution to explaining the criterion variable was made by the following predictors: side steps (MAGKUS) (Beta = -0.37), throwing a 3-kg medicine ball (MFEBML) (Beta = 0.28), overhand grip pull-ups on a bar (ZGIB) (Beta = 0.18) and squats in one minute (MFECUC) (Beta = 0.16) at the level of statistical significance $p < 0.05$.

The results of the regression analysis of the predictor group of predictor variables and the *fifth criterion variable* N5 (Table 10) show a statistically significant correlation ($R = 0.61$). The predictor group of variables explains 37% (R^2) of the total variance at the level of statistical significance ($p < 0.01$). The greatest contribution to explaining the criterion variable was made by the following predictors: side steps (MAGKUS) (Beta = -0.40), overhand grip pull-ups on a bar (ZGIB) (Beta = 0.25) and throwing a 3-kg medicine ball (MFEBML) (Beta = 0.19) at the level of statistical significance $p < 0.05$.

Table 6¹:
Regression
analysis*

$R = 0.61$ $R^2 = 0.37$ Adj. $R^2 = 0.35$ Std. Err. est.: 0.58						
$F(4.135) = 20.03$ $p < 0.01$						
Model	Unstandardised Coefficients		Standardised Coefficients		Sig.	95% CI (B)
	B	Std. Error	Beta	t(135)		
(Constant)	1.936	.697		2.780	.006	0.559 – 3.314
MFESDM	.007	.002	.216	2.864	.005	.002 – .012
DOB	-.037	.010	-.265	-3.744	.000	-.056 – (-.017)
MFESKL	.020	.005	.255	3.614	.000	.009 – .030
MFEBML	.002	.001	.223	3.054	.003	.001 – .003

*Regression analysis of the predictor variables and the first criterion variable (N1)

1 Abbreviations used in Tables 6–10: R – multiple correlation, R^2 – determination coefficient, adjusted R^2 – adjusted determination coefficient, F – F-test value, p – value of the F-test significance level, Std. err. est – standard estimation error, B – unstandardised partial regression coefficient, Std. Error – standard error B , Beta – partial standardised regression coefficient, Constant (intercept) – segment on the y-axis (B_0), t – t-test value of the partial regression coefficient, Sig. – t-test level of significance, 95%CI – range of value of the unstandardised partial regression coefficient (B) in the 95% confidence interval, MFESDM – standing long jump, DOB – subject's age, MFESKL – push-ups in one minute, MFEBML – throwing a 3-kg medicine ball, MAGKUS – side steps, ZGIB – overhand grip pull-ups, MFECUC – squats in one minute

Table 7:
Regression
analysis of
the predictor
variables and
the second
criterion
variable judo_ocj

$R = 0.58$ $R^2 = 0.33$ $\text{Adj. } R^2 = 0.31$ Std. Err. est.: 0.47						
$F(4.135) = 16.82$ $p < 0.01$						
Model	Unstandardised Coefficients		Standardised Coefficients		Sig.	95% CI (B)
	B	Std. Error	Beta	t(135)		
(Constant)	3.572	.677		5.274	.000	2.232 – 4.911
MAGKUS	-.189	.042	-.341	-4.459	.000	-.273 – (-.105)
ZGIB	.032	.016	.165	2.042	.043	.001 – .063
MFEBML	.001	.000	.204	2.855	.005	.000 – .002
MFECUC	.015	.007	.157	1.994	.048	.000 – .030

Table 8:
Regression
analysis of
the predictor
variables
and the third
criterion
variable zahpr_ocj

$R = 0.66$ $R^2 = 0.43$ $\text{Adj. } R^2 = 0.42$ Std. Err. est.: 0.53						
$F(4.135) = 25.62$ $p < 0.01$						
Model	Unstandardised Coefficients		Standardised Coefficients		Sig.	95% CI (B)
	B	Std. Error	Beta	t(135)		
(Constant)	3.283	.749		4.382	.000	1.801 – 4.765
MAGKUS	-.234	.047	-.351	-4.986	.000	-.327 – (-.141)
MFECUC	.026	.008	.226	3.118	.002	.009 – .042
MFEBML	.002	.000	.234	3.550	.001	.001 – .003
ZGIB	-.044	.017	.187	2.516	.013	.009 – .078

Table 9:
Regression
analysis of
the predictor
variables and
the fourth
criterion
variable
obnenao ocj

$R = 0.66$ $R^2 = 0.43$ $\text{Adj. } R^2 = 0.42$ Std. Err. est.: 0.48						
$F(4.135) = 25.73$ $p < 0.01$						
Model	Unstandardised Coefficients		Standardised Coefficients		Sig.	95% CI (B)
	B	Std. Error	Beta	t(135)		
(Constant)	3.436	.687		5.002	.000	2.077 – 4.794
MAGKUS	-.227	.043	-.372	-5.279	.000	-.313 – (-.142)
MFEBML	.002	.000	.284	4.319	.000	.001 – .003
ZGIB	.039	.016	.183	2.458	.015	.008 – .071
MFECUC	.017	.008	.159	2.194	.030	.002 – .031

R = 0.61 R ² = 0.37 Adj. R ² = 0.35 Std. Err. est.: 0.45						
F(3,136) = 26.33 p < 0.01						
Model	Unstandardised Coefficients		Standardised Coefficients	t(136)	Sig.	95% CI (B)
	B	Std. Error	Beta			
(Constant)	4.547	.518		8.776	.000	3.522 – 5.572
MAGKUS	-.216	.039	-.401	-5.470	.000	-.294 – (-.138)
ZGIB	.047	.014	.252	3.467	.001	.020 – .074
MFEBML	.001	.000	.192	2.778	.006	.000 – .002

Table 10:
Regression
analysis of
the predictor
variables
and the fifth
criterion
variable
obnaor_oj

6 DISCUSSION

This research confirms that the measurement tests used are reliable and valid for the analysed population (police officers). The results obtained in previous research are comparable to the results of this evaluation regardless of the differences between the measured populations, namely the level of training, age, gender etc. Even though the above differences necessarily produce different absolute measurement values, the interrelationship of the measurements is nonetheless the same. The difference in the population included in this research is precisely the new contribution made by this paper to overall knowledge in the field.

Generally speaking, there was a statistically significant correlation between the group of predictor variables and the evaluation of all five groups of martial arts techniques (N1, N2, N3, N4 and N5). A significant contribution to explaining the *first criterion variable* N1 is made by three variables for assessing motor abilities, explosive leg strength (jumping strength type) (MFESDM), repetitive arm and shoulder girdle strength (MFESKL) and explosive strength of the throwing type (MFEBML), as well as the variable referring to age (DOB) because the younger subjects achieved better results. Roschel et al. (2009) concluded that the achievements of contestants in karate competitions at the international level were significantly influenced by the power and strength of their upper and lower extremities. Strikes and other movement structures in taekwondo are very demanding for most muscle groups, especially the leg and trunk muscles. The activity of the following muscle regions should be emphasised: rectus and oblique abdominal muscles, dorsal and plantar foot flexors, lower leg flexors and extensors, upper leg flexors, upper leg abductors and adductors and lower and upper arm extensors and flexors (Bridge, Santos, Chaabene, Pieter, & Franchini, 2014; Pieter, 1991). Due to the kinesiological structure of strikes, kicks and hand and leg blocks (correct technique with a short-lasting muscle contraction in the technique focus followed by the immediate relaxation of all muscles) and the number of repetitions, the best predictive value was shown by tests that assess the explosive and repetitive strength of the arm and leg muscles.

The *second criterion* refers to the evaluation of the performance of judo techniques. The best predictive value was shown by variables reflecting agility (MAGKUS), repetitive arm and shoulder girdle strength and repetitive leg strength

(ZGIB, MFECUC) and explosive strength of the throwing type (MFEBML). Sertić, Sterkowicz and Vuleta (2009) state that achievements in judo competitions depend on a factor interpreted as the ability to perform complex motor tasks of the speed-explosive type defined primarily by coordination tests, and that specific movements in the competition were performed fast. Another significant contribution to the assessment in judo competitions was made by the variable arm and shoulder strength and coordination (Banović, 2002). The characteristics of elite judokas as opposed to non-elite ones are their larger upper leg muscle perimeter, power and strength, and especially their stronger upper body muscles (Franchini, Takito, Kiss, & Sterkowicz, 2005).

Arrest techniques (N3) must be performed quickly and without prior indication and signalisation, usually accompanied by distracting the opponent in the initial phase. Power is adjusted according to the strength of the resistance, the severity of the attack and the attacker's persistence to avoid arrest (Kosanović, 1988). Agility (MAGKUS) has the strongest influence on achievements while performing these techniques. It is reflected in each rapid change in the body's centre of gravity in space. Rapid changes of the movement line are enabled by proper leg power (MFECUC), while performing upper body techniques that are of the speed-explosive type (MFEBML) is also allowed by the repetitive arm and shoulder girdle strength (ZGIB).

Defence against an unarmed attacker (N4) is the broadest range of self-defence given the many possible ways of attacking and defending. A timely response to an attack and the quick optimal positioning of the body to defend oneself and to counterattack, by taking control, i.e. a manifestation of agility (MAGKUS), again proved to be the most important ability in predicting the performance of self-defence techniques. Explosive strength of the throwing type (MFEBML) manifests itself in the structure of the vast majority of defence techniques against an unarmed attacker, all withdrawals of attackers for the purpose of unbalancing, a large number of judo throws and all techniques in which the arms are brought close to the body. Accordingly, the variable overhand grip pull-ups on a bar (ZGIB) holds a significant predictive value.

It is more difficult and complex to defend oneself against an attacker who is in possession of a hand tool or arms since such attacks are more dangerous and the consequences may be more serious in the case of an inefficient and poorly timed defence. In this paper, the *fifth criterion variable* (N5), defence against an armed attacker, is forecast by the same predictive variables as the criterion variable (N4).

A total of six variables for assessing motor abilities – side steps (MAGKUS), throwing a 3-kg medicine ball (MFEBML), standing long jump (MFESDM), overhand grip pull-ups on a bar (ZGIB), squats in one minute (MFECUC) and push-ups in one minute (MFESKL) – show statistically significant predictive values when assessing police officers' achievements in the practical part of the martial arts examination.

7 CONCLUSION

It may be concluded from the research results that police officers' martial arts training should pay attention to developing and improving coordination, agility,

as well as explosive and repetitive strength. On the other hand, these motor abilities are normally developed by learning and improving martial arts techniques.

Police officers in the field will act more effectively and with less risk in dangerous situations if they know the legal regulations governing the area of their work, if they are psychologically and physically well prepared, and well trained in self-defence techniques to apply effective arrest procedures. All of these qualifications are conditional on fully professional conduct. When police officers have a professional attitude, one can expect the highest level of safety in the exercise of police tasks, including when coercion is being applied.

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Violence Towards Nursing Employees in Slovenia

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Purpose:

This paper presents a systematic review of research studies conducted in the field of violence directed towards nursing employees in Slovenia. The purpose of this paper is to establish the types and prevalence of violence, as well as the methodology and deficiencies of the research conducted to date. The findings can support systematic measures for preventing, reporting and surviving such violence.

Methods:

The descriptive research methodology was applied when examining peer-reviewed literature on violence directed towards nursing employees in Slovenia. A systematic literature review was conducted as it enables data to be obtained from various sources, in our case 15 articles/sources were selected for the analysis, while ensuring a holistic understanding of the research subject.

Findings:

The results show nursing employees are exposed to a high level of work-related violence against them, which in all fields is considerable, but especially in intensive psychiatric nursing care. Further qualitative research is needed to shed light on the detailed characteristics and background of such violence. Tackling violence within the healthcare system demands a wide and interdisciplinary approach.

Practical Implications:

The results of this study can provide the basis for further research and the development of a comprehensive and multidisciplinary approach to tackle violence directed at nursing employees.

UDC: 343.62:614

Keywords: violence, aggression, nursing, employees, Slovenia

Nasilje nad zaposlenimi v zdravstveni negi v Sloveniji

Namen prispevka:

Prispevek predstavlja sistematični pregled raziskav na področju nasilja, ki je usmerjeno proti zaposlenim v zdravstveni negi v Sloveniji. Namen prispevka je ugotoviti vrste in prevalenco nasilja, uporabljene raziskave in pomanjkljivosti opravljenih raziskav. Ugotovitve lahko podpirajo sistematične preventivne, administrativne in preživetvene ukrepe.

Metode:

Uporabljena je bila deskriptivna metoda za pregled recenzirane literature na področju nasilja, usmerjenega proti zaposlenim v zdravstveni negi. Sistematičen pregled literature je bil izbran, ker omogoča pridobitev podatkov iz več virov in zagotavlja celostno razumevanje obravnavane teme. Za analizo je bilo izbranih 15 člankov/virov.

Ugotovitve:

Rezultati kažejo na visoko izpostavljenost nasilju zaposlenih v zdravstveni negi. Ta izpostavljenost je na vseh področjih velika, še posebej v intenzivni psihiatrični negi. Potreben je nadaljnji kvalitativen pristop, ki bo omogočal razkritje podrobnejših karakteristik in ozadij tovrstnega nasilja. Obravnava nasilja v zdravstvenem sistemu zahteva širok in interdisciplinarni pristop.

Praktična uporabnost:

Rezultati prispevka so lahko temelj za nadaljnje raziskave in razvoj obsežnega ter multidisciplinarnega pristopa za obravnavo nasilja, ki je usmerjeno proti zaposlenim v zdravstveni negi.

UDK: 343.62:614

Ključne besede: nasilje, agresija, zdravstvena nega, zaposleni, Slovenija

1 INTRODUCTION

In recent times, like elsewhere, several incidences of violence directed at nursing staff have occurred in Slovenia and, as a consequence, a number of studies have been conducted to examine violence directed at nursing staff. Since workplace violence in the healthcare system is a growing issue of concern, we carried out an overview of existing studies in Slovenia to support the required systematic measures for preventing, reporting and surviving such violence.

This paper presents a systematic review of research studies conducted in the field of violence directed at nursing employees in Slovenia. The paper's purpose is to establish the types and prevalence of violence, along with the methodology and deficiencies of the research conducted so far. The findings can support systematic measures for preventing, reporting and surviving such violence.

Work-related violence, defined as violent acts, including physical assaults and threats of assault, directed toward persons at work or on duty, is recognised as a major problem (Gerberich et al., 2004).

Workplace violence is any act or threat of physical violence, harassment, intimidation or other threatening disruptive behaviour that occurs at the location of work. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors (US Department of Labor Occupational Safety and Health Administration, 2002).

Workplace violence entails a broader problem. It is any act in which a person is abused, threatened, intimidated or assaulted in his or her employment. Such violence includes (Canadian Centre for Occupational Health and Safety, 2014):

- threatening behaviour – such as shaking fists, destroying property or throwing objects;
- verbal or written threats – any expression of an intent to inflict harm;
- harassment – any behaviour that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person and which is known or would be expected to be unwelcome. This includes words, gestures, intimidation, bullying or other inappropriate activities;
- verbal abuse – swearing, insults or condescending language; and
- physical attacks – hitting, shoving, pushing or kicking.

Planning efforts must focus on preventing, reporting, surviving and responding to these incidents.

The most important component of any workplace violence prevention programme is management commitment. Management commitment is best communicated in a written policy. The policy should (Canadian Centre for Occupational Health and Safety, 2014):

- be developed by management and employee representatives;
- apply to management, employees, clients, independent contractors and anyone with a relationship with the company;
- define what is meant by workplace violence in precise, concrete language;
- provide clear examples of unacceptable behaviour and working conditions;
- state in clear terms the organisation's view on workplace violence and its commitment to preventing workplace violence;
- precisely state the consequences of making threats or committing violent acts;
- outline the process through which preventive measures will be developed;
- encourage reporting of all incidents of violence;
- outline the confidential process by which employees can report incidents, and to whom;
- assure no reprisals will be made against reporting employees;
- outline the procedures for investigating and resolving complaints;
- describe how information about potential risks of violence will be communicated to employees;
- make a commitment to provide support services to victims of violence;
- offer a confidential Employee Assistance Programme (EAP) to allow employees with personal problems to seek help;
- make a commitment to fulfil the violence prevention training needs of different levels of personnel within the organisation;
- make a commitment to monitor and regularly review the policy; and
- state the applicable regulatory requirements.

Certain work factors, processes and interactions can put people at increased risk of workplace violence. Examples include (Canadian Centre for Occupational Health and Safety, 2014):

- working with the public;
- handling money, valuables or prescription drugs (e.g. cashiers, pharmacists);

- carrying out inspection or enforcement duties (e.g. government employees);
- providing service, care, advice or education (e.g. healthcare staff, teachers);
- working with unstable or volatile persons (e.g. social services, or criminal justice system employees);
- working in premises where alcohol is served (e.g. food and beverage staff);
- working alone, in small numbers (e.g. store clerks, real-estate agents), or in isolated or low-traffic areas (e.g. washrooms, storage areas, utility rooms);
- working in community-based settings (e.g. nurses, social workers and other home visitors);
- having a mobile workplace (e.g. a taxicab); and
- working during periods of intense organisational change (e.g. strikes, downsizing).

1.1 Review of Past Studies

Healthcare professionals encounter many medical risks while providing healthcare services to individuals and the community (Ozturk & Babacan, 2014). For example, a study by Clements, DeRanieri, Clark, Manno & Kuhn (2005) showed that 35%–80% of all healthcare employees had experienced at least one physical assault in the workplace, whereby the nursing staff is the most exposed group of all. Increased workplace violence towards healthcare professionals was already reported many years ago as a serious issue by several studies (Alessi, 1991; Gates, Fitzwater, & Meyer, 1999; Jones, 1985). Healthcare workers are most frequently the object of patients' violent behaviour. However, other employees working with those patients – police officers, security officers, paramedics, nursing home staff – also experience some degree of workplace violence (Clements et al., 2005; Lundström, Saveman, Eisemann, & Åström, 2007).

The reported prevalence of workplace injuries in the healthcare field is high; yet, the actual prevalence of injuries in the workplace seems to be even higher since many incidents go unreported (Gates, Gillespie, & Succop, 2011). Some studies report that up to 70% of incidents remain unreported (Stokowski, 2010).

The findings of a Swiss study (Hahn et al., 2010) show that in a one-year period 72% of nursing staff had experienced verbal violence, whereas 42% of the nursing staff had encountered physical violence from both patients and visitors. Further, 23% of the nursing staff had suffered physical injuries and 1.4% of them had to take time off for one or several days. The nursing staff was under a lot of distress due to the violent behaviour of patients and visitors (Hahn et al., 2010).

According to a Swedish study (Soares, Lawoko, & Nolan, 2000), the majority of respondents (85%) reported having been exposed to violence at some point in their career, with 57% reporting having been victimised in the past 12 months. The results of this study (Soares et al., 2000) also showed that nurses had experienced a high level of indirect threats (48%), direct threats of violence (40%) and violent

acts (40%). Forty-five percent of nurses had witnessed violence and threats made toward other staff (Josefsson & Ryhammar, 2010). In Jordan (Albashtawy, 2013), more than three-quarters of study participants (75.8%) had been exposed to at least one form of violence. The number of incidents of verbal violence was approximately five times the number of incidents of physical violence.

A study conducted in Hong Kong (Kwok et al., 2006) shows that 76% (95% confidence interval, 72%–80%) of nurses reported different types of verbal abuse (73%), bullying (45%), physical abuse (18%) and sexual harassment (12%). Most (82%) nurses who experienced verbal abuse tended to confide in their friends, family members, or colleagues. Some (42%) ignored the incident altogether.

In a Kuwait-based study (Atawneh, Zahid, Al-Sahlawi, Shahid, & Al-Farrah, 2003), 70 out of 81 nurses had experienced verbal insults or threats of imminent violence, while 13 had also been physically attacked during the first year.

Helplessness, sadness, anger and feelings of insecurity were the feelings most often experienced by staff encountering violent behaviour (Aström, Bucht, Eisemann, Norberg, & Saveman, 2002).

Physical aggression was more frequently present at nursing homes (83.9% of employees), while verbal violence was more common in psychiatric hospitals (96.7% of employees) (Franz, Zeh, Schablon, Kuhnert, & Nienhaus, 2010). In the United States, the highest incidence of workplace assault can be observed among nursing assistants employed in long-term healthcare settings (Gates et al., 2011). According to a study conducted by Lundström et al. (2007), 31% of caregivers ($n = 120$) had been subjected to violence in the previous year with physical violence being the most frequent category. All types of caregivers were exposed to violence and their reactions were commonly very emotional (Lundström et al., 2007).

2 METHODS

The descriptive research methodology was used when examining the peer-reviewed literature on violence directed at nursing employees in Slovenia. A systematic literature review was conducted as it enables data to be obtained from various sources and ensures a holistic understanding of the research subject. The literature search was carried out using the following databases: PubMed, Cobiss and Cumulative Index of Nursing and Allied Health Literature (CINAHL), according to the Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA-P) 2015 guidelines (Moher et al., 2015). Several combinations of selected search words in the English and Slovenian language and their synonyms were prepared and used with the Boolean operators AND or OR: Nasilje¹() OR Zdravstvena nega²() OR Zdravstveni³() OR Medicinske sestre⁴() OR Violence *() OR Nursing care *() OR Medical*() OR Nurses *() OR Slovenia *(). We searched in the title, key words and abstract.

1 Nasilje = violence

2 Zdravstvena nega = nursing care

3 Zdravstveni = healthcare

4 Medicinske sestre = nurses

The criterion for selecting the literature was that articles were published in the last 15 years, namely from 2002 to 2017.

Articles concerning violence in nursing care in peer-reviewed scientific journals, as well as international documents, standards, guidelines and research studies performed in the EU, were considered for review. Information from editorials, letters, interviews, posters and articles without access to the full text were excluded from the study.

Grey documents were identified by means of an opportunistic search, meaning a targeted or focused one. The term grey literature was used to describe information which is not published commercially or is otherwise hard to find, including government reports, NGO reports, theses, technical reports, white papers etc.

The process of the literature review is displayed in a search table (Table 1) and in the PRISMA diagram as shown in Figure 1, while the inclusion and exclusion criteria are shown in Table 2.

Table 1:
Search table

	Key word	No. of hits	Chosen hits	Final selection
PubMed	Violence Nursing care	8,995	6	1
	Violence Medical Slovenia	3	8	0
	Violence Nurses Slovenia	5	3	2
Cobiss	Nasilje Zdravstvena nega	55	10	3
	Nasilje Zdravstveni	371	6	2
	Nasilje Medicinske sestre	0	0	0
	Violence Nursing care	61	39	0
	Violence Medical	257	58	2
	Violence Nurses Slovenia	27	0	0
Cinahl	Nasilje	1	1	1
	Nasilje Zdravstveni	0	0	0
	Nasilje Medicinske sestre	0	0	0
	Violence Nursing care	297	46	0
	Violence Medical	157	0	0
	Violence Nurses Slovenia	13	5	2
Other sources		2		2
		10,244	182	15

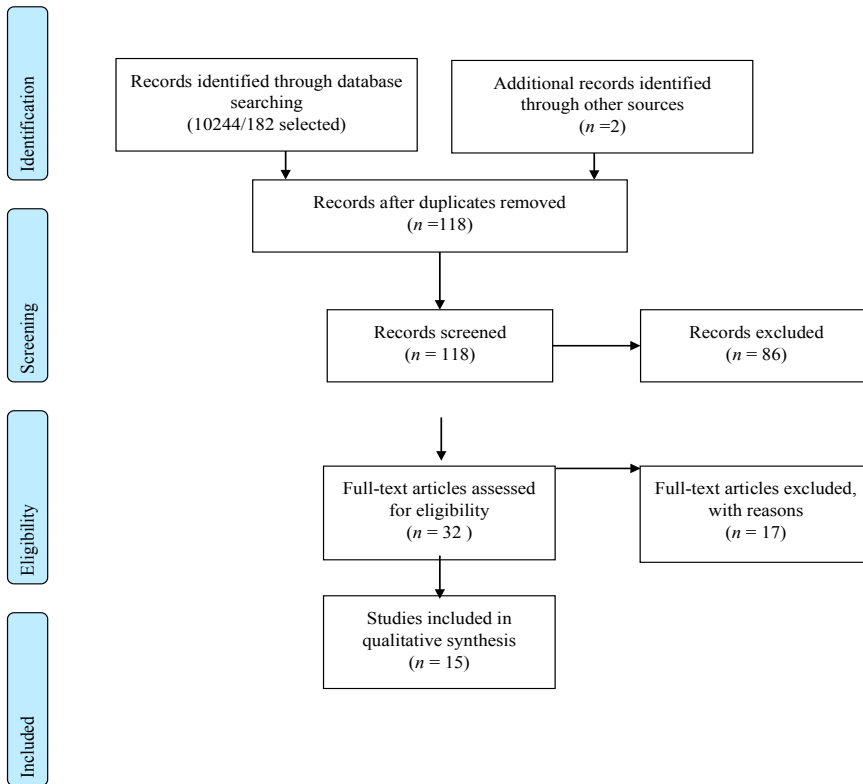


Figure 1:
Flowchart of
the search
strategy and
literature
selection
process –
PRISMA
diagram

Inclusion criteria	Exclusion criteria
Published in the Slovenian or English language	Not published in the Slovenian or English language
Full-text accessibility	Access only to abstract or bibliographic data
Original research scientific article, monography, review scientific article	Debate articles, professional articles, letters to the editor
Thematic adequacy	Paper that is not directly connected with our review
Selected words in title, key words and abstract	Literature that does not apply to the overall theme

Table 2:
The inclusion
and exclusion
criteria

3 RESULTS

The literature search was performed using three databases: PubMed, Cobiss and Cinahl – grey literature was also included. The total number of all search results was 10,244. After excluding duplicates and taking the inclusion criteria into account, 15 articles/sources finally remained for the analysis.

Table 3:
Description
of studies
included in
the literature
review

Author and year	Research design	Sample (number of respondents)	Research purpose	Key findings
Klemenc & Pahor, 2004	Descriptive research	N = 376 Survey in all fields of nursing work	To deal with different forms of violence against nurses, nursing technicians and midwives in the workplace in Slovenia	72.3% of nurses had experienced violence, 59% verbal violence, 53% psychological violence, 29% physical violence
Planinšek & Pahor, 2004	Descriptive research	N = 376 Survey in all fields of nursing work.	The article deals with the problem of sexual violence in the workplace	34.8% reported having experienced sexual violence Since most Slovenian health institutions do not have specific protocols for addressing an act of violence, a holistic and systematic approach that includes managers, workers and civil society is required.
Babnik, Štemberger Kolnik, & Kopač, 2012	Quantitative descriptive research	N = 692 Survey in all fields of nursing work	A focus on describing the forms, frequency and most common perpetrators of psychological violence toward nurses	60.1% had experienced psychological violence. The prevalence of psychological violence established in this research is comparable to the results of previous studies.
Košir, 2012	Quantitative descriptive research	N = 692 Survey in all fields of nursing work	To determine the prevalence and nature of the violence perceived and experienced by nurses, and to identify the primary perpetrators of violence	The perpetrators are most commonly the patients (74.8%). Nurses listed different violent acts directed against them at work or on duty, such as punching, kicking, pushing and similar

Table 3:
Continuation

Author and year	Research design	Sample (number of respondents)	Research purpose	Key findings
Keblić, 2013	Master's thesis Quantitative research	N = 177 Emergency nursing care	To identify violence committed by patients and their relatives in emergency nursing care	98% of nurses had experienced some form of violence, 77% psychological violence, 15% physical violence
Gabrovec, Eržen, & Lobnikar, 2014	Quantitative descriptive research	N = 203 Intensive psychiatric nursing care	To define the types and frequency of violence encountered by medical staff in psychiatric healthcare	92.6% of nurses had experienced verbal violence, 84.2% physical violence, 24.6% sexual violence, 63.5% of nurses had been injured in the past
Kvas & Seljak, 2014	Quantitative descriptive research	N = 692 Survey in all fields of nursing work	To explore violence in nursing in primary, secondary and tertiary healthcare as experienced by nurses in Slovenia	60.6% had been exposed to violence in the previous year, most to psychological violence – 60.1%, 28.9% to economic violence, 10.9% to physical violence
Jerkič, Babnik & Karnjuš, 2014	Quantitative research	N = 62 Emergency units nursing care	To study the incidence of verbal and other forms of indirect violence on a sample of emergency services nursing care employees, namely: to identify the frequency of experiencing the violence, the different forms, the most common perpetrators of verbal abuse, perceived causes and demographic variables of the employees in relation to the higher frequency of detecting violence at work	74.2% had experienced verbal or other forms of indirect violence at the workplace, especially in forms of verbal indirect active aggression from family members and patients. The most frequent reasons for abuse are: inadequate, overcrowded waiting rooms (36 responses)

Table 3:
Continuation

Author and year	Research design	Sample (number of respondents)	Research purpose	Key findings
Vičar, 2015	Master's thesis Cross sectional	N = 121 Survey in all fields of nursing work	To identify which forms of violence occur in healthcare and who is the one who carries out violence among the workers	72.7% of nurses had experienced some form of violence, 90.8% psychological violence, 46% physical violence
Kvas & Seljak, 2015	Quantitative descriptive research	N = 692 Survey in all fields of nursing work	To study the frequency and degree of violence against nurses and to analyse correlations between various sources and types of violence	The most frequent perpetrators of verbal violence were patients (listed as a source of violence by 39.3% of respondents) and peers (39.6%), with the most forceful identified as physicians and patients. Physical violence against nurses was most often initiated by patients (20.8%).
Gabrovec, 2015	Quantitative descriptive research	N = 246 Nursing care in paramedic services	To identify the type of violence suffered by nursing care in paramedic services and the frequency of violence.	78.0% had experienced verbal violence, 49.6% physical violence, 24.4% sexual violence, 26.8% had been injured in their working career
Bojić, Bole & Bregar, 2016	Quantitative research	N = 197 Intensive psychiatric nursing care and Emergency nursing care	To identify the rates of occurrence and types of adverse events perpetrated by patients to which healthcare workers are exposed in emergency and inpatient psychiatric care settings	The pervasiveness of aggression in acute psychiatric and other mental health settings has been documented. The health personnel in psychiatric settings experience higher rates of mild patient violence than other respondents. The most vulnerable group includes respondents with a lower education and those working in shifts. Women are more likely to be victims of sexual aggression than men.

Table 3:
Continuation

Author and year	Research design	Sample (number of respondents)	Research purpose	Key findings
Gabrovec & Eržen, 2016	Quantitative descriptive research	N = 527 Nursing staff in Slovenian nursing homes	To identify the prevalence of violence towards nursing staff in Slovenian nursing homes	71.7% had been a victim of verbal violence, 63.8% physical violence, 35.5% sexual violence, 35.5% had been injured in their working career
Gabrovec, 2017	Quantitative descriptive research	N = 337 Nursing care in Community nursing	To explore the frequency of violence toward community nurses in Slovenia	56% reported an experience of verbal violence, 3.5% physical violence, 30% sexual violence
Gabrovec, Jelenc, Prislán, & Lobnikar, in press	Quantitative descriptive research	N = 54 Nursing care employees in the Slovenian drug addiction rehabilitation centre network	To identify the prevalence of violence towards nursing care employees in the Slovenian drug addiction rehabilitation centre network	85.7% of respondents had experienced verbal violence, 28.6% physical violence, 7.1% sexual violence, 9.5% had been injured in their working career

The first systematic research on violence directed at nursing staff in Slovenia was conducted by Klemenc & Pahor (2004). The study revealed the high prevalence of violence, with 72.3% of nurses having experienced some form of violence. Most (59%) had experienced verbal violence and psychological violence (29%). In the same year and using the same sample, Planinšek & Pahor (2004) revealed high exposure to sexual violence (34.8%). Both studies focused on nursing staff working in any field of nursing and both call for specific protocols to be prepared to address acts of violence, namely, a holistic and systematic approach that includes managers, workers and civil society.

Two similar studies were carried out in 2012 (Babnik, Štemberger Kolnik, & Kopač, 2012; Košir, 2012). In this research, psychological violence against nurses was little higher (60.1%) and most violence had been perpetrated by patients (74.8%). Among violent acts, the nurses listed punching, kicking, pushing and similar.

In two master's theses (Keblič, 2013; Vičar, 2015), we can find different data about the prevalence of violence, where both studies were conducted on smaller samples ($N = 177$; $N = 121$). Keblič (2013) found that 98% of nurses had experienced some form of violence, 77% psychological violence and 15% physical violence. Vičar (2015) established that 72.7% of nurses had experienced some form of violence, 90.8% psychological violence and 46% physical violence.

Other studies examining nursing staff working in any field of nursing include those carried out by Kvas & Seljak (2014) (60.6% had been exposed to violence in the previous year, mostly psychological violence (60.1%) and economic violence (28.9%)), and Kvas & Seljak (2015) (the most frequent perpetrators of verbal

violence were patients (39.3%) and peers (39.6%), with the most forceful being identified as physicians and patients. Physical violence against nurses was most often initiated by patients (20.8%).

More targeted research studies were performed in emergency care by Jerkič et al. (2014) and Bojić et al. (2016) in intensive psychiatric nursing care and emergency nursing care. Jerkič et al. (2014) found that 74.2% had experienced verbal or other forms of indirect violence at the workplace, especially in the forms of verbal indirect active aggression from family members and patients. Bojić et al. (2016) established that the health personnel in psychiatric settings had experienced higher rates of mild patient violence than other respondents in emergency care.

Several targeted studies with same research tool were conducted between 2014 and 2017 (Gabrovec, 2015, 2017; Gabrovec & Eržen, 2016; Gabrovec et al., 2014; Gabrovec et al., in press). These studies focused on a specific field of nursing: intensive psychiatric nursing care, nursing homes, nursing care in paramedic services, community nursing and nursing care in drug addiction centres. The results of these studies are presented in Table 4.

Table 4:
Specific forms
of violence
in different
nursing fields

	Intensive psychiatric nursing care	Nursing homes	Nursing care in Paramedic services	Nursing care in Commu- nity nursing	Nursing care in the Drug addiction rehabilitation centre net- work
Author	Gabrovec et al., 2014	Gabrovec & Eržen, 2016	Gabrovec, 2015	Gabrovec, 2017	Gabrovec et al., in press
Sample	203	527	246	337	42
Verbal violence*	92.6%	71.7%	78%	56.1%	85.7%
Physical violence*	84.2%	63.8%	49.6%	3.5%	28.6%
Injury in the past**	63.5%	36.8%	26.8%	3.5%	9.5%
Sexual violence*	24.6%	35.5%	24.4%	30%	7.1%

* in the past year

** in whole working career

The results show nursing employees are highly exposed to work-related violence, which is considerable in all fields, but especially in intensive psychiatric nursing care where 84.2% of employees had experienced physical violence in the previous year and 63.5% had been injured by a patient in their working career.

4 DISCUSSION

The number of studies looking at violence directed at nursing employees in Slovenia has increased in recent years. All of them point to the high level of exposure to and prevalence of violence, especially in intensive psychiatric nursing care, nursing homes and nursing care in paramedic services. However, related

knowledge is still lacking as we know little about the causes of violence. The results of these research studies are comparable to studies conducted abroad, yet studies differ in their reporting of the prevalence of physical violence. Clements et al. (2005) report a prevalence ranging from 35% to 80% in the previous year, Hahn et al. (2010) report 42% and Franz et al. (2010) report 83% in the previous 12 months. Compared to the rest of the world, the results are only comparable with a study conducted in Sweden (Soares et al., 2000) and another in Turkey (Picakciefe et al., 2012). The frequency of physical violence committed by patients is higher in Slovenia than in either the USA (Clements et al., 2005; Privitera, Weisman, Cerulli, Tu, & Groman, 2005) or Switzerland (Hahn et al., 2010).

Further qualitative research is needed to shed light on the detailed characteristics and background of such violence. The strong prevalence of any violence should trigger a systematic and comprehensive reaction. As revealed by the studies, types of violence are interconnected: one violence triggers another and, accordingly, the high prevalence of physical violence against nursing employees in Slovenia also conceals other types of violence.

Tackling violence within the healthcare system demands a wide and interdisciplinary approach, as suggested by Lešnik Mugnaioni (2012) and Gabrovec and Lobnikar (2014). A systematic approach is still hard to find, although some successful preventive programmes have already been implemented, bringing positive results (Gabrovec, 2016; Gabrovec & Lobnikar, 2015). An organisational model for ensuring safety and the quality of treatment in the case of an aggressive patient with a mental disorder has been tested. Preliminary results show a positive impact. We can assert that the organisational model is suitable for wider use by all stakeholders involved in treating a patient with a mental disorder and also for the preparation of a related healthcare standard and manual.

Healthcare workers are not trained to deal with patients' violent behaviour, yet they are still responsible for their safety, the safety of environment and the safety of other patients. A comprehensive strategy and action is needed to help healthcare workers deal with patients' violence.

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Diplomatic Assurances and the State's Responsibility When Considering Extraditing a Person Whose Human Rights May Be Violated

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Vesna Stefanovska

Purpose:

The potential tension between a state's need to protect its citizens from national security risks and to respect fundamental human rights is illustrated by current controversies concerning the use of diplomatic assurances in the context of extradition. The need to respect inviolable human rights brings into play the use of assurances in extradition matters, especially if the right to life and prohibition of torture are concerned.

Design/Methods/Approach:

Inductive and deductive methods are used to systematise legal cases which contain human rights violations in extradition proceedings and hold a direct relationship with diplomatic assurances. The analytical method is applied to obtain a clearer picture about violations of human rights in the extradition process.

Findings:

Diplomatic assurances are given by the requesting states for the purpose of supporting the extradition request and assuring that criminal offenders will not be subjected to ill-treatment or violations of other human rights guaranteed by the European Convention of Human Rights.

Research Limitations/Implications:

In practice, it has been proven that diplomatic assurances are highly problematic because international law does not generally outlaw the use of such assurances, but establishes legal requirements concerning the use of such assurances in the extradition context.

Originality/Value:

The article reflects the use of diplomatic assurances in extradition cases, an area that has received greater attention in past years because many states have been found responsible for human rights violations, but at the same time many suspects have managed to avoid extradition because judicial authorities have denied extradition due to assurances not being given.

UDC: 341.44+342.7

Keywords: diplomatic assurances, extradition, torture, right to life, violation of human rights

Diplomska zagotovila in odgovornost države pri obravnavanju izročitve oseb, ki so jim morda kršene človekove pravice

Namen prispevka:

Potencialna napetost med potrebami države po zaščiti svojih državljanov pred tveganji nacionalne varnosti in spoštovanjem temeljnih človekovih pravic je razvidna iz perečih polemik glede uporabe diplomatskih zagotovil na področju izročitve. Potreba po spoštovanju nedotakljivih človekovih pravic vodi v uporabo zagotovil v zadevah s področja izročitve, zlasti, če gre za pravico do življenja in prepoved mučenja.

Metode:

Za sistematizacijo pravnih primerov, ki vsebujejo kršitve človekovih pravic v postopkih izročitve in imajo neposredno povezavo z diplomatskimi zagotovili, so bile uporabljene induktivne in deduktivne metode. Za osvetlitev kršitev človekovih pravic v postopku izročitve je bila uporabljena analitična metoda.

Ugotovitve:

Države prosilke podajajo diplomatska zagotovila z namenom podpore prošnji za izročitev in z namenom zagotavljanja, da storilci kaznivih dejanj ne bodo podvrženi zlorabam ali kršitvam človekovih pravic, ki jih zagotavlja Evropska konvencija o človekovih pravicah.

Omejitve/uporabnost raziskave:

V praksi se je izkazalo, da so diplomatska zagotovila zelo problematična, saj mednarodno pravo običajno ne prepoveduje uporabe takih zagotovil, temveč določa pravne zahteve glede uporabe teh zagotovil v zadevah s področja izročitve.

Praktična uporabnost:

Prispevek osvetljuje uporabo diplomatskih zagotovil v zadevah s področja izročitve – področja, ki je bilo v preteklih letih deležno večje pozornosti, saj so bile številne države spoznane za krive kršitev človekovih pravic, hkrati pa se je mnogim osumljencem uspelo izogniti izročitvi, ker so pravosodni organi zaradi odsotnosti zagotovil zavrnili izročitev.

UDK: 341.44+342.7

Ključne besede: diplomatska zagotovila, izročitev, mučenje, pravica do življenja, kršitev človekovih pravic

1 INTRODUCTION

When considering decisions on the extradition of suspects, states cannot turn a blind eye to the potential for breaches of several rights including, among others,

the non-derogable right to freedoms from torture, cruel, inhuman and degrading treatment and the right to a fair trial as well as the principle of legal certainty and freedom from discrimination in order to ensure that they meet their obligations under international human rights law (Silvis, 2014).

The question that should be asked is not whether individuals have a human right to diplomatic protection but whether states, in order to ensure the human rights of their nationals, should have some duty to assert diplomatic protection when fundamental human rights are at stake. When discussing these inviolable human rights, we must mention those at greatest concern in the extradition context, namely the right to life and the prohibition of torture. In the case where these two rights have been engaged in an extradition procedure, diplomatic assurances given by the requesting state may be crucial to enable the criminal offender/fugitive to be extradited. Providing such diplomatic assurances may also help the court to allow a extradition when criminal offender/fugitive has submitted an application before the European Court of Human Rights in Strasbourg (hereinafter referred as the ECtHR) for a possible violation of the human rights prescribed in the European Convention of Human Rights (hereinafter referred as the ECHR). However, assurances by the requesting state that it will not expose the person concerned to torture or to inhuman or degrading treatment or punishment will not normally suffice to exonerate the requested state from its human rights obligations, particularly where there is a pattern of such abuses in the state seeking the extradition (Kapferer, 2003). In such cases, the requested state is bound to refuse the surrender of the wanted person.

Diplomatic assurances were initially provided by European countries to obtain guarantees from nations that imposed the death penalty. Seeking diplomatic assurances to protect human rights began as an earnest effort by European governments to protect the most fundamental right: the right to life. Governments in countries where the death penalty is outlawed have long asked for guarantees against capital punishment before extraditing suspects (Hall, 2008).

2 DIPLOMATIC ASSURANCES IN THE CONTEXT OF INVIOABLE HUMAN RIGHTS

In these times of insecurity and threats of terrorism, governments are taking several measures intended to contribute to security, or to at least minimise the risk of insecurity. When dealing with a suspected terrorist who is not a national or against whom criminal charges have been issued in third countries, governments might be more inclined to expel, return, extradite or otherwise transfer this individual to another country.

The use of 'diplomatic assurances' as a form of guaranteeing that a person will not be subjected to the death penalty or will not be ill-treated following surrender to a state has increased within the context of the fight against terrorism. Many experts (Office for Democratic Institutions and Human Rights, 2007) have argued about the legality and effectiveness of this practice in protecting human rights and fulfilling states' non-derogable obligation not to render, transfer, send

or return a person where there are substantial grounds for believing he or she would be in danger of being subjected to torture.

In argumentation concerning the right to life and not imposing capital punishment on a criminal offender, it must be emphasised that neither the International Covenant on Civil and Political Rights (hereinafter referred as ICCPR) nor the ECHR prohibit capital punishment, although they both have protocols on the abolition of the death penalty (Protocol No 6 (Council of Europe, 1982) and Protocol No 13 (Council of Europe, 2002)).

The principal obligation to protect the right to life is enshrined in Article 2(1) of the ECHR (European Convention on Human Rights [ECHR], 1953):

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law".

Further, Article 6 the ICCPR (United Nations Office of the High Commissioner for Human Rights, 1966) prescribes the protection of human life in this way:

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

It is clear from the above that some governments have used diplomatic assurances in relation to the death penalty. Although imposing capital punishment is prohibited on European soil, problems appear when, for example a criminal offender should be extradited to the United States where the death penalty is in force. In these circumstances, diplomatic assurances are needed to ensure the death penalty will not be used and imposed on the criminal offender.

The most extensive and detailed international case law regarding the prohibition against torture and other cruel treatment is based on Article 3 of the ECHR and has been developed by the European Court and the former European Commission of Human Rights. Although the ECHR does not prohibit a person's extradition to another country, the former European Commission frequently stated in its case law that an extradition measure may in specific circumstances give rise to an issue under Article 3 of the ECHR (Radu & Mititelu, 2014).

For that purpose, Article 3 (ECHR, 1953) prescribes the following:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment".

A similar provision regarding the ban on subjecting to torture can be found in Article 7 (United Nations Office of the High Commissioner for Human Rights, 1966) which provides that:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation".

The recent practice with the use of diplomatic assurances in extradition when inviolable human rights are engaged such as the right to life and the prohibition

of torture points to the fact that diplomatic assurances are allowed as their use does not conflict with the boundaries set in international conventions and treaties (Van Ginkel & Rojas, 2011). Lying at the core of these legal boundaries is the principle of non-refoulement,¹ which places clear restrictions on the transfer of an individual from one state to another. This principle can be found in the UN Convention on the Status of Refugees (United Nations, 1951, Article 33) which states that:

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his (or her) life or freedom would be threatened on account of his (or her) race, religion, nationality, membership of a particular social group or political opinion".

The principle of non-refoulement and its use in extradition proceedings is also enshrined in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations Office of the High Commissioner for Human Rights, 1984) which prescribes:

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

In the European Union, the principle of non-refoulement can be found in the Qualification Directive 2004/83/EC (Council of Europe, 2004, Article 21) and in the European Arrest Warrant.² Here the principle is more restrictive than in the Refugee Convention by providing for refoulement only when it is not prohibited by States' international obligations (Isman, 2005).

In past decades and especially after September 11, the use of diplomatic assurances has increased, although some governments used these assurances

1 The prohibition of sending, expelling, returning or otherwise transferring (refoulement) a refugee to "territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group" is also known as the principle of non-refoulement. According to the legal principle of non-refoulement (from the French *refouler*, "to force back"), a state may not return a person to a place where the person is sufficiently likely to suffer violations of certain rights.

2 The framework decision of the European Arrest Warrant does not stipulate the case of intra EU refugees, citizens of one member state who have been granted asylum in another member state. As such cases exist, and as long as this issue is not highlighted and amended, the same person can be considered both a refugee and a fugitive within the same judicial system. The same person is, therefore, persecuted and protected within the same judicial collaboration. The problems emerging within the framework of the European Arrest Warrant were previously highlighted in 2014 by the European Parliament LIBE Committee, but were never considered by the European Commission.

against torture before those attacks. Even more governments wish to get rid of foreign nationals suspected of involvement in terrorist activities. Instead of prosecuting these suspects, many governments simply transfer them to their home or other states and argue that diplomatic assurances guarantee they will not be tortured and subjected to ill-treatment. In addition, governments, intergovernmental institutions and NGOs have paid increasing attention to assurances against torture and ill treatment in all types of removal cases involving terrorism.

3 USE OF DIPLOMATIC ASSURANCES IN THE EXTRADITION PROCEDURE

In the extradition context, “diplomatic assurances” refer to conditions set by the requested state. The receiving state must ensure that the person concerned will receive treatment which complies with the agreement between the two states. The term more typically refers to the human rights obligations of the requesting state under international law. The most common practice of these assurances covers protection for individuals against the risk of torture in the destination country (Jones, 2006). In fact, these diplomatic assurances enable the sending state to observe and report the treatment given to the individual in the requesting country post-return. Generally speaking, there are various forms of diplomatic assurances such as *notes verbales*, *aide memoire*, memorandum of understanding or agreements including conditions and a clause designating the future of individuals subject to extradition in the requesting state.³

International law does not generally prohibit the use of diplomatic assurances, but is establishing legal requirements concerning such assurances in the terrorism context (Schmid, 2010). In an age of counter terrorism, it is difficult to claim that the use of diplomatic assurances is excluded from international human rights law, while the risk of torture is assessed. It is considered to be in the interest of the person subject to extradition.⁴ However, if we observe the case law of the ECtHR it is obvious that diplomatic assurances play an important role in deciding if there are possible violations of the Convention’s provisions. In most cases, where the Court found there were not violations, this means the given diplomatic assurances were enough for the Court to estimate that extradition was possible and would not violate the guaranteed human rights. In the remaining cases, the

3 According to International Centre for Counter Terrorism (Van Ginkel, & Rojas, 2011), there are three types of diplomatic assurances – diplomatic notes, exchange of letters and memoranda of understanding. One could classify diplomatic assurances as being either soft or hard. Soft diplomatic assurances tend to lack enforcement mechanisms and are often kept confidential. Hard diplomatic assurances tend to provide enforcement mechanisms such as arranged visits to prisoners and documents may be declassified. Nonetheless, the strength and effectiveness of the enforcement mechanisms is still a matter of concern for governments.

4 It should not be forgotten that diplomatic assurances are seen as legally binding instruments. The violation of assurances can be remedied by persons and states. It is possible to apply the UN human rights mechanisms against any breach of the prohibition of torture under the CAT. According to HRW, diplomatic assurances are bilateral political agreements and they have no legal character or force in law.

Court usually found that the given assurances were not reliable enough. Opposite opinions regarding the legal nature of diplomatic assurances exist, such as those who claim that diplomatic assurances are bilateral political agreements, brokered at the diplomatic level. According to them, they are not treaties and have no legal character or force in law. If the assurances are breached, the sending government has no way to hold the receiving government legally accountable.

Before diplomatic assurances against torture became a hot topic in the war on terror, European countries primarily utilised diplomatic assurances in the context of extradition for common (non-political) crimes. In particular sending countries routinely sought diplomatic assurances against the death penalty,⁵ as capital punishment has been effectively banned in Europe for decades (Izumo, 2010). Reliance on diplomatic assurances is not a novel phenomenon. As mentioned above, despite involving cases concerning torture, early diplomatic assurances were noted on extradition agreements between states, particularly in death penalty cases or if the requested state held concerns about the fairness of the judicial proceedings.⁶

Under the jurisprudence of the ECtHR and the Commission of Human Rights, the requested state does not act in violation of the ECHR if it seeks and obtains assurances which effectively eliminate the danger that the requested person will be subjected to treatment which is prohibited by the Convention (Kapferer, 2003).

4 THE ISSUES OF EXTRADITION AND POSSIBLE HUMAN RIGHTS VIOLATIONS AND SOMEWHERE BETWEEN THEM THE QUESTION OF DIPLOMATIC ASSURANCES

The use of diplomatic assurances has always been located in the tension that exists between extradition and the protection of human rights. First of all, a thin line between extradition and human rights can be detected in their different purposes and achievements. The purpose of extradition as an institution of international criminal law is to surrender a fugitive criminal from one state to another in order to serve a sentence or to undergo a trial for an alleged crime, by any means necessary. For the authorities of the state seeking extradition who look at the fugitive like a criminal offender, the fugitive does not have any rights –they lost their rights when they committed a crime and for that purpose justice must be satisfied and the fugitive should be extradited. In terms of human rights

⁵ With Protocols 6 and 13 to the ECHR there is a *de jure* abolition of the death penalty in almost all Member States of the Council of Europe with Russia being the notable exception and the death penalty has been abolished *de facto*, as no execution has been carried out on the territory of any Council of Europe Member States since 1997.

⁶ Some governments have used diplomatic assurances in relation to the death penalty. Because the death penalty is outlawed in Europe, governments there will not extradite a person to countries like the United States and China, where the death penalty is legal, without an assurance that the death penalty will not be used. But assurances against the death penalty are different from assurances against torture. The use of assurances against the death penalty simply acknowledges the different legal approaches of two states. By contrast, assurances against torture relate to conduct that is criminal in both the sending and the receiving state is practised in secret and is routinely denied.

standards, the situation is completely different, namely, although the fugitive is a subject of extradition, they have rights that must be respected and, on the contrary extradition to the requested state will be impossible.

Powerful states are rarely consistent in how they apply human rights standards to their foreign policy and are rarely willing to give human rights questions priority. These states seldom employ sanctions to coerce other states to improve their human rights record. Indeed, for the most part, states take relatively little interest in the extent of human rights violations in other states, unless one of their citizens is affected (Neumayer, 2006).

In the last few decades, human rights have started to create barriers against enforcement of extradition proceedings. The modern trend of expanding human rights and eliminating the traditional barriers to individual standing has been established in and further developed by a growing number of general, specific, global and regional human right instruments and international treaties. Parties to international treaties generally aspire to comply in the spirit of the Latin expression "*pacta sunt servanda*" meaning that agreements are to be kept and honoured. This trend did not stop with the adoption of those legal instruments that directly sought to protect human rights *per se*, but has also encompassed those other legal concepts and legal instruments whose primary focus is not the protection of human rights. It must be stressed that in the past decades extradition has been showing a clear concern for the protection of the requested person in extradition proceedings.

5 THE STATE'S RESPONSIBILITY WHEN CONSIDERING EXTRADITING A PERSON WHOSE HUMAN RIGHTS MAY BE VIOLATED

Human rights can be violated by governmental and non-governmental entities. The focus of human rights treaties appears to have supported an argument that human rights obligations under international law apply to all states, especially those which have ratified the international conventions (Cassimatis, 2007). Prohibitions against torture, summary execution, and prolonged arbitrary detention found their way into customary international law at the same time as the international human rights community became more effective in publicising and arousing worldwide condemnation of the worst governmental abuses (Rocht-Arriaza, 1990).

The jurisprudence on the nature of a state's obligation is to ensure that persons being extradited are not knowingly exposed to a real risk of ill-treatment by the accepting state. Traditionally, the risk of ill-treatment has typically emanated from the State directly, i.e. the imposition of the death penalty or corporal punishment, or because the receiving state could not adequately protect individuals from acts of ill-treatment by non-State actors (Long, 2002). The Court recalled the established principle that the returning state owes a duty to ensure that persons are not subjected to treatment or punishment in violation of Article 3, regardless of the conduct of the person to be expelled, or whether that person has entered the returning state in a technical sense, i.e. a legal sense. According to this,

safeguarding the basic and inviolable human rights is the most important task of every state, irrespective of the crime committed or how heinous it was, human life is irreplaceable. This engages the responsibility of the states that ratified the ECHR and many other international instruments. According to the above theory of responsibility, the state is not being held directly responsible for the acts of another state but for facilitating, through the extradition process, a denial of the applicant's rights by that other state.

In cases where a possibility for human rights violations in extradition proceedings exists, states are obliged to protect the inviolable human rights and seek diplomatic assurances to ensure that capital punishment will not be imposed or the person requested in extradition will not be subjected to torture or inhuman or degrading treatment. However, it must be acknowledged that assurances are not in themselves sufficient to ensure adequate protection against the risk of ill-treatment. There is an obligation to examine whether the assurances provide, in their practical application, a sufficient guarantee that the applicant will be protected against the risk of ill-treatment. The weight to be given to assurances from the receiving state depends, in each case, on the circumstances prevailing at the relevant time.

6 PRACTICAL APPLICATION OF DIPLOMATIC ASSURANCES IN EXTRADITION CASES AND POSSIBLE HUMAN RIGHTS VIOLATIONS

An assurance issued in the extradition context was the assurance in *Soering* (ECtHR, 1988), an assurance for the purpose of securing the returnee from the death sentence. Further, the alleged terrorists Mamatkulov and Askarov (ECtHR, 1999) were subjected to extradition. The Turkish police arrested Mamatkulov under an international arrest warrant when he entered Turkey, and Uzbekistan had requested his extradition under a bilateral treaty with Turkey. Turkey also arrested Askarov upon a request for his extradition. Both applicants were suspected of planning and organising terrorist attacks against the leaders of Uzbekistan. The government of Uzbekistan issued assurances that Mamatkulov and Askarov would not be tortured. The assurance was given in the specific context of extraditing them and only concerned the two individuals Mamatkulov and Askarov.

In practice there are many cases where the given assurances were not enough for the Court. For example, the case of *Metin Kaplan* (ECtHR, 2002) where a German court refused a request by Turkey to extradite Kaplan, the leader of a banned Islamist fundamentalist group. The Court held that diplomatic assurances from the Turkish Government would not provide sufficient protection for Kaplan from human rights violations. Contrary to the above, in the judgement of *Abu Qatada* in 2012, the ECtHR considered "terrorist violence" as a threat and a violation of the human rights of populations. Moreover, the Court accepts extradition as part of policies combating terrorism. The Court's concern is with the human rights of deportees in the receiving state (ECtHR, 2009). In the *Saadi* case (ECtHR, 2006), the Court assessed the reliability of diplomatic assurances,

instead of ruling that diplomatic assurances in themselves breached Article 3 of the Convention. The assurances given by states applying torture and mistreatment as methods of exerting pressure against some groups on grounds of their political, minority or ethnic identity cannot be reliable. In *Suresh v. Canada* (Supreme Court of Canada, 2002), the Canadian Supreme Court prevented Manickavasagam Suresh – a member of the Tamil Tigers being held in Canadian custody – from being extradited to Sri Lanka. Yet, the Court ruled that whereas international law contains an absolute ban on returning detainees to countries where there is a risk of torture, the possibility may be present in exceptional circumstances related to national security. In the case of *Chahal v. United Kingdom* (ECtHR, 1993), the ECtHR ruled that the return to India of a Sikh activist would violate the UK's absolute obligation not to return a person to the risk of torture, despite diplomatic assurances proffered by the Indian government.

Human Rights Watch in its Report "Empty Promises: Diplomatic Assurances No Safeguard against Torture" (Human Rights Watch, 2004) highlights the problem of diplomatic assurances being used to circumvent the principle of non-refoulement. According to Human Rights Watch, the growing weight of evidence and international expert opinion indicates that diplomatic assurances cannot protect people at risk of torture from such treatment upon return. Sending countries that rely on such assurances are either engaging in wishful thinking or using the assurances as a fig leaf to cover their own complicity in torture.

It is important that the guarantees given by the requesting state must eliminate as far as possible the risks of mistreatment on the basis of "adequacy, effective control and credibility". It is not easy to rely on assurances given by some states which have poor human rights records. For those reasons, assurances have so far been mainly given over the risk of torture.

Human Rights Watch (2004) has developed assessment criteria that advocate prohibiting the use of diplomatic assurances in relation to the risk of torture, if the following situations exist in the requesting country:

- there is substantial and credible evidence that torture is systematic, widespread, endemic or a recalcitrant and enduring problem;
- governmental authorities do not have effective control over the forces in their country that perpetrate acts of torture or
- the government consistently targets members of a particular racial, ethnic, religious, political or other identifiable group for torture and the person subject to return is associated with that group.

The process of effective monitoring the practice and use of diplomatic assurances is more than needed. For that purpose and following the terrorist attacks in the United States, in November 2001, the Council of Europe's Steering Committee for Human Rights (CDDH) created the Group of Specialists on Human Rights and the Fight against Terrorism (Group of Specialists on Human Rights and the Fight against Terrorism, 2005) which was required to:

- start a reflection on the issues raised with regard to human rights by the use of diplomatic assurances in the context of expulsion procedures and

- consider the appropriateness of a legal instrument, for example a recommendation on minimum requirements/standards of such diplomatic assurances, and, if need be, present concrete proposals.

This Group was set up in 2001 in order to elaborate guidelines based on the principles of the protection of human rights, respect for democracy and the rule of law for member states when taking action against terrorism. Their work resulted in the adoption in July 2002 of the Guidelines on Human Rights and the Fight against Terrorism by the Committee of Ministers of the Council of Europe. The final report was adopted in March 2006 when the Group was abolished.

The European Parliament, the Parliamentary Assembly of the Council of Europe (PACE)⁷ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT)⁸ appear to be moving toward restricting the circumstances in which diplomatic assurances against torture should be relied upon. The Netherlands has maintained a strong stance against relying on diplomatic assurances against torture. In contrast, Denmark and Switzerland have shown signs of increasing acceptance of their use and the United Kingdom has mobilised on an international level to garner support for a policy of deportation with assurances. Germany seems to have had differences of opinion within its own government (Izumo, 2010).

There is a broad consensus among international human rights bodies that diplomatic assurances do not provide an effective safeguard against torture and ill-treatment. In 2006, Louise Arbour, the UN High Commissioner for Human Rights, condemned the dubious practice of seeking diplomatic assurances. According to Thomas Hammarberg, the former Council of Europe's Commissioner for Human Rights (2006–2012), "diplomatic assurances are not credible and have also turned out to be ineffective in well-documented cases" (Human Rights Watch, 2006). The governments concerned have already violated binding international norms and it is plain wrong to subject anyone to the risk of torture on the basis of an even less solemn undertaking to make an exception in an individual case. The observed weakness inherent in the practice of diplomatic assurances lies in the fact that there is an apparent need for such assurances (Silvis, 2014). According to Mr. Johannes Silvis, a judge at the European Court of Human Rights: *"in the jurisprudence of the European Court of Human Rights it is essential that assurances are not part of a trade off balancing national security interests, human rights protection and*

⁷ The Parliamentary Assembly of the Council of Europe (PACE) is composed of representatives of all Member States of the Council of Europe, with the number of representatives determined in proportion to the size of each Member State. PACE meets four times per year and its functions include electing the Commissioner for Human Rights and the members of the European Court of Human Rights. The Commissioner for Human Rights, who acts as an independent institution rather than a national representative, monitors and promotes human rights protection by Council of Europe Member States (Council of Europe, 2014).

⁸ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) is a monitoring body created pursuant to the CAT which affirms the absolute prohibition of torture and inhuman or degrading treatment. The Committee examines the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment. It visits detention centres (prisons, attendance centres, police stations, psychiatric wards, deportation prisons, etc.) and inspects the treatment of arrested persons (Council of Europe, 2017).

international cooperation. Whether such assurances can be accepted as relevant facts for the assessment of a risk is a delicate exercise” (Silvis, 2014, p.18).

Diplomatic assurances are highly problematic because they create a two tiered system among detainees. According to the multilateral framework of human rights, all detainees are entitled to the equal protection of existing instruments and must be treated according to international law.

7 CONCLUSION

To avoid the risk of violating their obligations under international law while fighting the threat of terrorism, states rely on diplomatic assurances when considering the return of asylum seekers to another country or when they need to extradite a person upon an extradition request. Diplomatic assurances are formal promises made by the government in the country of return stating that the returnee will not be subjected to illegal treatment upon their return.

Giving or receiving diplomatic assurances with regard to transferring a person from one jurisdiction to another is a longstanding practice in extradition proceedings. They were mainly sought in order to satisfy the obligations of the requested state arising from constitutional and human rights norms, when it was feared the death penalty would be imminent or fair trial standards would not be observed. Diplomatic assurances are increasingly sought in cases where the sending state fears the individual involved will be exposed to torture and ill-treatment upon their return.

International criminal law enforcement is not well served by a system that tolerates the refusal to extradite in some cases where the human rights of the fugitive are at risk in the requesting state, but fails to provide the decision makers of the requested state with clear standards or guidelines by which to make such a decision. If we observe this from a different point of view and if extradition proceedings are enforced as they should be, i.e. in line with human rights standards, there is no fear that human rights may be violated. Accordingly, it is quite difficult to achieve such a balance between extradition and human rights because we are human beings entitled to inviolable human rights and institutions are entitled to apply justice and assure that criminal offenders and/or terrorists will be extradited the committed crimes. On some occasions, it has been proven that the extradition law failed to provide a proper legal framework for balancing the human rights of the fugitive and the interest of states in the suppression of transnational crime. The concept of human rights holds tremendous meaning and brings a great responsibility along with it. The existence of human rights tells us that state power is not unlimited and that state authorities cannot encroach upon certain rights and freedoms because they must respect and obey them. In this context, the state's towards its citizens in order to respect their human rights and that those rights should belong equally to every citizen must be stressed.

The aim of this article was to show the 'battle' existing between extradition as a judicial procedure and human rights as an obstacle to extradition in certain cases. In the legal practice of the ECtHR, in cases concerning prohibition of torture and other forms of ill-treatment these diplomatic assurances were important in

order for the Court to decide if there was a possible violation of the Convention's rights or to grant extradition based on the lack of violation.

However, the major weakness of diplomatic assurances lies in the fact that they are not legally binding and, unfortunately, have not always been respected by states.

The use of diplomatic assurances in extradition proceedings can be seen as a 'double-dulled sword'. In fact, whether such assurances can be accepted as relevant facts for the assessment of a risk is a delicate exercise. The biggest problem appears with the question: Should the requesting state respect its own domestic law or its obligations under international human rights law? In my opinion, although some diplomatic assurances include arrangements for post-return monitoring, we must be exceptionally careful because practice shows that these monitoring sometimes fail. It must also be pointed out that reliance on diplomatic assurances does not relieve states of their international human rights obligations. This means the obligation to ensure that an individual is not tortured or ill-treated applies to both the requesting state and the requested state.

The requested state should carefully analyse each request for extradition in circumstances when guaranteed human rights are involved and there is a possibility they may be violated. According to this, each case should be assessed on its own merits and general policies in this respect should be avoided. Many factors play an important role in deciding whether to accept diplomatic assurances and grant extradition, or to reject diplomatic assurances and deny extradition such as:

- the length and strength of bilateral relations between the requested and requesting state;
- identifying if the requesting state allows torture (is it systematic or widespread) and if there is a willingness to cooperate with international monitoring mechanisms;
- whether the assurances are specific or general;
- whether there is an effective system of protection against torture;
- the reliability of the assurances given by the requesting state;
- whether they have been given by a state that has ratified the international human rights conventions and
- which human rights can be engaged (especially if they are the inviolable and guaranteed human rights) and many other factors.

Enforcement mechanisms for diplomatic assurances should be further developed and at the same time strengthened. There is a need to ensure that states comply with the use of diplomatic assurances, but they must also be exceptionally careful. In that sense, sometimes and in specific circumstances a possible violation of human rights should be prevented and not cured because the process of curing them is long and exhausting and the result is not always successful; sometimes it leaves wounds that cannot be cured easily.

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