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New questions
about children's rights

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Children's rights are an immanent part of the political-legal-cultural agenda both at national and at international levels, especially since the adoption of the UN Convention on the Rights of the Child (UN CRC) in 1989. Before that landmark event, the first two international documents dedicated to children's rights, the so-called 'Geneva Declaration of the Rights of the Child' adopted by the League of Nations in 1924 and another one adopted by the UN General Assembly in 1959, still reflected a welfare approach rather than a participatory attitude involving the recognition of the socially active legal status of children. The UN CRC is clearly a milestone that raised attention to children's issues and rights and the particular features of the childhood experience by promoting the treatment and representation of children as people with power and their own rights. With the UN CRC, international law first addresses the rights of the child in a single catalogue, introducing a new timeframe for negotiating children's rights (Ashton et al., 1992; Freeman, 2012; Freeman & Veerman, 1992). The Convention radically altered the picture of children and childhood by defining minimum standards of care, development, upbringing and social participation, which all children (those under the age of 18) are entitled to (Alston & Tobin, 2005; Vuckovic-Sahovic et al., 2012; Williams & Invernizzi, 2011; Reynaert, 2015). Protecting childhood became imperative, and the idea of the 'global child' was born (UNICEF, 2009; Allison & Adrian, 2008). Not only did the UN CRC create legislative trends, but it also impacted research and practice, and children's rights 'gained an established place in society' (Hanson, 2012, p. 64).

Even though the UN CRC represents a unique achievement in terms of the advancement of children's rights, the document is ageing (Freeman, 2017; Veerman, 2010), and the Optional Protocols, the General Comments, and the State Parties' responses to the UN CRC Committee through ongoing jurisprudence demonstrate that new issues have arisen over the more than 30 years since the adoption of the UN CRC: these include digital media, sustainable development goals, climate change and environmental damage, child activism, and political rights, amongst others. However, not only are these new issues appearing in scholarship but 'established' issues (e.g. violence against children, rights of migrant and

refugee children, children living with disabilities, those belonging to any kind of minority, and child poverty) have also attracted renewed attention and inspired the production of new knowledge on children's rights and childhood in general (see Hillis et al., 2017; Holt et al., 2008; Løvlie, 2023; Pereda & Díaz-Faes, 2020; Brittle & Desmet, 2020; Bhabha, 2009; Vaghri et al., 2019; Lansdown, 2022; Bessell, 2022; Biggeri & Cuesta, 2021). Everyday life also opens up new perspectives for research, such as the various consequences of the Covid-19 pandemic on children's rights (see, e.g. the thematic special issue of *Child Abuse and Neglect* dedicated to research on 'Protecting children from maltreatment during COVID-19' [Katz & Fallon, 2021], and the work of scholars who have written on various topics that link the pandemic and children's rights [Raman et al., 2020; Maalla M'jid, 2020; Jörgensen, 2022; MacLachlan et al., 2022]).

Further questions have emerged in the wake of the development of artificial intelligence. Nowadays, the digitalisation of justice systems is an important objective aimed at making the latter fit for the digital age. However, providing modern access to justice in an increasingly digitalised environment can also make it more child-centred. It is already a clear international and European requirement that justice for children should aim to ensure that the best interests of all children under 18 years of age, irrespective of their status, are served by the justice system in accordance with other international norms and standards. Although not advancing as rapidly as other e-government initiatives, electronic justice (or e-justice) practices have been developed and implemented to make justice services and their administration more open, accessible, effective, efficient, and less expensive for all (Abdulvaliev, 2017; Kramer et al., 2018; Martínez & Abat, 2009; Mal'ko et al., 2020; Velicogna et al., 2020).

Strategies have been adopted to challenge the 'stubbornly consistent' (McMellon & Tisdall, 2020, p. 157) resistance to child participation, and new ways of involving children (based on co-production and activism) are gaining followers in the children's rights field (Templeton et al., 2020; Gillet-Swan, 2018). Other scholars question discourses and 'norms of behaviour' in academia, reflecting on which kinds of knowledge are silenced (Spyros, 2018), which are being used to consolidate power relations, and how knowledge production about childhood and children can reframe children's positions from the bottom of the pecking order to the top (Kellett et al., 2004; Cluver et al., 2021). This approach refocuses on children and their representation, breaking with the predominant adult-centric perspective and its misunderstandings and misrepresentations, recognising and respecting the personhood of the child. This turn is also reflected in the preferences of governmental and non-governmental players, who are increasingly engaging in co-productive forms of engaging children and pleading for a political awakening with respect to them.

This thematic issue emerged from the realisation that no up-to-date overview of children's rights issues exists in any academic journal in Central-Eastern Europe. This may also be the reason why we received a large number of responses to our call within a very short time. Our aim was to invite scholars to reflect on the many achievements of the implementation of the UN CRC at theoretical and practical levels and to take stock of the developments and issues that are still a challenge in terms of focusing on the rights of the child. The holistic field of children's rights involves multi-/interdisciplinary attitudes and expands the possible research perspectives. Empirical research from various

fields enriches our knowledge and public discourse on children and their rights. In this collection, the contributions from practitioners indicate the specific motivation of the editors, contributing new aspects and clear added value to this academic setting. In addition to papers from practising experts and theoretical researchers, scholars from various fields and countries are included, and we hope that the edition will serve as a mutual learning platform and basis for further professional and academic dialogue.

The paper by Agnes Lux seeks to map the implementation of children's right to a healthy environment by analysing the work of independent children's rights institutions (ICRIs) in the Visegrád-countries: Poland, Hungary, Czechia and Slovakia. The research found that the institutions vary in structure, legal frames, scope and competence, although the right to a healthy environment and issues related to climate change are not reflected that much in their work; they mainly undersell their relevance. However, the legal tools and the space for promotion, awareness-raising, and advising that can be achieved with non-judicial means are available. Accordingly, when we look at the V4 countries, one cannot identify why institutions do not deal much with climate issues. The positive note is that a stand-alone institution can better guarantee the promotion and protection of the rights of children in general (both in terms of visibility and also accessibility) – see the Ombudsman for Children in Poland and especially the Commissioner for Children in Slovakia.

Cedric Foussard, Mariana Perez Cruz and Angela Vigil in their contribution intend to understand judiciary professionals' perspectives on the use of digital hearings and the effect of their use on justice for children. This paper analyses the advantages and disadvantages of virtual hearings and their impact on children's ability to participate effectively and adequately understand judicial processes and the seriousness of justice-related outcomes. According to the majority of interviewees and participating experts, virtual trials should not replace in-person hearings, and, in general, no proceedings should be virtual if affected parties are to be examined. Similarly, virtual proceedings should not be conducted if the child's liberty or access to services is at stake. If the procedure does not affect the liberty of the child and witnesses do not have to be examined, a remote procedure may be an option. In sum, the current international standards on children's rights should advocate that in-person court proceedings should be the norm, while remote technologies could be used in support.

Gergana Nenova and Radostina Antonova deal with deinstitutionalisation in Bulgaria, a phenomenon that is further relevant at a European and global level. Like many other post-socialist states, following the transition to democracy, Bulgaria had to close its large institutions for children. The so-called de-institutionalization reform can be seen as an important part of the introduction of children's rights legislation in contemporary Bulgaria. The article brings together the results of three studies of deinstitutionalization conducted between 2011 and 2021 that explore the implementation of the reform and seek to explain how the consequences of this relate to the concept of children's rights. The article provides a historical overview of the reform in light of the concept and principles of children's rights. It presents empirical evidence that children's rights are being undermined in the new residential homes, which were meant to overcome the institutionalised model of care. Third, it links this evidence to critical perspectives on the child's rights paradigm.

Kathleen Manion and her co-authors, Laura Wright, Vanessa Currie and Laura Lee, summarise insights from a qualitative study drawing on participatory and creative methods, focusing on the question of 'What do we know about the incidence and type of violence that children and young people are facing in and around school in Southeast Europe, as well as the children and young people that are most impacted by it?' They also explore social and gender norms related to violence, including school-related gender-based violence (SRGBV) against children; the informal and formal mechanisms and child-led activities that protect children from violence and promote wellbeing; how children and young people feel able to prevent or respond to violence (and SRGBV specifically); and the ideas they had for prevention. Moreover, the authors send an important message, namely, 'methods matter' – so what matters is not only that children and young people are engaged, but *how* they are engaged in research processes.

Anita Burgund Isakov, Nevenka Žegarac, and Violeta Markovic discuss children's experiences during their migratory routes in the Western Balkans. Their research includes in-depth interviews with unaccompanied children and those travelling with families residing in camps in Bosnia and Herzegovina on their experiences of violence while on the move and their understanding of the support networks on their journeys. The results show that all children, among their other troubles and deprivations, experience a range of severe violence and traumatic experiences. Children mainly report and recognise physical violence in the form of police pushbacks at borders and by smugglers.

With its contributions and the diverse inputs given in the different articles, this issue brings richness to the field of children's rights. This special issue achieves its original goal of showcasing the work of various international scholars through presenting relevant and current topics in the field of children's rights and offering a crossover between theory and practice

We, the editors, are pleased to recommend this issue, which we hope will inspire a critical reflection. We wish you all an insightful read.

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How green are children's rights institutions in the Visegrád countries?*

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Abstract

Environmental damages have already been clearly linked to human rights- and particularly children's rights violations as climate change particularly affects the present (and future) generation of children, undermining the effective exercise of rights enshrined in the UN Convention on the Rights of the Child (UN CRC), including the right to life, survival, and development, health, an adequate standard of living, education, and freedom from violence.

With the almost universal ratification of the UN CRC, states have committed to the obligation to enforce children's rights at all levels of society. In the possible best implementation of the UN CRC, independent human/children's rights institutions (IH/CRIs) can play a vital role. However, many ICRIs still do not confront issues associated with environmental and climate change related to children's rights. My main question was why these institutions are not (or are only barely) addressing these issues. In this paper, I focus on mapping the implementation of children's right to a healthy environment by analyzing the ICRIs in the Visegrád countries: Poland, Hungary, Czech Republic, and Slovakia through descriptive and comparative techniques and a survey sent to dedicated institutions.

Keywords: ombudsman; rights of children; right to a healthy environment; climate change; NHRIs; V4-countries

1 Introduction

Data and research directly link environmental harms to abuses of human rights (McInerney-Lankford et al., 2011; Sinden, 2007; Knox, 2009), and understanding of the close connection of the latter to children's rights is increasingly gaining ground (Bakker, 2020; Nolan, 2021), as climate change particularly affects present-day children and future generations.[1]

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[1] There is no consensus about the definition of *future generations* for the purposes of international human rights law; even the normative basis of recognizing the human rights of future generations is still unclear and chal-

The UN Convention on the Rights of the Child (UN CRC) is the most widely ratified human rights treaty in the world, setting out the minimum global standards of protection and promotion of the rights of children and aiming to encourage states to play an active role in ensuring the well-being, welfare and the rights of children. The UN CRC, with its interconnecting 54 articles, represents the 'whole child' approach, covering a wide range of human rights of children and taking a holistic view of the child that also informs the work of independent children's rights institutions.

The main monitoring treaty body of the UN CRC, the UN Committee on the Rights of the Child (CRC Committee), in its General Comment No. 2 (2002) and No. 5. (2003) calls on State Parties to establish ICRIs, highlights the responsibilities of these institutions under Article 4 of the UN CRC, and asserts they are core parts of a state commitment to the application of the UN CRC.

The relevance of these institutions also lies in their special quasi-judicial features, such as how they often ensure that they are easily accessible to people by allowing complaints to be made in writing (also usually via email), orally, and without any formal requirements; this procedure is free of charge; moreover, many institutions reach out to vulnerable groups to assist them in making complaints more easily; they can also use non-judicial tools to make their reports and statements more visible and better known to decision-makers and the public. Moreover, as in most cases, they are constitutional bodies, they have legitimacy, and their recommendations are often widely accepted by the organs they address, despite their soft-law nature (Reif, 2015; 2017; Kucsko-Stadlmayer, 2008; Oosting, 1999; UNICEF, 2012).

Ombuds-institutions with a general mandate, but also in some cases ICRIS, may function as the given country's national human rights institutions (NHRIs) in accordance with the *UN Paris Principles* (UN, 1993) and *Venice Principles* (Council of Europe, 2019), which represents a preconditioned system (and checklist) for monitoring functioning, independence, credibility, and effectiveness.

Nowadays, ombudsman institutions exist in more than 140 states, at various levels, and with different competences so that

> ombuds have become a feature of most countries' institutional frameworks around the world. They differ however, in their mandate, their role, their relationship to other institutions and the justice system. They all need to be understood in their historical – political – and institutional contexts. In other words, each Ombuds model has its purpose within its setting satisfying specific needs (e.g., enhancing democracy, enhancing human rights, providing a balance between the individual grievance and the state). (Creutzfeldt et al., 2021, p. 7)

Since the adoption of the UN's CRC around the world, national governments have established specialized ICRIs for the purposes of monitoring and advancing children's rights (UNICEF, 2012; Lux & Gran, 2022), either as stand-alone institutions or integrated

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lenged at present (see, e.g., Cho, 2013; Boston & Stuart, 2015; Tattay, 2016; Könczöl, 2012; 2016; Brännmark, 2016; Lewis, 2018; Unruh, 2016; Arts, 2019; Jakab, 2021; Nolan, 2022; Skogly, 2021; Daly, 2022). The author is working on this issue outside of the scope of the current research but does not seek to take a stand in this paper. Children are disproportionately affected by the changes in their environment due to their age-related vulnerabilities, special developmental needs, and evolving capacities (UNICEF, 2021a; 2021b; Save the Children, 2021).

into broad-based human rights institutions with a legislated child-specific mandate, or as institutions with an integrated child rights office without a mandate based in legislation (UNICEF, 2012).

It is obvious that a 'one-size-fits-all' approach does not exist, and one model will not necessarily lead to a single, efficient solution that works for all; names, mandates, functioning, and activities of ICRIs vary from country to country (Shura & Gran, 2022; Gran, 2021). According to the European Network of Ombudspersons for Children (ENOC)[2] Standards (2001), 'individual states will need to design a model appropriate to their governmental and legal systems, which takes account of existing institutions and makes the most effective use of available resources.'

Whatever the institutional structure, it is crucial that child rights institutions are able to monitor, promote and protect children's rights independently and effectively (Thomas et al., 2011).

In the last ten years, the CRC Committee has appeared to be committed not only to the holistic monitoring of children's rights in given states but also to systematically addressing relevant climate-change-related phenomena during its work, including in its concluding observations and recommendations to state parties and its latest General Comment No 26. on Children's Rights and the Environment, with a Special Focus on Climate Change (CRC Committee, 2021).

But is this commitment reflected in the work of the ICRIs? Or are other institutions responsible for environmental issues related to children?

Since at least the UN Conference on Environment and Development in 1992, various proposals have been made for the establishment of some form of watchdog institutions for future generations. But for now, the right to a healthy environment is usually monitored by the existing NHRIs or general ombudspersons, and only some countries have established a specialized body aimed at protecting the interests of future generations.

Based on the preliminary assumption that ICRIs can shape the political, legislative, and public discourse agenda and recognized good practices – e.g., the Irish Ombudsman for Children has achieved legislative reform and system change across a wide variety of areas through the effective use of its statutory powers (Kilkelly & Logan, 2021), and the task of incorporating the UNCRC into domestic Scots law was a priority of the Children and Young People's Commissioner Scotland (CYPCS) since the beginning, leading to the Scottish Parliament unanimously passing a law for this purpose in 2021 (Adamson, 2022) – the relevance of ICRIs in addressing climate issues can be clearly seen.

My hypotheses were as follows:
- There are other burning issues on the ICRI's agenda (such as addressing poverty, lack of access to various basic services, child abuse, etc.) rather than environmental issues.
- They do not have the capacity or competence to deal with climate issues.

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[2] By 2022 ENOC had 44 member institutions in 34 countries within the Council of Europe, 22 of which were EU countries. Membership is limited to institutions in the 46 member states of the Council of Europe. https://enoc.eu/who-we-are/enoc-members/

– No complaints are submitted to them, so the institutions do not see climate change as a factor triggering child-rights problems.

The narrower scope of the research focuses only on the Central-Eastern-European political-historical alliance of the 'Visegrád Group' (V4) launched in 1991 (Pakulski, 2016), which consists of countries with different historical/cultural/linguistic backgrounds but usually serves as a field of comparison for various themes, from economics to politics. Consequently, whether their human rights institutions that have a mandate to defend children's rights can also be examined. Moreover, cooperation and regular meetings have been held among the V4 ombuds-institutions since 2004.

2 Main goals and methodology

This paper aims to examine the performance, activities, scope, and competences of the ombuds-institutions that have the specific task of defending children's rights in general and, in particular, children's right to a healthy environment in the V4 countries. A preliminary task was identifying those institutions in the Visegrád Group which are mandated to protect and promote children's rights. I have mainly used descriptive techniques for mapping the institutions' scope and competences of the four countries on a desk research basis. To enable comparison, a survey ('Children's Ombudspersons and Environment') was implemented to collect data about the activities of the ombudspersons related to a healthy environment and children's rights. This was sent to the members of ENOC at the end of 2022. However, the aim of this survey[3] was initially to later contribute to a wider study with a geographically broader perspective, which I have narrowed to the V4 (the Czech Republic has no ENOC membership, so that office was contacted directly). Data was collected via Google Forms. Most questions were associated with open-ended responses, as the key objective was not to gather quantitative data but to gain insight and gather examples. Also, some semi-structured interviews were organized and implemented with professionals of the identified institutions in April 2023.

3 Institutions with a mandate to protect children's rights in the Visegrád countries

To draw the constitutional frame, between 1990 and 1997, almost every post-socialist state adopted a new democratic constitution (Ludwikowski, 1993; Arato, 1994; Titel, 1994; Gönenç, 2002), and from the V4-countries the Czech Republic and Slovakia in 1992 and Poland in 1997. In Hungary, a new constitutional amendment was adopted in 1989 instead of a new constitution, and the period of the region's constitutionalizing process ended with the adoption of the new Hungarian Fundamental Law in 2011.

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[3] The structure of the survey was developed jointly with Prof. Brian Gran (Case Western Reserve University).

Hungary and Poland ratified the UN CRC quite early in 1991, and the Czech Republic and Slovakia in 1993, as clear evidence of political commitment to Western international human rights regimes,

Usually, the leading constitutional, non-, or extra-judicial actor with a special mandate to protect (and promote) fundamental rights (and children's rights) is the ombudsman, commissioner, or public defender of rights.

3.1 Hungary

Through a constitutional amendment in 1989, the ombudsman institution was set up by Act LIX of 1993 on the Parliamentary Commissioner for Citizens' Rights, which was responsible for all fundamental rights (including the rights of children), while the Commissioner for Data Protection and the Commissioner for Minority Rights acted as specialized ombudspersons. The need for a separate Ombudsman for Future Generations was accepted by parliament in 2007. The first Commissioner for Future Generations (CFG), often called the 'Green Ombudsman' (Lukács, 2012), was a noted institution worldwide (Fülöp, 2014). Good practice was exemplified by the establishment of this office, whose constitutional mandate aimed at safeguarding (1) the rights and interests of future generations by safeguarding natural resources, (2) the fundamental right to a healthy environment, and (3) the right to health.

On 1 January 2012, the former ombudsman act was replaced by Act 111 of 2011 on the Commissioner for Fundamental Rights (CFR, *alapvető jogok biztosa*). This new act and Article 30 of the new Constitution (Fundamental Law) opted for an integrated institution, making the three independent ombudspersons into deputies – a move which was strongly criticized by environmental advocacy groups and experts (Levegő Munkacsoport, 2011) – and changed how specific fundamental rights could be represented.

As children's rights have not really been reflected in the complaints submitted to the office, inquiries ex officio have commenced. The trend has continued until the present time: of all the cases received, only a small fraction of those completed can be defined as related to 'children's rights.' Complaints that come directly from children are exceptional – the office receives approximately 10–20 such complaints per year (Lux, 2022).

After 2012, the Commissioner's main task remained investigating issues related to constitutional rights and initiating general or specific measures to remedy them. Anyone, including children, may initiate proceedings, but the former may also act at their own initiative ('ex officio') to investigate suspected constitutional irregularities. The Commissioner (and their deputies) are elected for one renewable six-year term by a two-thirds majority vote of parliament. The candidates (the commissioner and deputies) are nominated by the president.

According to case statistics, the CFR receives around 7,300–8,000 complaints per year,[4] a significant number of which are rejected, with the complainant being informed that the decision is due to jurisdictional limits.

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[4] http://www.ajbh.hu/ugyekhez-kapcsolodo-statisztikai-adatbazis

Following 2011, the CFR was NHRI classified as 'A' status, but recently (based on a recommendation made in 2021 by the Sub-Committee on Accreditation of Global Alliance of National Human Rights Institutions [SCA GANHRI]), it was downgraded to status 'B,' as it is only partially compliant with the Paris Principles. The latter stated that 'the SCA is of the view that the CFR has not effectively engaged [in] and publicly addressed all human rights issues.' (2021 pp. 12–13) The CFR's 'reserved' or even 'silent' attitude, especially since 2013 (and even more since 2019), is a cause of the downgrading of the CFR and a point of criticism from the perspective of the defense of human rights. The CFR tried to act as a quasi-ombudsman for children, becoming an associate member of the ENOC and, within the framework of annual projects on children's rights between 2018–2013, initiating many ex officio investigations and turning to the constitutional court. In Hungary, the CFR is still an associate – but increasingly less active – member of ENOC, and the Deputy for Future Generations is not involved in the network.

With the new Ombudsman Act, the defense of children's rights has become written into law (Art 1(2)a of the Act on CFR) and is thus one of the main legal obligations of the ombudsman, but unfortunately, no deputy was assigned to this task, nor was a department dedicated to dealing with children's rights (along with other social-rights-related) cases.

The work in the unified institution also has consequences for case management, as it means that in the case of the violation of children's rights to a healthy environment/climate, the competence is divided between the CFR and their Deputy for Future Generations.

In recent years the number of extra tasks the office has a mandate for has been inflated: For example, it has been the National Preventive Mechanism of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT NPM) since 2015. The Equal Treatment Authority merged with the CFR in 2021. Since 1 January 2023, the Ombudsman has been undertaking the tasks – setting up a Disability Directorate with a seat in the city of Debrecen – associated with the independent mechanism of the UN Convention on the Rights of Persons with Disabilities (CRPD) too.

While the topic of children's rights falls under the mandate of the CFR, the latter's DFG deals with the right to a healthy environment. The DFG's work has a general environment and nature protection agenda (incl. climate change) and does not specifically target children's rights, 'although the beneficiaries of the work would indeed be today's children and generations not born yet' (Interview 1). Despite this understanding, there is no sign of focusing more on child-related issues.

The DFG has worked on a number of environment-related topics (e.g., nature conservation, noise, and air pollution) not only as investigations but also in advisory roles and in preparing legislative proposals (e.g., on topics like environmental liability, nature conservation, ecosystem services, and indoor air pollution).

On the basis of its special responsibility to promote the needs of future generations as outlined in the Report of the UN Secretary-General, the DFG organized a conference in 2014 to bring together national institutions entitled Model Institutions for a Sustainable Future. This was aimed at improving cooperation in the implementation of sustainable development and intergenerational solidarity at the national level. As a consequence, the Network of Institutions for Future Generations was established.[5]

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[5] https://futureroundtable.org/en/web/network-of-institutions-for-future-generations/about

Neither the CFR nor the DFG has received any complaints about children's healthy environment in the last five years (or prior to this).

The CFR dedicated the last children's rights project year in 2013 to issues related to children's fundamental right to a healthy environment, and two comprehensive reports have been completed: one on environmental education (report no. AJB-676/2013) and the other one jointly with the DFG (report no. AJB-677/2013) on specific issues related to providing access to healthy drinking water. The CFR comprehensively examined the conditions for providing a healthy start to life for children (report no. AJB-1356/2013), saying that the quality of the environment of the expectant mother and the unborn child and toddler is decisive for later health and that this is a particular challenge for deprived households (see also report no. AJB-2050/2013, which focuses on the rights of Roma children).

Unfortunately, since this dedicated year in 2013, neither the CFR nor the DFG has had a special focus on children and the environment regarding investigations, advocacy, or awareness-raising.

No institutionalized form of child participation in the Office of CFR can be identified. Also, no separate report has been submitted to the CRC Committee yet (however, the DFG has sent a comment on the consultation to the committee on the draft of upcoming GC No. 26).

3.2 Poland

The role of the NHRI in Poland has been fulfilled by the Commissioner for Human Rights (*Rzecznik Praw Obywatelskirch*)[6] since 2014, a body established in 1987 in line with the democratization process. A simple majority of the Lower House of Parliament (Sejm) elects the Commissioner and (up to three) deputies, and the Senate must accept the vote. The term of office is five years (renewable once). The Commissioner for Human Rights as NHRI was re-accredited with 'A' status in November 2017.

The Commissioner works independently and shall annually inform the parliament about their activities. The latter can turn to the relevant bodies (the Constitutional Tribunal and the Supreme Court) to issue resolutions.

The mandate of the Commissioner seems to be very broad (Stern, 2008b) even in comparison with other ombudsman institutions. Particularly notable in this regard is the entitlement to participate in legal proceedings, which is rather unusual, but unfortunately, this opportunity is very rarely used (CoE, 2011).

The Commissioner was given more tasks in recent years, such as the mandate of the OPCAT NPM since 2005 and the equality body since 2011. In spite of this considerable extension of the mandate, its funding has not been increased, making it challenging to implement its tasks adequately – although in 2021, the Commissioner received over 74,000 petitions (Annual report, 2021).

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[6] https://bip.brpo.gov.pl/pl

As Gliszczyńska-Grabias & Sękowska-Kozłowska state,

> The Polish Ombudsman deserves praise for its readiness to take [on] difficult and sensitive issues, such as safeguarding LGBT rights, excessive instruments of state control over [...] citizens or [...] anti-hate speech laws, etc. The willingness to solve the most acute social and legal problems proves that the Ombudsman understands well the role and responsibility entrusted to them... Notwithstanding all those positive aspects, the Ombudsman faces problems and challenges, such as insufficient funding and human resources, especially in the context of the Ombudsman acting as the NPM and equality body. (2012, p. 22)

As in the case of Hungary, the institution of the Commissioner was inspired by the Swedish ombudsman model, which shows a clear commitment to adopting Western human rights and political standards and institutions. It played an important role in the process of improving human rights standards – for example, by promoting Poland's accession to international human rights treaties. As Gliszczyńska-Grabias & Sękowska-Kozłowska claim,

> [...] as a typical single-person body, it also profited from the image of persons holding this office who were usually outstanding legal experts... Undoubtedly one of the strongest points of the Commissioner is its positive, well-established image built throughout the 25 years of its history. In this context, its stable institutional framework is accompanied by the equally important influence of the personalities of individuals holding the office, as they draw [on] the large scope of autonomy in deciding on their priorities and interventions. (2012, p. 25)

Based on the Act on the Commissioner (Art 1. para. 2(a)), in any case concerning children, the Commissioner shall also cooperate with the Ombudsman for Children and inform the latter about the fact that they will turn to the Constitutional Tribunal if the motions are related to children's rights.

The Ombudsman for Children (*Rzecznik Praw Dziecka*)[7] was established by the Act on the Ombudsman for Children, passed on 6 January 2000, implementing Article 72(4) of the Polish Constitution. It is among the few children's rights institutions in Europe that are stand-alone ones, with quite a strong mandate (e.g., it may request competent bodies to take action, participate in proceedings before the Constitutional Tribunal, bring motions to the Supreme Court [*Sąd Najwyższy*]; take part in any civil proceedings involving juveniles; request that the prosecutor institute pre-trial proceedings in cases involving offenses; lodge complaints with the administrative court, and take part in these proceedings; start motions for penalties in cases involving minor offenses).

As Rogalska-Piechota have stated, the institution 'was primarily modeled on its Norwegian equivalent [and] is being perceived as one of the most effective ICRI[s] with [a wide] scope of powers, which can possibly even be extended by the Parliament' (2009, p. 391). The Ombudsman can receive individual complaints and is competent to initiate investigations on its own motion. The latter has been a very active and full ENOC member and has already chaired the network twice: in 2005 and 2011. The ENOC Spring Seminar was also hosted in Warsaw in 2022 (where the topic was the burning humanitarian situation in Ukraine and the climate crisis).

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[7] https://brpd.gov.pl

The Ombudsman for Children believes that advocacy work is also crucial and has built collaborations with various ministries in the field of education and health care; it also operates a free 24-hour helpline for children.

> The Convention on the Rights of the Child owes much to Poland. The Convention's vision of the child as a subject of rights is inspired by the writings, work and life of Janus Korczak, a Polish pediatrician, educator and writer who reminded the world that children are not people to be, but people of today with rights and dignity, conscience, feelings, reason and opinions. It was Poland that on the occasion of the International Year of the Child (1979) proposed the drafting of the UN Convention, which was led by Polish lawyer Adam Lopatka. (UN SRVAC, 2014)

This quote also reminds us that Poland has a crucial historical role when it comes to the UN CRC. This is why it is perhaps not too surprising that not only the Ombudsman for Children provided a separate report to the UN CRC Committee but also the NHRI (which submitted a long document with a specific focus on various discriminatory issues and OPCAT-related cases) to the combined fifth and sixth periodic reports submitted by Poland in 2020 (UN CRC Committee, 2020). This 'high profile' activity and engagement in the international children's rights monitoring mechanism shows that children's rights are awarded high importance on the agenda of both institutions.

The Ombudsman for Children has received one complaint about the right to a healthy environment in the last five years, about air pollution and children's outdoor activities. As a consequence, the latter addressed the Minister of Climate and Environment. Handling complaints related to a healthy environment is within the field of competence of the Commissioner for Human Rights.

The Ombudsman for Children and the Minister of Climate and Environment signed an agreement in June 2020 to establish a Youth Environmental Council comprising 32 young people. Polish young people also took part in the ENOC young advisors project (ENYA) involving 18 countries/regions, where the main topic was the challenges and advantages of the digital environment in 2019–2020, and they also participated in the project in 2022 on the climate crisis.

3.3 Czech Republic

The institution and competences of the Public Defender of Rights (*Veřejný ochránce práv*)[8] are not regulated by the Constitution but by the Act on the Public Defender of Rights (*Zákon o Veřejnem ochránci práv* 349/1999, as amended by 342/2006). The Office was set up in 2000 with the 'traditional' role of an ombudsman to monitor public administration and handle citizens' complaints against state authorities and public service providers. The Defender may conduct independent inquiries and request remedies. The Defender may also write legislative recommendations and issue reports and publications. It also has liti-

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[8] https://vop.gov.sk/en/the-ombudsman-2/

gative power (e.g., challenging laws and intervening as a party before the constitutional court and challenging the decisions of administrative bodies before administrative courts). As Stern noted, the complaint submitted to the Defender is not subsidiary but it must include documentary proof that an unsuccessful appeal was made to the relevant authority to rectify the matter (2008a, p. 149).

The Public Defender and their deputy are elected by the Chamber of Deputies (the lower chamber of the Czech Parliament) from two candidates each, nominated by the President and the Senate. The once-renewable term lasts six years. The Ombudsman may delegate some competences to the Deputy (the children's rights issue currently belongs to the Deputy). There is broad scope of authority based on the Act: equal treatment and discrimination, family, healthcare and labor, judicial matters, migration, finance, monitoring of rights of people with disabilities, public order, rules of construction procedure, social security, and supervision of restrictions of personal freedom.

This traditional type of ombuds-work has been gradually expanded in recent years to include the defense of specific areas of human rights, as the Ombudsman has acted as an OPCAT NPM since 2006. The Defender has also been mandated to monitor activities related to forced returns under the EU Return Directive Art. 8(6) and based on the CRPD. Since 2009, the Defender has also been the national equality body. During this work, the representative deals with approximately eight thousand submissions annually, of which approximately four hundred are determined to contain a discriminatory element, and around 300 are related to children's issues.

In the Czech Republic, no separate children's rights institution exists, and no ENOC member can be identified yet.

However, other citizens, including children, may approach the Public Defender in different ways: by letter, using an interactive form, by email, or in person at the office in Brno. A dedicated website and email box for children were established in 2012. If a children-related complaint arrives, the competent Department of Family, Healthcare, and Labour decides about the appropriate way of proceeding. Children's complaints are given priority and are handled in an informal way. Once received, the complaint is assigned to a legal professional, who usually contacts the child within two or three days to discuss the primary avenues of help. In some cases, the child is recommended another entity to approach. Otherwise, the lawyer will agree with the child on how to move forward (CRC/C/CZE/5-6, 15).

Currently, the amendment of the act on the ombudsman is in the drafting phase. It aims to set up an identifiable person responsible for children's rights within the office and another entity that will apply for accreditation as an NHRI (Interview 4). This idea was already mentioned in the State Party report to the CRC Committee submitted in 2019 as follows: 'The Ombudsperson's activities for children are currently [considering whether] to expand her competence or set up a new institution for the protection of the rights of the child' (CRC/C/CZE/5-6, 16). The CRC Committee, in its latest concluding observations to the State Party, noted that the Office of the Public Defender of Rights 'is involved in the protection of children's rights, but the Committee encourages the State Party to continue its efforts to establish an independent ombudsperson for children, who has the mandate to receive and investigate individual complaints with regard to violations of children's rights' (CRC/C/CZE/CO/5-6, 12).

The Defender lacks the resources to cover a broader range of activities with a society-wide impact that aim at promoting systemic changes. After a couple of years, the capacities of the Office started to be strengthened via funding from the Norway Grants, while the Department of Family, Healthcare and Labour was also set up, which deals with the protection of vulnerable children and their families and promoting the rights of children. In the frame of the project to strengthen the Office's human rights activities, the content of the UN CRC was uploaded in a form suitable for young readers in 2022; also, in June of that year, as part of an educational initiative aimed at children, they organized the first-ever conference intended for children.

However, there is no competence to directly deal with cases related to children's rights or to a healthy environment at a system level until this affects the performance of a public body; the former deals with individual cases, among which are also petitions submitted by children and young people related to their environment. A case of a young adult is currently pending who has complained about a food processing factory that has recently been built in their neighborhood that produces fumes, creates a lot of noise, and has intense lights that disturb people living nearby at night. The Defender is investigating whether the state authorities followed the law (mainly in terms of properly assessing possible environmental impacts) when they permitted the factory construction (Interview 4).

Recently, a competition was launched that encourages high school pupils to submit projects aimed at changing their surroundings in a positive manner. The winners attended a workshop to discuss the implementation of their projects with professionals (Interview 4).

In an average year, the Office receives 6,000–8,000 complaints. Most of these are related to issues of social security; in around fifth place are complaints related to the rights of children, youth, and families; and there are more than a hundred cases related to environmental protection.

3.4 Slovakia

The position and competences of the Public Defender of Rights (*Verejná ochrankyňa práv*)[9] are specified by the Constitution and by Act No. 564/2001 on Public Defender of Rights (amended by Act 122/2006).

According to Art. 151a (sect. 1) of the Constitution, the Public Defender is an independent body that, in the scope and manner laid down by law, protects the constitutional fundamental rights and freedoms of natural persons and legal entities in proceedings before public bodies if the activities, decision making or inactivity of the bodies are inconsistent with the legal order. In some cases, the Public Defender can participate in holding persons acting in public bodies responsible if the persons have violated fundamental rights. All public power bodies shall comply with the Public Defender by engaging in the required collaboration.

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[9] https://vop.gov.sk/en/the-ombudsman-2/

Any person who believes that their fundamental rights have been infringed by a public body can turn to the Public Defender, who may also investigate ex officio and turn to the constitutional court (Stern, 2008c, p. 390).

The Office has been challenged for a long time due to the lack of an appropriate financial and human resource base. 'Over the years, the PDOR has grown into an institution that is certainly seen, but one that still lacks respect' (Dlhopolec, 2022).

In Slovakia, there are currently two ENOC members: the Commissioner for Children, a full member, and the Office of Public Defender of Rights, an associate member.

Before the separate Commissioner for Children (*Komisára pre deti*)[10] was set up in 2015, children's-rights related cases were handled by a department of the Office of the Public Defender, which is also the reason why the Public Defender is still an associate member of the ENOC. Cooperation is ongoing: if the Defender receives a child-rights complaint or case, they will transfer it to the Commissioner for Children.

The Commissioner for Children is a standalone institution that can receive individual complaints and has the competence to initiate ex officio investigations and intervene in judicial proceedings. These powers were mainly used by the previous Commissioner, usually in custody and divorce cases (Interview 3).

The Office is a single-person body, so it is a determining factor that the current Commissioner is a professor of social work and has a strong NGO background with a history of working with vulnerable children in care and leads the office constructively and actively in terms of the visible promotion and protection of children's rights and advocacy, including in the field of youth participation. The office is making renewed efforts to make the office more accessible to children, especially to the most vulnerable (e.g., children in care, in closed institutions, and children belonging to any kind of minority). The ombudsman regularly visits institutions and communities of children nationwide (Interview 3).

Encouraging children's participation has become a more visible part of the Commissioner's work; two types of involvement can be identified. On the one hand, children and young people can participate in the various ENYA projects (especially since 2020). Moreover, members of the Slovakian Children and Youth Parliament are permanent advisors of the Commissioner and have regular meetings (every six months) to inform the Commissioner and influence his agenda.

The former was active in ENYA in 2022 concerning the topic of climate justice when they took part in several activities with experts in their home countries organized around sub-topics related to climate justice. This culminated in the drafting of recommendations (ENOC-ENYA, 2022), which they presented at the Annual ENOC Conference held in Reykjavik 2022.

The Office has recently built up pro bono partnerships with a research agency (among others), which carried out a representative survey among young people to gain insight into their interests and problems.

It can be said that climate issues are not on the daily agenda of the Commissioner, as they are not reflected in complaints and cases submitted to the office, nor are raised as im-

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[10] https://komisarpredeti.sk

portant for the children they have surveyed, except for the work done and carried out in relation to ENOC and ENYA in 2022.

However, the Office has started cooperating with the Slovak Environmental Agency: one of the main scopes of action is environmental education.

One report may be mentioned here in which children's rights and environmental aspects were also dealt with: this concerns access to clean water in marginalized Roma communities. During this work, the Commissioner cooperated with NGOs and local municipalities to resolve the issue by supporting the creation of a project that secures access to clean water and reduces pollution in water courses.

The Commissioner for Children did not participate in the UN CRC monitoring process in 2016. In its latest recommendation, the CRC Committee regretted that the criterion of political independence has not been enshrined in the Act on the Commissioner for Children and was not upheld – along with adequate professionalism – in the election of the first commissioner (CRC/C/CVK/CO/3-5/, 12.a)- d)).

The following summary table includes an overview of the competences and additional roles of the institutions dealing with children's rights.

Table 1 Comparison of V4 countries based on competences, scope and activities

	Poland		Hungary	Slovakia		Czech Republic
Type of structure (year of establishment)	Standalone Commissioner for Human Rights (1987)	Standalone Ombudsman for Children (2000)	General commissioner Commissioner for Fundamental Rights (1993, 2011)	Standalone Public Defender of Rights (2001)	Standalone Commissioner for Children (2015)	General commissioner Public Defender of Rights (2000)
Accreditation as NHRI	NHRI ('A')	–	NHRI ('B')	–	–	–
Competence to handle individual complaints	Yes	Yes	Yes	Yes	Yes	Yes
Competence to initiate ex officio inquiries	Yes	Yes	Yes	Yes	Yes	Yes
Competence to turn to constitutional court (or similar body)	Yes	Yes	Yes	Yes	Yes	Yes

Table 1 *(continued)*

	Poland		Hungary	Slovakia		Czech Republic
Competence to intervene in judicial proceedings	Yes	Yes	–	–	Yes	Yes
Competence to review draft laws	Yes	Yes	Yes	Yes	Yes	Yes
Extra roles (e.g., OPCAT NPM, CRPD NPM)	OPCAT NPM (2005) Equality body (2011)	–	OPCAT NPM (2015) CRPD NPM (2021) Equality body (2023)	–	–	CRPD NPM (2018) OPCAT NPM (2006) Equality body (2009)
Complaints received related to children's healthy environment	–	Yes	–	–	Yes	Yes
Ex officio inquiries initiated related to healthy environment	–	Yes	–	–	–	–
Project/proactive measures that are initiated related to children's healthy environment,	N/A	Yes	–	–	–	Yes
children and youth participation	N/A	–	–	–	Yes (advisory board)	–
ENOC membership (incl. ENYA)	–	Full member (ENYA: yes)	Associate member (ENYA: no)	Associate member (ENYA: no)	Full member (ENYA: yes)	–
Participation in international monitoring (e.g., CRC committee reporting)	Yes	Yes	–	–	–	Yes

Source: Table based on information collected by the Author.

3.5 Importance awarded to means of advancing children's rights to a healthy environment and children's rights in general in the ICRI's work as defined in a survey sent to the institutions from the V4 countries

Diagram 1 Responses from Slovakia

Source: Diagram based on information collected by the author from the survey 'Children's ombudspersons and environment,' December 2022.

Note: Responses on scale of indicator of importance '1': not important, '2': somewhat important, '3': important.

Diagram 2 Responses from Poland

Source: Diagram based on information collected by the author from the survey 'Children's ombudspersons and environment,' December 2022.

Note: Responses on scale of indicator of importance '1': not important, '2': somewhat important, '3': important.

Diagram 3 Responses from Hungary

Source: Diagram based on information collected by the author from the survey 'Children's ombudspersons and environment,' December 2022.

Note: Responses on scale of indicator of importance '1': not important, '2': somewhat important, '3': important.
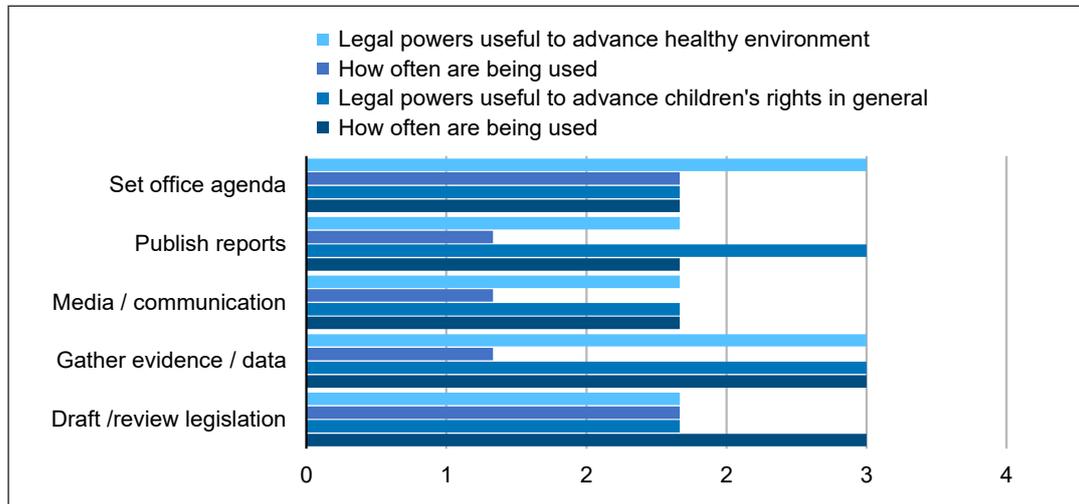

Diagram 4 Responses from the Czech Republic

Source: Diagram based on information collected by the author from the survey 'Children's ombudspersons and environment,' May 2023.

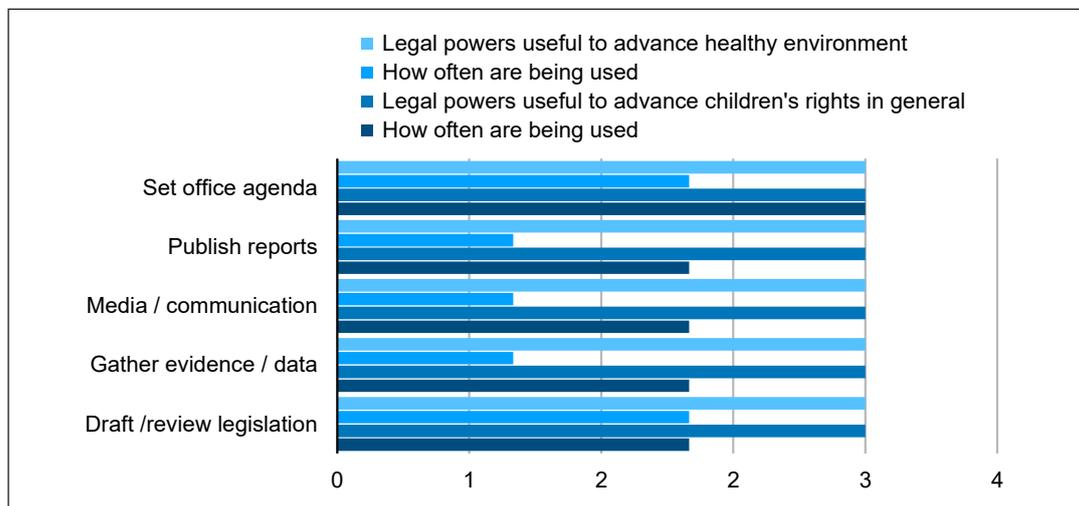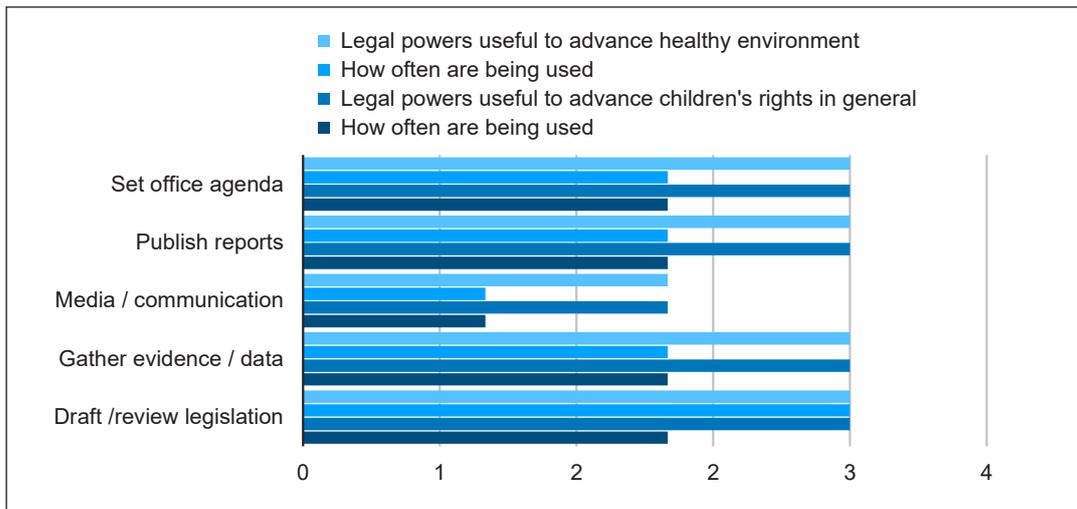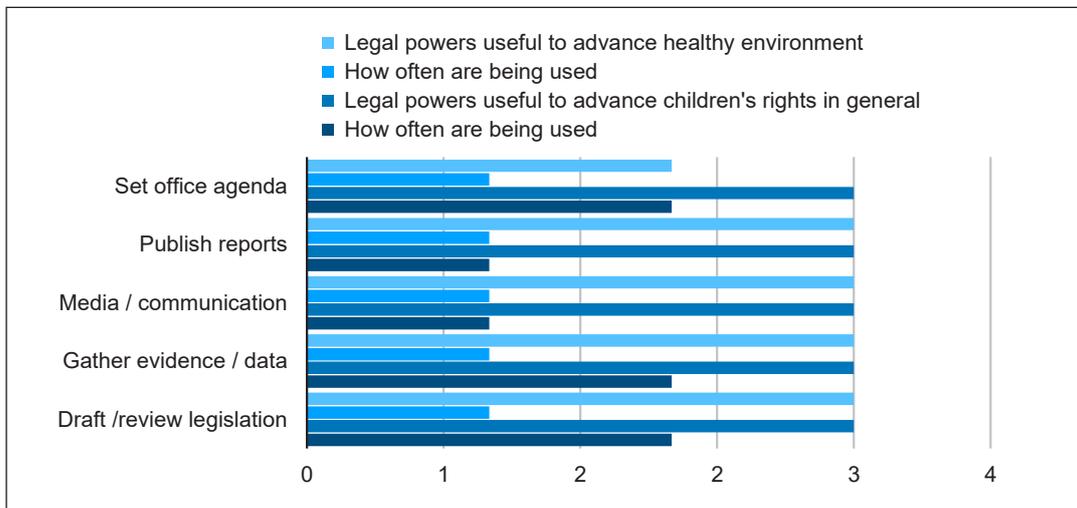*Note:* Responses on scale of indicator of importance '1': not important, '2': somewhat important, '3': important.

Four institutions participated in the survey: the Office of the Commissioner for Children from Slovakia (Diagram 1), the Office of the Ombudsman for Children from Poland (Diagram 2), the Office of the Deputy for Future Generations of the Commissioner for Fundamental Rights from Hungary (Diagram 3), and the Office of the Public Defender from the Czech Republic (Diagram 4).

Based on their self-evaluation of how important it is to advance *the right to a healthy environment* (from 1 to 5, where five is 'most important'), three respondents (Poland, Hungary, Czech Republic) answered '5', and one (Slovakia) answered '3'. This is highly interesting as it is not entirely in coherence with actual performance, as the Slovakian institution is more active in various ways related to promoting a healthy environment than the other countries, indicating the primary importance of the issue.

The *Slovakian* respondent indicated setting the office's agenda and data gathering as an important task but one less frequently engaged in, and communication and use of media were ranked as not too important regarding the topic of children's right to a healthy environment. Concerning advancing children's rights in general, the most important legal tool which is much used by the office is gathering data and evidence.

The *Polish* respondent reported that all tasks were equally important in promoting a healthy environment and children's rights in general. The differences between the two fields can be identified mainly in the frequency that they engage in these tasks, as all elements received a weaker evaluation in the area of supporting a healthy environment.

The *Hungarian* respondent reported that all legal tools are important concerning promoting a healthy environment and children's rights in general, except for speaking with the media, which was rated as less important in both fields. However, the answers related to the frequency of use of the tools associated with maintaining a healthy environment and children's rights and in general, may be confusing, as all were highly ranked, which does not appear in the publicly accessed sources and interviews.

The *Czech* respondent indicated that all tools are equally important as concerns promoting a healthy environment and children's rights in general, except for setting the office agenda in the field of advancing children's right to a healthy environment, which was evaluated as of less importance. Despite the evaluation of these tools in both fields as important, the *frequency* of their use is evaluated as much weaker or worse.

4 Summary

In sum, the institutions may vary in structure, legal/constitutional foundation, scope, and competence, while promoting the right to a healthy environment and issues related to climate change may not be reflected that much in their work (the institutions mainly understate their relevance). However, the legal tools and space for promotion, awareness-raising, and advising, which can also be fulfilled using non-judicial means, are available, and in the survey, all the institutions indicated these issues as important at some level. The reasons for the lack of activity vary among the institutions. While all of them have the competence to handle individual complaints and initiate inquiries independently, they all need more resources. In the Hungarian case, the Deputy for Future Generations does not deal with children's rights cases but with the right to a healthy environment as a funda-

mental right, not a specific children's right. Moreover, the role and activity of the head of the institution and the latter's attitude as a body with a single head clearly determine the entire office's (and deputies') proactivity too. The Slovakian Commissioner deals with issues directly arising from complaints; and set his agenda based on research focusing on questions related to children and young people, which are not climate issues. Despite the high level of activity in general, and also he addressed climate issues in international child participation fora, such as ENYA, there is no sign to deal these questions at this working agenda. There is no separate institution in the Czech Republic, so there is no particular focus on children's rights. However, some highly acceptable efforts (including priority awarded to children's rights cases and a dedicated homepage) have been made to make the office more accessible and known by children, and the published intention to amend the law and set up a separate commissioner is promising. In Poland, however, children's rights are highlighted and have a strong mandate both on the agenda of the NHRI and the Ombudsman for Children, and there is also a history of promoting and protecting them, although the right to a healthy environment in connection with children's rights is not yet in focus.

Thus, when we look at the V4 countries, no single reason explains why the institutions are not dealing much with climate issues. The current research also found that a standalone institution can better guarantee the promotion and protection of the rights of children in general (both in terms of visibility and also accessibility) – for this, see the Ombudsman for Children in Poland and especially the Commissioner for Children in Slovakia, whose contribution to the ENYA 2022 project on climate justice shows us that under the currently active Commissioner, the institutions are even comfortably moving ahead in the field of children's participation, which is a crucial (and in many cases missing or non-sufficiently effective) element of such work (see, e.g., Hungary and the Czech Republic).

Accordingly, I firmly believe that legislators have missed a significant opportunity, as neither a separate specialized ombudsperson nor a deputy for children's rights has been established in Hungary and the Czech Republic thus far. Under the current systems, the focus and the visibility of children's issues can easily be overshadowed. In Hungary, the DFG, with its limited powers, is much weaker than the ombudsman itself, and the current CFR is especially criticized because of its 'reserved' or even negligent attitude. With its general mandate, the CFR is not obliged to speak out on issues of children's rights any more strongly than any other rights which he has a mandate to defend. Because of this structure and the interference among competences, the issues of a healthy environment and children's-rights aspects of climate change fall between the 'two seats' of the two offices. The passivity and lack of productivity of the CFR and their specialized Deputy are especially surprising. However, there are clear space and legal opportunities to present, advocate and highlight many more climate-related issues in connection with children's rights.

The research also reinforced the understanding that these institutions are single-headed ones, so the role, level, field, and quality of activities and tools the leaders choose undoubtedly determine institutional performance in terms of advocacy, child participation, and the promotion and protection of children's rights.

Based on an evaluation of indicators of the importance of the tools employed to advance children's rights, particularly the right to a healthy environment, the preliminary statement that ICRIs can play a vital role in supporting the realization of children's rights in relation to the environment is supported here. They are uniquely designed to lead efforts to hold public discussions, initiate inquiries, order research, launch child participation events and direct the spotlight onto what responses are expected considering children's rights and the environment. ICRIs have great potential to use their resources and tools, so they should not only recognize the multi-faceted problems of environmental/climate change for children's rights and their responsibilities concerning children's rights and the environment but *must act* to fulfill those obligations by deploying the powers they are expected to possess.

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Impact on child justice in a world of digital courts: Perspectives from the bench

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Abstract

The Covid-19 pandemic brought so much tragedy across the world, but as with so much necessity also became the mother of invention. The notion of a virtual trial or other court proceedings came to life during the pandemic to help courts continue to function. In this context, virtual court proceedings and trials became the norm. And, as the world grapples with emerging from this health crisis different courts are taking different paths. In order to guarantee the child's right to justice during the pandemic and as it waned, some jurisdictions have opted to continue holding hearings in-person, while maintaining physical protection from viruses; others have decided to digitise court proceedings using technological tools. To explore this development, volunteer attorneys from Baker McKenzie and the legal department of Google came together to assist the Global Initiative on Justice With Children, by interviewing judiciary professionals around the world.

Using a single questioning tool, volunteers conducted interviews with individual judges to understand their perspectives on the use of digital hearings and the effect of their use on justice for children. We opted for the term 'digital justice' to describe this use of virtual technology to conduct hearings and trials in youth justice proceedings rather than conducting them in-person. This paper aims to highlight how digital justice had a significant impact on justice systems for children and youth during the pandemic, determine whether digital justice could or should become a new normal in children's justice systems, and identify what should be the protective measures for children in a modified justice system.

This paper analyses the advantages and disadvantages of virtual hearings and the impact of them on children's ability to effectively participate in and adequately understand the judicial processes and the seriousness of the justice outcomes. It also discusses the different jurisdictions' approaches to requiring the presence of the child's lawyer during the proceedings and the obstacles to children's access to legal aid in a digital context. The interviews conducted by volunteers highlighted difficulties in ensuring a safe space for children and young people's data and privacy, difficulties in communicating with counsel and receiving useful advice from lawyers and other participants in the proceedings, and difficulties for children to feel that they can speak up in their own proceedings.

Keywords: children's rights; digital justice; digital hearing; access to justice; legal aid

1 Introduction

The Covid-19 pandemic had a profound impact on the world, resulting in unprecedented economic and societal crises, a staggering loss of human lives, and the fundamental transformation of daily routines of individuals everywhere. The Covid-19 pandemic transformed our work, life and travel patterns, our food systems (WHO, 2022) and, of course, the way we communicate.

When Covid-19 really took root in our lives, the justice sector immediately revealed overcrowded and unsanitary places of detention. Children and youth were put in high-risk places where the virus could easily spread and potentially cause disastrous results for inmates. Health experts worldwide warned that children deprived of their liberty were the most vulnerable and likely to be most severely affected (Justice With Children, 2020).

The need to keep the wheels of child justice turning forced courts to find creative ways to remain open and, in some cases, re-open after shutting down in so many parts of the world due to the impact of the first wave of Covid-19. For many courts, this meant conducting proceedings and trials through virtual platforms so that parents, children, court workers, judges, lawyers, and anyone involved in the system could participate in court proceedings in the safety of their own spaces without travelling to a live courtroom. Although these virtual proceedings took varying forms and degrees, they all relied on virtual communications in one way or another. We opted for the term 'digital justice' to describe the use of digital technologies to conduct remote hearings and trials in child justice proceedings, also referred to as 'virtual courts', rather than conducting them in-person.

This paper seeks to shed light on the profound impact of digital justice on justice systems for children and youth during the pandemic. The analysis primarily centres on individuals aged 14 to 18, that is minors. However, when we mention 'young people', we are referring to young adults within the age range of 18 to 24. Specifically, it investigates whether digital justice is becoming the prevailing norm in child justice systems and explores the possibility of further advancement and growth of the hybrid approach. Furthermore, the paper delves into the critical question of what protective measures should be implemented within a modified justice system to safeguard the rights of children, and it analyses the advantages and disadvantages of virtual hearings. Beyond that, it examines their impact on the ability of children and youth to actively participate in and fully comprehend the judicial processes that affect them, emphasizing the gravity of the justice outcomes.

2 Child justice in time of crises and systemic changes

Worldwide, children are victims of different forms of violence as a result of multiple forms of crises (O'Brien, 2019). Whether it is economic disparity, discrimination, geopolitical differences or, more recently, a global health emergency, the emerging pattern is that children face and endure violence. In the wake of these crises comes an increased vulnerability of children as well as the systems that were initially designed and intended to support them (UN Committee on the Rights of the Child, 2020, para. 7). These justice systems have to adapt in order to continue delivering services in the best interests of children in adverse

circumstances, preventing and responding to serious forms of violence perpetrated against children (Justice With Children, 2021). These circumstances have a significant impact on the rights of children accused of serious crimes, who are often hindered from accessing the protections of the juvenile justice system (Lynch & Liefaard, 2020). During the Covid-19 pandemic, the procedures, processes, and timeframes of the judicial system were compromised to ensure public health. While there is little international guidance on how to balance these rights, the Committee on the Rights of the Child has considered that, while international human rights law permits measures that may restrict the enjoyment of certain human rights to protect public health, such restrictions must be imposed on an extraordinary basis, proportionate, and kept to an absolute minimum (UN Committee on the Rights of the Child, 2020, para. 1). What does that mean for child justice? Interviews were conducted in order to determine the answer. We strove to understand the parameters of what qualifies as an extraordinary basis and what it means to be kept to a minimum that is appropriately proportionate.

Article 40 of the UNCRC recognises children's right to fair trial, including the right to legal counsel and effective participation in the criminal process (Committee on the Rights of the Child, 2019). While all defendants, including youth, have the right to be present at their own trial, this does not necessarily mean attending court in person. During the first waves of the pandemic, legal professionals such as judges, magistrates, lawyers and other authorities, were not able to contact children. Courts in many countries were closed to prevent the spread of the virus and no court hearings were allowed. In addition, strains were placed on other institutions such as places of detention where children were held. Many institutions have also had limited resources and staff shortages (U.S. Department of Labor, 2023).

In response to the pandemic, most countries across the world have invested in health safety measures. The measures generally are something akin to the application of physical distancing rules, the regular use of hand sanitisers and handwashing, and mandatory facial mask wearing in public spaces (WHO, 2020). In particular, safety measures were applied in the child justice sector.

During legal proceedings, some countries decided to add additional protection against the virus for children in a way that considers the unique need for children to participate and understand proceedings in a different way than adults. In the Netherlands, for instance, to safeguard the right to a fair trial, children accused or suspected of a crime were summoned to the court, and physical protection such as transparent plastic walls between the child and professionals were set up to prevent the possible transmission of the virus (Voert et al., 2022, p. 72). So, some countries interpreted the right of a child to a fair trial by ensuring presence of the child during court hearings while maintaining physical protection against the virus.

Other countries like Bangladesh, the United Kingdom, and Mexico, used digital technologies as a way to keep the wheels of child justice turning without making any special accommodations for the ages of the children (Boyes Turner LLP, 2020). Instead of organising hearings in the presence of a child, it was decided to digitalise the judicial proceedings through technological tools such as video conferencing platforms, virtual meetings, and telephones (Murshed, 2020). Digital technologies allow the judges to remotely communicate with children in conflict with the law.

The opportunity to appear in court in person has a significant impact on the rights of children, especially their participation rights (Children's Court of Victoria, 2015). Even when children attend their hearings in person, they encounter difficulties in understanding the proceedings and the seriousness of their situation (Forde, 2018). Child advocates have long argued for more inclusive and didactic opportunities for children to engage in legal proceedings that affect their human rights. This includes extended time in proceedings to have rights, procedures and facts explained to them in a way that helps them understand and know their rights. Remote participation may exacerbate these difficulties (Lynch & Kilkelly, 2021).

In Ireland, the defence manager at Oberstown Juvenile Detention Centre carried out a consultation with children about their experiences regarding remote hearings (Ombudsman for Children, Direct Division, 2020). Eleven children from Oberstown were interviewed about their experience of court appearances via video conferencing. All but one child said they had no idea what was going on in court and explained that they felt like they were sitting 'looking at TV'. The children interviewed said they were unhappy with the virtual hearings. Three of them expressed that they were content that they did not have to make the trip to court, which is often a long journey that disrupts their classes and regular activities (Lynch & Kilkelly, 2021).

It is not a surprise that, when asked, children themselves reveal how disengaged and disconnected they feel from proceedings which have only the focused purpose of identifying and preserving their own rights.

3 Techno solutionism and the new era digital justice

3.1 Research question, study and its methods

This paper represents a culmination of extensive work undertaken as part of a broad project led by the Global Initiative on Justice With Children, in collaboration with the international law firm Baker McKenzie and volunteers from Google's legal department.[1] The project encompasses a series of interconnected phases, beginning with comprehensive desk research that aims to understand the initial responses of justice systems to the unprecedented challenges posed by the COVID-19 pandemic, with particular emphasis on children in conflict with the law. The culmination of this research resulted in the development of a comprehensive policy brief entitled 'Accelerate Release of Children From Detention; Protect Children From COVID-19'. Based on this document, subsequent phases of the project included qualitative semi-structured interviews (N = 10) with judges and magistrates in the initial phase, followed by interviews with attorneys, social workers, and academics in the second phase (N = 20).

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[1] The project started with collaboration between the Global Initiative on Justice With Children, Terre des hommes, Baker McKenzie, Google, Gault Center, Brennan Center, International Institute of Children Rights, Juvenile Justice Initiative of IL, and IL Collaboration on Youth. It grew to other branches of collaboration with the pathfinders, Strathclyde University, and UNODC.

The authors of this study took responsibility for developing the methodology and creating a comprehensive questionnaire. To carry out the interviews, Baker McKenzie and Google pro bono programmes were able to identify volunteers who were willing to help. In order to ensure that the volunteers were well-informed about children's rights and child justice, the authors organised an online training session on child justice and children's rights. The authors, with the support of the International Association of Youth and Family Judges and Magistrates (IAYFJM), carefully selected the experts to be interviewed based on certain criteria, such as international representation, north-south balance, and gender equality. Once the pro bono volunteers had received the necessary training, the authors coordinated the scheduling of the interviews between the volunteers and the experts. During the interviews, the pro bono volunteers recorded the conversations and produced transcripts. Afterward, the authors, along with a selected group of volunteers, analysed the transcripts. They classified the answers according to the questions asked, using an elaborated results table for their analysis.

The first phase of the project entailed conducting a series of semi-structured interviews with judges and magistrates handling criminal cases involving children. The selection criteria required a balanced geographical representation, ensuring the inclusion of at least one judge per continent who had prior experience in conducting virtual hearings with children before or during the pandemic. Consequently, the final cohort consisted of judges from Argentina, Bangladesh, Canada, Mexico, the Netherlands, Thailand, the United Kingdom, Kenya, and the United States. The interviews aimed to gather information regarding their pre-pandemic practices concerning the utilisation of online video platforms for hearings involving children in conflict with the law. Moreover, the judges and magistrates were prompted to reflect upon the implementation of this practice during the pandemic, along with its subsequent effects on their professional responsibilities, and its influence on safeguarding children's access to justice. Furthermore, the interviews served the purpose of gathering detailed and nuanced information on changes in child justice proceedings, the impact of remote and hybrid-remote hearings on judges and children, and confidentiality considerations in virtual hearings.

In the first section of the interviews, judges were asked about their experiences with child justice during the pandemic, changes in court schedules, frequency of hearings, and appearances of children and lawyers as well as technology utilised, delays in proceedings, activities that were hindered, and the operational status of the courts. Additionally, they investigated the physical modifications made to courtrooms and the mechanisms employed for the appearance of lawyers, witnesses, and parties.

The second section examined scenarios where only in-person hearings were allowed and investigated the rationale for the decision not to adopt virtual hearings. It also explored how the best interests of the child were defined and which elements were taken into account more in face-to-face hearings versus in remote hearings.

The third section investigated the utilisation of virtual court hearings and their impact on children and families. It explored how the understanding of court proceedings was ensured, including whether more time was dedicated to hearings, the provision of additional staff or representatives to support children and their families, the possibility of waiving the appearance in court of children due to COVID, methods to foster child partic-

ipation, strategies for facilitating the child's comprehension of the judicial process, and measures taken to explain court decisions to children and ensure effective communication with their families.

The final section of the interviews focused on communication considerations in virtual hearings. It addressed active representation and communication between lawyers and children, affirmation or confirmation requirements of lawyers or legal representatives in relation to the child's legal adviser, certifications or training requirements for children's lawyers, communication between the child and social worker (if assigned), reinforcing communication with the child to ensure fairness, managing outcomes such as custody or detention in virtual court proceedings, ensuring procedural understanding and concentration of child offenders during virtual hearings, providing visual and oral information, legal professionals' and citizens' perceptions of remote hearings, and evaluating remote hearings as progress or setbacks in the implementation of child-friendly justice.

The second phase of the project aimed to provide a comprehensive understanding of the diverse perspectives and views of those involved in the legal and social aspects of juvenile justice, shedding light on the nuances and potential implications for children of digital justice practices. The final cohort consisted of child justice professionals from Scotland, Belgium, Cameroon, Australia, Bangladesh, Senegal and Switzerland.

For this phase, the project team conducted interviews with a range of key stakeholders, including child legal representatives, social workers, and child justice experts. The questions in this phase were tailored to elicit their views as legal advisors, focusing specifically on how they believed virtual courts ensure or fail to ensure the best interests of the child.

In order to comprehensively analyse the wealth of information collected from these interviews, we formed three cohorts of experts (N = 30) who actively collaborated in dedicated working sessions.[2] This collaborative effort strived to foster comprehensive analysis and the development of practical recommendations.

3.2 Experts' perspectives on remote hearings

Child justice systems are bound to respect key principles set forth by international law, standards and norms, including non-discrimination, best interests of the child, proportionality, primacy of alternative measures to judicial proceedings, participation, proceedings without delay, presumption of innocence and detention as a measure of last resort (UNODC, 2013). These principles must be respected in all circumstances and may not be subject to any exceptions or derogations, including during times of crisis or change, as well as when adopting new modalities or using technology. While recognizing that general principles for child justice have to apply in video proceedings is a certainty, other questions we need to ask ourselves with regard to the use of technology are more challenging to answer. First, does replacing certain in-person proceedings with remote hearings have

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[2] These working sessions took place within the 2021 World Congress on Justice With Children, the Children's Rights in a World of Virtual Justice webinar, and the first annual seminar 'A 360° View on Child Friendly Justice'.

an impact on substantive outcomes in child justice proceedings? Second, what is the impact of the use of technology on factors that will affect these substantive outcomes? To better understand the challenges and impact of technology on child justice systems, it is essential to look at how it affects judges, prosecutors, witnesses, jurors, and ultimately, children.

Certainly, there are some advantages to using remote hearings in criminal proceedings involving children. But whom do they benefit? One obvious advantage is linked to health concerns during the pandemic. Research has revealed other advantages including the fact that video proceedings have shown to enable legal aid organisations to serve previously underserved geographical areas and have also opened greater opportunities for pro bono representation (Brennan Center for Justice, 2020). In certain cases, children may find that online proceedings can reduce anxiety normally associated with attending court in person and there may be positive effects of the use of video links associated with reducing the risk of re-victimisation by avoiding direct contact with the offender for child victims and witnesses (Lynch &Kilkelly, 2021).

While these positive elements are encouraging, the concerns and risks of remote hearings must be taken seriously. Research suggests that remote hearings have exacerbated issues related to children's effective participation in the justice process. It can make lawyer-client relations more difficult (Brennan Center for Justice, 2020), undermining communication and the relationship of trust between the lawyer and the child as well as the lawyer's capacity to provide adequate support and assistance (Lynch & Kilkelly, 2021). The digital divide causing inequality in access to services and rights during the use of remote hearings has also been highlighted as a challenge, further disadvantaging underserved communities and children (National Juvenile Defender Center, 2021). Finally, children themselves have expressed their frustrations and anxiety in relation to a lack of understanding, privacy and access to lawyers and support persons associated with video proceedings (Juvenile Justice Initiative, 2021).

These concrete challenges significantly impede the ability of child justice systems to uphold the fundamental principles outlined in international law. The right to privacy and data protection, as well as the right to non-discrimination, may be compromised when children from marginalised communities face unequal access to technology, hindering their participation in video proceedings. Furthermore, the right to participation is at risk when children are not adequately informed or supported in a child-sensitive manner as they struggle with understanding video proceedings and expressing their views within an unfamiliar and stressful environment. Proportionality may be at stake when judges, prosecutors and jurors cannot look children in the eye, read their body language and better assess the human impact a sentence may have on a child (Martins, 2021). Absent this in-person experience, decision makers may resort to decision making based on written requirements of legal frameworks and convention rather than humanitarian evaluation on an individualised basis as international human rights law recommends.

As we emerge from the pandemic, and people are able to interact more in-person, there will be less debate about whether or not hearings should be digital and instead the focus will be on how to manage the different types of interaction on site and online. These decisions should be made with children at the centre, just as all decisions in the courts should be made in a child-centred manner.

International rules on child friendly justice recall that child justice systems should adapt to the child's specificity and needs. A best interest of the child or as conceptualised by the US Supreme Court in *JDB v North Carolina* a 'reasonable child standard' (2011) must be used to evaluate whether digital proceedings are effective in protecting child rights, and whether better interests were achieved through a digital justice system (Vigil, 2021). However, there is very limited information about how effective court systems are in the youth justice settings, as regards the impact and actual effectiveness in distributing justice, which is something very hard to measure. For instance, only ten years ago in 2012, the US Supreme Court examined whether the age of a child detained by police should be a relevant consideration in determining whether he understood that they were free to leave (*JDB v North Carolina*, 2011). The court wisely determined that examining an understanding of rights of a child should be examined under a 'reasonable child standard'. This standard is to be taken into account when examining whether the child is participating and understands what others are saying in the courtroom as well as what opportunities they have and what choices they can make. This consideration should perhaps rightly apply in all considerations of legal rights of children (Juvenile Law Center, 2017). We should evaluate if digital systems allow for a reasonable child standard to be considered. If under this standard, the impact of digital procedures denies children a full understanding of their rights and their ability to participate meaningfully in all aspects of the system, then the system fails. It fails to meet the expectations of a just system for children. Even the advancements of a digital platform cannot justify a system that denies children these guarantees of meaningful participation in a system of justice.

Three areas of extreme concern for child justice emerged as digital justice systems evolved and were applied to child court proceedings. First, there is a diminished ability of the judiciary to communicate and engage with children. Second, lawyers are less able to communicate and work with their child clients. Third, the confidentiality owed to any young person in a system of human rights and the rule of law is challenged or altogether absent (Vigil, 2021).

Regarding the opportunity for communication and ability of the judiciary to work with children, many judges around the world implemented international rules of child friendly justice, and changed their practice from their ordinary courtrooms, spending more time asking children questions to try to assure they understood the actions of the court, the rules of the proceedings and the options and opportunities they had. But that is a challenging task in even the most open communication circumstances where communication can flow both ways freely and unencumbered by technology or the limitations it presents. For example, asking a child if they understand what is happening in the court and them answering 'yes' is no guarantee that they understood the rights at stake, the options they had, or the possible outcomes in the alternative to proceedings that they did not take. However, judges have also reported that delays have emerged as a significant challenge during the pandemic, imposing extreme difficulties on their part due to the additional time required. Currently, there is limited information available regarding discussions focused on children's understanding, with a greater emphasis on queries directed towards judicial actors and fewer opportunities for children to express themselves directly.

In terms of the lawyers' ability to work with children confidentially, a US study on child advocates and how digital platforms have affected their capacity found that it was

almost universally critical about whether or not they had the same opportunity to establish a relationship with their client, to spend time with them to discern their gaps in understanding the system and, of course, to be able to discover the facts before them (Brennan Center for Justice, 2020). In addition, one of the biggest concerns raised from a fundamental rights and due process perspective is whether or not there is room for confidential conversations between a child's advocate or lawyer and their client on digital platforms. Some judges reported providing breakout rooms for the child and his or her lawyer intermittently during the proceedings, but that was scarce. In most cases, communications between lawyers and their advocates had to be conducted surreptitiously between proceedings or avoided in order to maintain confidentiality.

Children should be able to exercise their right to fully understand the proceedings by easily halting legal proceedings when they do not understand things being said, concepts at work or options they have to consider. Children should have space, physical and temporal, in order to have confidential communications and the ability to share information with their advocate so that the child's rights are best represented and realised.

The children's rights world is always trying to be creative in addressing these gaps. Acute challenges in the youth justice system existed before this move to digital technology. There was not enough time for lawyers to engage with children, there was not a great understanding of the confidentiality of different actors in a setting, and there was not enough time to help assure children are truly engaged and meaningfully informed about their options and opportunities. This understanding of confidentiality is especially critical when detention is a potential outcome of a legal proceeding.

When assessing the effectiveness of systems, measurement often only focuses on data and statistics, and not necessarily the humanity of the children involved. What such analysis misses is an assessment and understanding of whether all the child's circumstances have been considered and the wisdom of employing the extreme response of detaining or removing a child from their family environment. A fair system of justice should never put these considerations in opposition that requires a choice. Rather, they must ensure that both things happen. During the pandemic, Judges became familiar and dependent on the online functioning of a court system. Still, none reported an increase in reasonable actions by the courts to ensure confidential conversations and good interactions with lawyers and children. This challenge, already a dire need before the pandemic, has become a greater burden with the disruption of the pandemic bringing a new routine and habit of the digital platform (Vigil, 2021).

4 Findings

4.1 Diverse results

The global survey conducted by the Global Initiative on Justice With Children and its partners showed no consensus in the surveyed courts response on whether to maintain face-to-face hearings or shift to virtual platforms to tackle the delay or disruption of court proceedings due to the pandemic (Justice With Children, 2021).

One perspective was to maintain entirely virtual proceedings. In Argentina, Mexico, and the United States, judges have decided to digitalise judicial proceedings by using technological tools, such as video conferencing platforms, virtual meeting technologies, and telephone or audio only communications (Justice With Children, 2021). In Mexico, a vast majority of proceedings were transformed to be completely virtual (Pantin, 2020). There, all parties, including the child, were required to remotely participate in their justice proceedings. The focus of the Mexican courts has been for proceedings to continue to be handled expeditiously to meet the demands of a speedy resolution and trial inherent in rule of law and due process. In less than three weeks after the force of Covid hit the community, the Mexican courts established rules to conduct virtual proceedings while maintaining their obligations under the United Nations Convention on the Rights of the Child (Altamirano, 2021). The Mexican courts made arrangements for lawyers to visit their child clients and to ensure that the lawyers had access to the proper equipment such as software and hardware, cameras and audio headsets, and a zoom license, in order to participate in the virtual proceedings. (Consejo de la Judicatura del Estado de Baja California, 2020). According to our interviewee in Mexico, children were very infrequently taken into custody during the virtual proceedings because there was a reliance on the child voluntarily coming in if an order was issued. At the time of the interviews, the judges in Mexico had the discretion to reopen courts in-person but had not yet moved to do so as vaccination levels were low, and the country continued to prioritise public health (Consejo de la Judicatura Federal, 2020).

In contrast, another perspective was to return immediately to in-person proceedings. Some countries, like the United Kingdom, have interpreted the right of a child to a fair trial by ensuring the presence of the child during court hearings while maintaining physical protection against the virus (Ministry of Justice & HM Courts & Tribunals Service, 2020). For Youth Court proceedings – criminal proceedings for children between the ages of 10 and 17 – children were required to be physically present in court, though defence and prosecution lawyers would participate through a video-conferencing platform (Logan, 2021). The system employs teams of professionals called 'youth offending teams' which work with young people that get into trouble with the law, are arrested, or are taken to court, and help them stay away from crime. These teams continued to work remotely (United Kingdom Government, 2020). Explaining why the UK chose not to adopt virtual hearings, a Magistrate of the United Kingdom remarked:

> The aim has been to protect youths by getting them into court and not using remote work as far as possible […]. It is nationally accepted that remote hearings do not work and are unsuitable for children. (Logan, 2021)

Another reason the United Kingdom maintained in-person proceedings was an extremely high rate of disability of children in the justice system (Young et al., 2014). It is estimated that 70 per cent of youths called in the courts of England and Wales have some type of vulnerability including many on the autism spectrum (Kent et al., 2023).

A third perspective suggested an approach that depended on the circumstances and the digital platform used. For instance, in the Netherlands, the nature of the proceedings determined whether child justice proceedings could be conducted virtually using digital

platforms like Zoom, or whether an in-person format was necessary (Justice With Children, 2021). Factors such as the complexity of the case, the age of the child, and the availability of suitable technological infrastructure influenced the decision.

In Bangladesh, juvenile bail hearings were the only type of proceeding that could be conducted virtually, with all other hearings, including trials, required to be conducted in-person (Justice With Children, 2021). According to our interviewee from the Hague Court of the Netherlands, divorce and child custody proceedings were permitted to be held virtually, whereas criminal juvenile cases and child protection cases were required to be held in-person (Dam, 2021).

Finally, another perspective was to leave the format of the proceedings to the individual judges to determine. In countries where the discretion of whether to hold in-person or virtual proceedings was left to the judiciary, these decisions turned on a variety of factors and were determined on a case-by-case basis. For example, for one judge in Canada, the decision whether to conduct a virtual or in-person proceeding was based in part on whether the parties had adequate resources, like technology and Wi-Fi access to participate virtually (Gagnon, 2021). If not, the judge would require an in-person proceeding. Criminal and/or contentious cases would generally be in-person proceedings. Similarly, in the United States, one judge considered the child's preference and comfort level in determining the most appropriate platform on which to conduct the proceeding (Pattison, 2021). When asked what has been done about children appearing in court, the judge remarked:

> Some children have asked to be in court, and others have requested to participate by phone (without video) and others are okay with video. My job is to listen to what participation feels good to [the child] and do that. If I do that, then the children at least feel heard. I try to be creative in problem solving. (Pattison, 2021)

The frequency of virtual hearings has varied across countries. During our interviews, it was noted that in Canada, a considerable number of hearings were conducted virtually. In the United States, courts had a higher ratio of virtual hearings compared to in-person hearings. In the Netherlands, virtual and in-person hearings were evenly split. Despite these variations, interviewed judges from Canada, the United States, the Netherlands, Thailand and Bangladesh generally agreed that remote hearings could and, in some cases should remain an option for specific proceedings in the post-pandemic era. However, interviewed judges from Argentina, Mexico and the United Kingdom emphasised that virtual hearings should never completely replace in-person hearings.

Defenders of remote hearings point to their enhanced efficiency, greater flexibility, and, often, a more relaxed environment for children participating in the court proceeding (Ali, 2021; Gagnon, 2021). Nevertheless, it is possible the challenges outweigh the benefits. Disruptions and sometimes full access to technology lead to unequal access to justice when justice is delivered only virtually. The gaps in personal interaction between the judge and the child is an irreplaceable challenge presented by virtual court that may have important impacts both on the child's ability to effectively participate in their court proceedings and on justice outcomes (McKay, 2018; Rossner et al., 2021). Similarly, lack of access to confidential and privileged communication with legal counsel during proceedings may be a critical violation of a child's right to due process and the rule of law that virtual hearings cement in our systems.

The perspectives of judges, magistrates, and child professionals analysed in sub-sections 4.2, 4.3 and 4.4 were derived from interviews conducted as an integral part of this study.

4.2 Impact of remote or hybrid remote hearings on the judge

4.2.1 Advantages of remote or hybrid hearings

Based on our research findings, interviewees noted that remote hearings had positive effects on the efficient operation of the courts. (Justice With Children, 2021) Technology has allowed judges and judicial officers to work more quickly and efficiently. One judge noted that virtual courts provided him relief from backlogs in the legal process (Ali, 2021). Another judge observed that virtual hearings allowed social service workers to quickly connect with the judge on non-urgent matters, which freed up the social workers' schedule to spend more time with their assigned children rather than waiting in court (Gagnon, 2021). In Argentina, court personnel were able to use WhatsApp messaging to set up meetings faster and communicate more efficiently (Pascual, 2021). And while this may streamline communications between parties, there is no record of WhatsApp for preservation of record and procedures. Moreover, there is no clear guidance on the protection of data and privacy of the parties.

Remote hearings have reduced the time required of parties travelling to and waiting in courts, which is of greatest benefit to low income and financially disadvantaged persons. As one judge noted, many families involved in child judicial proceedings lack the financial flexibility to accommodate the cost and inconvenience of travel to courts, missing work and losing income (Altamirano, 2021). In these cases, virtual hearings have proven to be particularly useful in ensuring these families' access to justice.

In virtual proceedings, some judges observed children to be more relaxed and willing to participate in the proceeding because the children felt more comfortable and/or were less stressed or nervous because they were in the familiar settings of home or community and not in the intimidating and unfamiliar setting of a formal courthouse (Dam, 2021). In the United States, one judge found better child and parent participation where, previously, child cases generally had less child presence (Pattison, 2021). Judges from the United States and Bangladesh observed that youths were more willing to participate in the remote proceedings as a result of being in a comfortable environment such as the child's own home, and that children were more adaptive and capable of using the virtual platform (Justice With Children, 2021) In the Netherlands, one judge observed that in pre-trial child detention hearings, proceedings in which the judge decides whether to detain or release children from custody, that children appeared more relaxed and open over Skype (Dam, 2021). This is partly because children did not have to unnecessarily wait around in court as was often the case when such proceedings were held in-person prior to the pandemic. This confirms that courtrooms are currently not always child friendly enough, the argument of using remote hearing for the child's wellbeing should not contradict the effort to make court setting more suitable for children.

Judges interviewed identified instances where remote hearings appeared to work well. For example, remote hearings generally worked well in proceedings involving greater sensitivity, such as child abduction or domestic violence cases, as they allowed a child to not face his or her abuser in person during the hearing (Dam, 2021). A judge in the United Kingdom noted that welfare check-ins with the child can be effective and efficient in a virtual setting post-trial.[3]

4.2.2 Challenges with remote or hybrid hearings

The sudden shift to remote hearings was not without its challenges. One such challenge expressed by several judges was that the lack of visual contact and in-person meeting with children and other parties to a virtual proceeding limits judges' abilities to assess body language and interferes with judges' abilities to fully assess the situation and well-being of the child and the child's family. The opportunity for live court interaction provides the ability for a judge to see how the child behaves with his family members and trusted court personnel is absent in the virtual context. In Argentina, where all in-person proceedings went completely virtual during the pandemic, a judge described the impact that the lack of in-person contact has had on child justice proceedings, stating:

> It is important for the court to see people's reactions and sense their feelings as this will inform the court's decision and judgment. However, remote hearings have made this more challenging. The empathy aspect has been impacted.

Interviewed judges from Argentina, Mexico and the United Kingdom found that the lack of face-to-face meeting during virtual hearings made it extremely difficult to conduct hearings with the requisite level of empathy and humanity (Justice With Children, 2021). Particular challenges were noticed in parole hearings, which one judge equated to parenting in general, noting that just as parenting requires in-person, physical presence, when a judge tries to teach children on parole, that should also be done face-to-face. One judge noted it could be difficult to know whether children properly understood the nature and significance of remote hearings (Altamirano, 2021).

The technical problems associated with virtual hearings posed an additional challenge. Without the non-verbal cues that judges observe when they see a person in front of them, they found it difficult to talk to the parties, and often encountered situations where several parties were talking at the same time, creating delays or even chaos. Additional delays resulted from one or more parties having difficulties navigating and using online

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[3] Almost none of the judges interviewed has the experience of giving youth and their families the option of whether to proceed virtually or in-person so we have no conclusions about what their preferences would have been if they had choice. Also, no judges interviewed conducted formal or scientific evaluations of the comfort and anxiety level of children in remote proceedings or conducted post-proceeding surveys or evaluations. These observations were made by the judges based on their observations of children remotely and their experience in court systems.

platforms, particularly when they were not tech-savvy (Pascual, 2021). The use of a virtual platform also increased the workload for court personnel as they were required to also check parties' internet, sound, and camera connections at the beginning of a session.

A court in Thailand faced challenges when trying to admit detained children to their post-arrest and pre-trial rehabilitation programme (Disatha-Amnarj, 2021). In between arrests and trial, detained children in Thailand were only able to speak with psychologists via Line[4] as opposed to benefiting from in-person meetings. Other proceedings which judges identified as being particularly challenging in the virtual setting were probation and social service assessments, post-arrest hearings (i.e. proceedings in which judges decide whether to release or detain a child in pre-trial facilities), and child rehabilitation programs, all of which necessitate in-person interaction with the child.

4.3 Impact of remote and hybrid remote hearings on the child

4.3.1 Impact on the child's understanding

Child advocates from Australia (Gordon, 2021) and Belgium (Dushi, 2021), judges (Pascual, 2021; Ali, 2021; Altamirano, 2021; Dam, 2021; Logan, 2021), experts and families are concerned with how complex a legal proceeding can be and how well a child, the subject of it, can truly understand its impact, procedure and long-time effects. That has existed for as long as there have been youth justice proceedings. Nevertheless, virtual proceedings exacerbate these challenges by presenting more barriers to the extra efforts that must be made to assist a child in understanding the proceedings of a legal case. Concerns were raised by the judges interviewed about how virtual hearings impacted children's understanding of and participation in their hearings. Judges observed that children often had difficulties engaging virtually, and that there had been miscommunications between courts and juveniles when hearings were conducted online.

Interviewed judges from Argentina, United Kingdom, and Mexico had concerns over whether children were able to understand the proceedings and the seriousness of their implications sufficiently and appropriately (Justice With Children, 2021). For example, judges noted instances where children would speak and gesticulate at inappropriate times during the virtual proceeding (Logan, 2021). In one such case involving a criminal proceeding conducted over Zoom, the victim began using the chat feature to voice objections during a witness's testimony (Pattison, 2021). The judge in this case proceeded to instruct the victim that this was not allowed and that the judge could not take the victim's chat messages into consideration when deciding the case. The fact that the victim was not aware that he/she could not do that and that there were facts to share that they felt were unheard, illustrates a lack of communication with citizens in the courtroom by the prosecutors as well as other court personnel to help the victim understand their own rights and their opportunities to raise issues before the court appropriately.

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[4] Line is a freeware app for instant communications on electronic devices such as smartphones, tablet computers and personal computers.

In most cases the concerns regarding the child's understanding did not appear to be unique to virtual proceedings by video. Many measures that judges had in place for in-person court proceedings before the pandemic continued to be implemented in virtual hearings in largely the same fashion. Judges gave examples of such measure including:

(1) Ensuring that a child could understand and identify who was who in a digital court included asking whether the child could see everyone on the video link at the outset of the proceeding before introducing all parties.

(2) Taking additional time to explain to the child that this is a court and that decisions made in court affect the child's life and can be final and binding.

(3) Providing a recap to the child at the end of the proceeding and requesting that the child repeat the information back to the judge.

Not all judges expressed concerns over interaction with the child in a virtual proceeding. One judge in Bangladesh had a positive experience with virtual child bail hearings, noting that the video conferencing platform allowed the court to see the child's demeanour and the child to visually observe the participants and follow along with the proceeding. In his opinion, the changes did not diminish the process for the child or other court personnel (Ali, 2021).

4.3.2 Building trust between the attorney and the child

Access to adequate legal advice and privileged communication with counsel is an essential component of access to justice and a fair trial. However, as a result of the pandemic, countries differed on approach for requiring the child client's lawyer to be present in the courtroom, which created a number of barriers to children's access to legal advice. In the United Kingdom Youth Courts, at the time of the interviews, children were physically required to be present in court, whereas defence attorneys had the option, with court approval, to appear by video platform. In discussing the impact that this arrangement had on the attorney-child relationship, a UK Magistrate noted:

> Attorneys appearing by video could not communicate with the children as they normally would do and could not immediately check on the child's understanding. The child could be disadvantaged in circumstances where he or she could not develop relationships with others that would normally be in the courtroom such as his or her defence lawyer.

In Mexico, where both the attorney and child were required to appear virtually, courts arranged for lawyers to meet their child clients in a designated location, such as the lawyer's office, so they could physically be in the same place and appear virtually together. However, even with such procedures in place, one Mexican judge acknowledged there were issues ensuring children had access to their lawyers given the limited options for transportation. This would sometimes prevent children being in the same place as their lawyers. Other judges reflected on children with unique vulnerabilities as being particularly disadvantaged in virtual settings. In cases where child offenders had unique vulnerabilities or needed special accommodations, one judge in Bangladesh would appoint an interpreter to explain the proceedings to the child in a way that he or she understood to try to overcome the inherent gaps.

Many measures were taken by judges to promote fair access to justice in the virtual setting. These included asking the child to present his or her own view and asking the child to confirm a plea after such plea has been requested by the lawyer. Judges also noted watching for 'red flags' of inadequate representation such as a lack of communication between the child and lawyer and/or comments suggesting attorney's lack of familiarity about the child situation. Judges suggested asking the child at the outset of the proceeding whether he or she had had a chance to speak with the lawyer. Many of these measures were best practices by courts which were implemented in physical proceedings prior to the pandemic.

The concerns associated with ensuring children have access to justice through adequate legal representation have existed prior to the pandemic. As one judge noted, 'There is a broader question regarding the quality of advocacy in the youth courts.' The challenges to child advocacy have been exacerbated by the pandemic, particularly in countries where the use of remote hearings has prevented the attorney and child from being able to effectively communicate.

4.4　Considerations of confidentiality in virtual hearings

Given the unexpected demand and heightened use of online technological platforms as a result of the pandemic, judges expressed concerns about confidentiality. The online platforms were not designed and prepared to handle the unexpected high demands for confidential communications between children and their lawyer advocates that are essential before, during and after a legal proceeding. Added to this situation is the fact that it is difficult to know where a party is calling in from when using a virtual platform. Video call participants could dial in to a public, non-private virtual room. Confidentiality could not be guaranteed.

However, given that the only alternative to the virtual proceedings was having none at all, courts used various virtual platforms to keep courts open which were publicly available. During the peak of the pandemic, in Thailand, Google Meet, Zoom, and Line were used for court proceedings, where the judge would be in the courtroom and the parties would be in another room, communicating with the judge via technology. In the United States, Go To was initially used and then transitioned to Zoom. In Mexico, Zoom was generally used, however, child proceedings were closed to the public as required by law. In Bangladesh, as a result of the Bangladeshi Evidence Act, physical presence was required for all trials, however, with flexibility for bail hearings to be temporarily conducted virtually through Microsoft Teams and Zoom. In Argentina, courts used Zoom, Google Meets, and WhatsApp to communicate throughout their fully remote court posture. In the Netherlands, Skype was generally used in the limited approved instances for virtual hearings. In Canada, courts generally used Microsoft Teams in the limited instances that virtual hearings were also permitted.

Still, given the difficulty to guarantee confidentiality, in some countries, certain cases, generally criminal cases, still required an in-person presence. In the Hague courts, for example, child victim cases were required to be in-person. However, in the instances where

the virtual platform was permitted, judges incorporated creative solutions. To manage confidentiality concerns in a virtual setting, one judge required all parties to swear under oath that they were in environments free from eavesdropping.

5 Conclusions

While there is no uniform response from justice systems around the world on how to ensure access to justice for all children during crises, it is true that complex situations may nevertheless offer a new opportunity to rethink child justice systems in order to increase their resilience. In the post-crisis world, the question is how to apply the lessons learned to the benefit of all children.

According to the majority of interviewees and participating experts, virtual trials should not replace in-person hearings, and, in general, no proceedings should be virtual if interested parties are to be examined. Similarly, virtual proceedings should not be conducted if the child's liberty or access to services is at stake. If the procedure does not affect the liberty of the child and witnesses do not have to be examined, a remote procedure may be an option.

Virtual proceedings should only take place with the consent of all parties after explanation of the alternatives available for an in-person proceeding. Breaks should be taken at frequent intervals to allow counsel and the child to confer outside the hearing of any other parties or the court. In addition, it is key to encourage the child to ask for the cessation of proceedings in order to inquire about what is happening and what it means with his or her lawyer.

It is of utmost importance that counsel in any virtual proceedings receive training on how to practice law in these virtual circumstances and that live transcripts are made available on screen to all parties. The use of written and visual materials should not be discouraged, and all materials should be made available to all parties electronically prior to the proceedings and not just shared on screen.

The compliance of these good practices should include the opportunity to end the virtual proceeding at any time for their own understanding of the proceedings without penalty.

The current interpretation of children's rights and international standards should advocate that in-person court proceedings should be the norm, while a hybrid system using remote technologies could be used as a support.

Acknowledgements

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Annex I: Questionnaire Phase 1 (Judges and Magistrates)

Experience with child justice during the pandemic

General Questions	Detailed Questions
What has changed during the pandemic in terms of child justice proceedings?	What has the court schedule been? How often have you conducted hearings? How do the children and lawyers appear? What technology do you use? What proceedings were delayed and why? What activities have you been prevented from conducting?
Have your courts closed due to COVID or remained open? If open, under what conditions have the courts remained open? If they closed, for what period and when?	What are the physical changes to the court rooms? Where are lawyers, witnesses, and parties appearing from and through what mechanism? What protections are put in place for parties for COVID?
How have you maintained child justice proceedings during the pandemic?	What have you done about children appearing in court? What have you done about children being able to communicate with their lawyers and advocates? What changes have been made to probation or other social services?
Have the courts returned to opening back to normal? If so, when did that happen? How would you define it?	What protections must litigants, lawyers, and staff go through to attend court in person?
Have you used remote hearings? If so, how were the hearings similar and /or different to regular in-person hearings?	How did you accommodate Wi-Fi and connectivity problems? How did the court facilitate virtual hearings? How did the court deal with absent witnesses, lawyers/counsellors, or staff? How did you call witnesses? How did you guarantee confidentiality?
Are you still using remote hearings? If so, in what proportion? Will you keep this pattern after the pandemic?	
Have you presided over court proceedings during the pandemic? Virtually or in-person?	If in-person, how have you taken protective measures such as maintaining adequate social distancing etc…?
Have your courts adopted a hybrid model, in which some are participating remotely and others are present? If so, how is that similar and /or different to in-person court hearings / proceedings?	
Have you dealt with instances where an urgent hearing was to be had? Who was in charge of presiding over those urgent hearings?	What, if any, processes were different about these hearings than others?

What was the basis to go back in-person?

This section of the questionnaire was only posed in cases where the judge or magistrate chose to maintain exclusive reliance on face-to-face hearings.

General questions	Detailed questions
On which basis or principle was the decision made to not adopt virtual hearing? What was the basis for going back to in-person?	How has the best interest of the child been defined? Which elements are better considered with in-person hearings v. remote hearings?

Virtual court impact on child and family

General questions	Detailed questions
How do you ensure that the child understands that he has been in court?	Did you take more time in hearings? Were any additional staff or representatives provided to children or their families? *Amended question*: Did the court have to use more staff to reach out to witnesses or parties? Was the appearance of children waived due to COVID?
How do you ensure that the child does not think that what was decided was not final rather than 'just another meeting?'	
How do you ensure the child's participation during the meeting?	Any problems with children showing up during virtual meetings as opposed to in-person?
How do you ensure that the child understands and identifies who is who in a digital court?	
How do you ensure that the child understands he has been sentenced?	
How do you ensure that a child understands the sentence and its effect on an order?	Who explains the court decision to the child?
How do you ensure communication with the child's family?	
How do you ensure participation of the victims?	Were any extra staff or advice provided to the victim to explain proceedings? Were there any outside meetings?

Considerations regarding communication in virtual hearing

General questions	Detailed questions
How do you ensure that the lawyer is actively representing and communicating with the child?	Do you require any affirmation, assurance or confirmation from the attorney or any other representative that the child has been advised? Are any additional filings required?
How do you ensure that the child is being represented by a competent lawyer?	What certifications or trainings are required for child lawyers in your jurisdiction?
How do you ensure communication between the child and the social worker, if there is one assigned?	Do you require any affirmation, assurance or confirmation from the attorney or any other representative that the child has been advised? Are any additional filings required?
Communication impacts whether or not a child is charged or not charged, given diversion or not diversion, to remain in the community or to remain in detention – as such, how has the court taken to strengthen communication with the child to ensure justice?	
When a decision is made for a child to remain in custody or sentenced to custody, how have these outcomes been handled? Generally, in a physical courtroom, detention is immediate. However, what type of care and contact arrangements are made in civil, virtual court proceedings?	
Many child offenders suffer from brain trauma and have IQs under 79. During virtual courts, how do you also ensure that the child is fully understanding and concentrating during the hearing?	
How do the virtual courts provide visual and oral feedback (which is generally available in physical courts)?	
How do legal professionals and citizens consider the use of virtual/remote hearings? Do you think parties take the process more seriously if they were in-person than on the phone?	Is remote hearing considered as a progress or a step backward in the implementation of a child friendly justice?

Annex II: Questionnaire Phase 2 (Other child justice professionals)

5.2.1.1 What is your professional connection or role within the field of child justice?

5.2.1.2 Have you conducted any research or evaluation on virtual courts?

5.2.1.3 Are you aware of any such research in your jurisdiction?

5.2.1.4 How has the best interest of the child been defined in virtual courts?

5.2.1.5 Are there situations where the best interest of the child would be better achieved in a remote hearing setting? Can you give examples?

5.2.1.6 Which elements are better considered with in-person hearings vs. remote hearings?

5.2.1.7 Are there some types of proceedings that should always be heard in-person?

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Children's rights in Bulgaria between theory and practice: The case of the deinstitutionalization reform

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Abstract

Like many post-socialist states, following the transition to democracy, Bulgaria had to close the large institutions for children in which orphans, children with disabilities and other types of children were being raised. The so-called deinstitutionalization reform has been an important part of introducing children's rights legislation in contemporary Bulgaria. However, it is still unclear how the consequences of the reform relate to the normative framework of child's rights. To address this problem, we present the results of a study conducted in 2020/2021 that explores the implementation of the reform through the approach of action research. We analyse interviews with children, social workers and public officials conducted in two big cities in Bulgaria. We outline the ways and extent to which children's rights are integrated into the professional practice of social workers and in the lives of children that are part of the reform, as well as the reasons for their violation. We conclude that there are significant contradictions between the 'theoretical framework' of children's rights and their implementation in relation to the deinstitutionalization reform. The former may be seen as 'unintended consequences' of the reform resulting from Bulgarian society's socio-cultural specificities.

Keywords: deinstitutionalization; children's rights; action research; children in alternative care

1 Introduction

During the socialist period in Bulgaria, institutions for children were a way for the socialist state to take over the responsibility for raising many types of children – orphans, semi-orphans, children with disabilities, children of sick parents and children of parents with minimal income (Kasabova, 2010). These institutions were called 'homes', which designated the state's intention to replace the family and take care of the thus created 'state' children (Kasabova, 2010). Gradually, these 'homes' were filled mainly with children from low-income families, primarily of Roma origin[1] (Tobis, 2000), therefore becoming a politi-

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[1] In 1978, there were 9,800 children in institutions (Kasabova, 2010).

cal instrument for concealing poverty and imposing state policy associated with settlement and employment. The type of care provided by these institutions was non-individualized and disciplinary – children had no private space, and one staff member often cared for 25 children (Kasabova, 2010). The system has also been named 'punitive care' (Angelov, 2020a; 2020b).

In 2010, Bulgaria officially launched a policy of deinstitutionalization (DI), which aimed at replacing the institutional model of care for children deprived of parental care established during the years of socialism (1944–1989) with a new model aimed at providing protection and support for children through multiple community-based services. Following this policy, the large specialised institutions in which in 2001 12,600 children were being raised (Mihaylov, 2020) in isolated places far from cities and families had to be closed. The official number of children living in institutions in Bulgaria fell from 35,123 (1999) to 11,384 (2004) and then to 7,587 (2010) (Eurochild, 2020; Validity, 2021). The large-scale reform took place due to pressure from international organizations and lobbies and with the financial support of the EU's structural funds (Mihaylov, 2020). As a result, in 2019, there were only 117 children in eight institutions (Validity, 2021).

The DI reform has been the subject of discussion by a range of social actors in Bulgaria – politicians, media, NGOs, international organizations and scholars. One of the most influential accounts of deinstitutionalization is the 're-institutionalization' thesis, according to which deinstitutionalization has led to re-institutionalization practices and cultures. These highly critical accounts have been made from the perspective of the rights of people with disabilities (Mladenov & Petri, 2020; Deneva & Petrov, 2016). However, there is a need for a more nuanced and evidence-based understanding of the reform that is not limited to the perspective of the rights of people with disabilities but considers the actual conceptual premises of the reform in the Convention on the Rights of the Child (CRC).

In this article, we aim to analyse how the process of deinstitutionalization in Bulgaria relates to the concept of child's rights articulated in the CRC on which it is based. We focus on children without disabilities, specifically children raised in small home centres (SHC[2]) subject to so-called residential care. We seek an answer to the following questions – to what extent has the DI reform led to the actual provision of rights to children previously raised in institutions? What are the most common challenges and difficulties the different actors face regarding understanding, interpreting and implementing the child's rights framework? Our central claim is that the case of the deinstitutionalization reform in Bulgaria is an example of the significant contradictions between the 'theoretical framework' of children's rights and their implementation. Within the context of a post-socialist country with high levels of poverty, these contradictions are evident, highly pronounced and problematic.

The first part of the article introduces the theoretical approach. The second addresses the problems and challenges of introducing and applying child's rights legislation in the Bulgarian context. The third part describes the research approach and methods and

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[2] The Small Home Centre is the new form of residential care – a community-based service for 24/7 care for not more than 12 children. The staff consists of a director (one director for three SHCs), a social worker, educators and babysitters (without professional education), and a cleaner.

how they relate to the child's rights paradigm and the proper participation of young people. The fourth part describes the research results, and the fifth analyses them in a discussion.

2 Theoretical approach

The theoretical approach used in this article is based on critical perspectives of child's rights that emphasize the socio-cultural challenges of their implementation. The contradictions inherent to the child's rights paradigm, as articulated in its normative foundation, the CRC (adopted by the UN General Assembly on 20 November 1989), have already been subject to a wide range of theoretical critiques (Burman, 1996; Mayall, 2000; Pupavac, 2001). They point to some limitations of the child's rights perspective conceptualised as 'embodying a universal morality beyond state borders' (Pupavac, 2001, p. 96). These limitations are important within the context of our study and provide a basis for critical reflection on how they are implemented in the Bulgarian context, so we systemize them briefly.

One of the most common critiques of the child's rights perspective is that the universal language and the global claims associated with the concept of child's rights are built on ideas of childhood and children's well-being that are 'Western' in the sense of being rooted in the historical and cultural legacy of liberalism and therefore may be irrelevant in other socio-cultural contexts (Burman, 1996; Mayall, 2000). From a post-colonial perspective, the Western premises of the CRC behind its universalist language and claims have been claimed to represent a form of cultural imperialism (Burman, 1996). Additionally, the generality of the statements in the CRC poses potential problems regarding its actual implementation and monitoring (Burman, 1996).

A second common theme in the critical analysis of the child's rights perspective is the tension between participation rights and protection rights – 'between asserting children's autonomy and rights to self-determination and asserting that they must be protected from harmful influence' (Woodhead, 1997, p. 77). This contradiction is evident in the need for the provision of CRC concerning 'the best interest of the child', which basically contradicts the participation right of children because 'in proposing that we know best the best interests of the child, we deny child's rights' (Mayall, 2000, p. 245). A third important critique relates to the position of the adult according to the child's rights perspective and the consequences of how parent-child relations are constructed.

According to Pupavac (2001), the CRC is permeated by a mistrust of adults, which legitimises the reconstruction of the parent-child relationship through state policies and makes it susceptible to the influence of various types of experts. The underlying mistrust of the children's caregivers implicitly undermines the authority of the parents.

3 Child's rights in the Bulgarian context and the DI reform

In Bulgaria, the CRC was ratified in 1991, but as the 1990s were a decade of turbulent social, economic and political crises and transformations in Bulgaria, children's rights were not a priority. CRC ratification made the existence of the old institutions for children with-

out parental care highly problematic because they were an obvious case of the violation of children's rights. However, until the beginning of the twenty-first century, there was little public information about what actually happened in the institutions.

Sharp impoverishment in the 1990s, especially in Roma communities (Szelenyi, 2013), led to the replication of the socialist model of leaving children in state care (weekly kindergartens and auxiliary schools are often used to raise children of Roma origin). Regardless of the ratification of the CRC, there was no state or any kind of monitoring of the institutional care thus provided or checking whether it complied with children's rights. Parents' access was limited, and reintegration into families did not occur.

The pressure of the EU and international and the first local NGOs made it necessary for the country's legislation to implement the ratified convention. Bulgarian legislation on child's rights was introduced 'at a fast rate, top-down, and, for the most part it is not based on naturally emerging practices and cultural norms regarding children and their rights' (Todorova, 2009, p. 624). Sociological research has shown that in the Bulgarian post-socialist context, the state's role in protecting children's rights is hardly recognised. The most popular opinion is that the state's role in children's lives should be limited to providing financial and economic support to families (Todorova, 2000; Kotzeva & Dimitrova, 2014).

In 2000, the Child Protection Act was adopted (promulgated in the State Gazette, bl. 48 on June 13, 2000), and since then supplemented and changed almost every year. In 2001, the State Agency for Child Protection (SACP) and its territorial departments were established; in 2003, a children's council at the SACP started functioning, designated to support children's right to express their opinions and participation (a principle included in the CRC). This comprises children 14–18 years old who are consulted mainly regarding education-related issues. However, within this council, the situation of children without parental care is not a subject of discussion.

While the state was slow in creating a child protection system based on children's rights and establishing mechanisms to control the conditions and care of children in the institutions, civil society organisations (CSOs)[3] (mainly local branches of international NGOs) started developing local innovative projects to replace institutional care with community services. The first step towards a large-scale DI reform with state participation was the plan developed by the SACP in 2003 to reduce the number of children raised in specialized institutions in Bulgaria (2003–2005), which included a number of measures (prevention of abandonment and separation, social services upon entering the institutions, and the development of foster care and social services). All these measures were intended to provide children's rights 'denied' by institutional care. However, problems related to the lack of adequate legislation and procedures, trained specialists, relevant methodologies, and the lack of state funding became visible immediately. Liberal values and children's rights conflicted with the well-established practices and culture in the institutions and the prevailing traditional values in Bulgarian society.

The DI reform was provoked by media coverage of the situation of the respective institutions – the BBC documentary *Bulgaria's Abandoned Children* (2007) exposed the inhumane and horrifying conditions in which children with disabilities were being raised.

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[3] At that time, typically called non-governmental organisations (NGOs).

These conditions were previously unknown not only to the world but also to Bulgarian society.

In 2010 the ambitious and large-scale DI reform was codified in a document named 'Vision for deinstitutionalization of children in the Republic of Bulgaria' adopted by the Council of Ministers (Council of Ministers of the Republic of Bulgaria, 2010; 2011), which outlined the normative framework of the reform. The goals of the reform were to close all children's institutions in Bulgaria and build a network of community-based services for children and families. Based on the CRC, the Vision not only set out the goals for the reform but also aimed to impose a 'change in the philosophy of childcare' (CMRB, 2010, p. 2), with the principles of this philosophy being the following: actions aimed at the child's best interest, family as the best environment for the child, and the significance of the social inclusion of children (CMRB, 2010, p. 3).

This ambitious reform required the commitment of multiple actors: the state, local authorities, non-governmental and donor organisations, the academic community, social partners, media, citizens and communities. The reform based on the rights of the child envisaged the cessation of institutions' monopoly and the decentralization from state management of separated institutions to the municipal management of a network of coordinated services, which required significant changes in legislation and funding.[4] The DI envisioned transformations on many levels: (1) returning control to the family through abandonment and separation prevention, and supported reintegration; (2) returning children into the community and working with attitudes towards these children; (3) training specialists from helping professions in a child- and family-centred approach, (4) the development of management capacity in municipalities and child protection departments; (5) understanding and applying the philosophy behind children's rights; (6) changing state (including financial) policies.

The reform was declared successful by the Bulgarian government when the last institutions were closed at the end of 2021. Although almost all 137 institutions were closed in 2020 (except for four institutions for 277 children with disabilities[5]), opinions about its success are highly polarised. While politicians call DI the 'most successful reform in the social sector',[6] the CSO sector has been highly critical. Many CSOs' reports have outlined crucial problems such as insufficient social services for families, including the prevention of abandonment (UNICEF, 2014), the persistence of the medical model in the care of children with disabilities, which limits the opportunities for social inclusion (UNICEF, 2014; Eurochild, 2020), insufficient financing (LUMOS, 2016), and insufficient work with the parents leading to rare contact between children in residential care and their families (LUMOS, 2016). Especially critical was the report of Disability Rights International describing the situation of children with disabilities, the main conclusion of which was that 'Bulgaria has replaced a system of large, old orphanages with newer, smaller buildings that are still operating as institutions' (Disability Rights International, 2019, p. 1).

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[4] The Social Services Act was adopted only in 2020.

[5] https://www.mlsp.government.bg/deinstitutsionalizatsiya-na-grizhata-za-detsa

[6] https://news.bg/interviews/shte-zatvorim-vsichki-domove-za-detsa-kogato-otvorim-sartsata-si.html

It is beyond the aims of this article to review systematically the literature on DI, so we will present the main conclusions of the two studies of DI conducted by the Know-How Centre for Alternative Care for Children – New Bulgarian University (KHC) because the research we present is a continuation of the latter and builds on their conclusions. The first research effort took place in 2012/2013, and the second in 2016/2017. Both studies used the action research approach.

The problems stemming from the external pressures for the reform were highlighted in the first study:

> [...] the vulnerability of this policy lies in the naïve trust of its authors in administrative approaches of top-down management and the underestimation of the role of local communities, as well as the complex and conflicting interests of the many institutional actors involved in the process. (KHC, 2013)

From the very beginning, different actors have had different interests in and understandings of the DI process, resulting in different narratives about it. DI is perceived by the representatives of the state and municipal institutions as a process of closing the old institutions. Especially in small settlements, DI is perceived as a project that provides funds for securing employment rather than part of a general reform (KHC, 2013, p. 75). A discrepancy between financial conditions and real needs is also visible at the higher levels of reform planning. The lack of coordination and planning of DI and the neglect of local data on the need for services leads to the conclusion that planning depends mainly on funding provided by donors (including the EU, but not only). These funds are invested to create services, even when these services turn out to be unnecessary for the municipalities. The evidence shows that, at this stage, DI is a process of 'matching' needs and services according to directed funds and covering projects' requirements (KHC, 2018, p. 44).

Both studies focus on how children's rights are violated in the DI process. Three main contradictions are revealed: the understanding and practices of child participation and activism vs traditional attitudes and practices of childcare; non-discrimination vs common sense beliefs and stereotypes; and state care vs the family-centred approach. A recurrent conclusion in both studies is that despite an official understanding of the family's role in the child's life, parents are treated as 'irresponsible' individuals who are 'not worth the effort' the staff put into the newly created services (KHC, 2013; 2018). Negative attitudes towards parents are often motivated by genuine concern for children:

> Why should the child suffer in a family environment where nothing can be provided? In these centres children have everything. Everything except contact with their mother and father, which sometimes brings them nothing. (Social worker, small home centre) (KHC, 2018, p. 31)

Representatives at all levels of the DI process argue that poverty and marginalisation are major causes of the separation of children and families. However, measures to combat poverty and the social exclusion of families are not understood as part of DI (KHC, 2018, p. 30). Poverty puts the care and rights of children into conflict because it leads to the understanding that children should be brought up in alternative care[7] rather than remain

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[7] 'Alternative care' is a term that designates various kinds of care for children without parental care – residential, kinship and foster care.

in the biological family and, therefore, in poor conditions. However, care in most residential services remains limited to providing the bare minimum to ensure children's safety and survival, and the latter continue to experience multiple stigmas and discriminatory practices.

For the children transferred to SHCs, the change is ambivalent: on the one hand, they report much better living conditions ('We live like princes' – boy, SHC), but on the other hand, responsibilities become more personal ('we can't run away from here, everything is visible' – girl, SHC). Many significant relationships were severed with the move to the new services (Zhechev, 2018). The children are also afraid of the future (KHC, 2018), which can be attributed to the lack of an established model for preparing them for the future after leaving care. Moreover, practitioners are not trained to seek and hear children's opinions and attempts to achieve children's participation are met with distrust and scepticism (KHC, 2013; 2018).

The results of both KHC studies raised the following questions about the application of children's rights in relation to large-scale DI reform:
   – How does DI ensure a family environment for the children placed in SHC?
   – Are children's voices heard in the process of providing care?
   – How are the children being prepared for their independent future?
   – Do children and parents continue to experience stigma and discrimination, as was the case in the old institutions?

4 Methodology

We present results from the third study of DI that was implemented by a team of researchers coordinated by KHC in 2020–2021. We chose to focus on the results of this study not only because it is the most recent one but also because it explores the children's viewpoints more thoroughly and highlights ongoing practices of violating children's rights.

The study was implemented in four regions in Bulgaria (Stara Zagora, Sofia, Vratsa and Veliko Tarnovo). The local research teams were composed of two researchers. All teams gathered regularly to discuss the results and align their research strategies. Here we present results from fieldwork in the two significant terrains – Stara Zagora and Sofia. This choice is motivated by the fact that the authors of the article were engaged in the research in these two regions but also by the similarities between the two regions. Within the national context of the DI reform, Stara Zagora and Sofia are similar in many ways – the early start of the DI reform, a high number of social services, including SHC,[8] influential and long-existing CSOs.

As with the previous studies, the research subject was the situation of children without disabilities placed in SHC and the few remaining institutions. Children with disabilities were excluded because the research on children with disabilities requires specialised methods, which the research team did not possess.

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[8] By 2020, in Sofia there were 87 services incl. 25 SHCs (source: https://www.sofia.bg/community-services).

The study aimed to gather data on the reform's current state and analyse the DI reform's effects on children, parents, professionals and communities. To achieve this, the team aimed to explore and analyse the narratives and viewpoints of the various participants in the reform. Another important aim was to empower children, professionals and communities by assigning them an active role in creating knowledge about DI and the opportunity to influence the course of the reform. Using the action research approach associated with the participatory paradigm (Heron & Reason, 1997; 2001; Park, 2001), the study engaged respondents as co-researchers in defining the main problems in the implementation of the reform, reflecting upon them in individual or group settings and elaborating potential solutions, some of which could be turned into proposals for changes in social policies.

Three main types of methods were used within the action research approach – interviews, focus groups, and reflexive groups. The study in Stara Zagora and Sofia included 170 participants, among which 49 were children in residential care and care leavers (aged 18–20 years, raised in institutions).

The inclusion of children in the study followed well-elaborated ethical guidelines. The aims of the study were carefully explained to the children. They were invited to participate voluntarily and could leave the research setting at any moment during the interview. The children signed consent forms. Additionally, because of the lack of parental figures, consent was obtained from their legal protector – the director of the residential home and representative of the local CPD (Child Protection Department). Consent from the State Agency for Child Protection and Agency for Social Assistance was also obtained.

It should be mentioned that at the beginning of the DI reform, the children who were transferred to the new SHCs were children who were growing up in institutions. By 2020, many of these children had already grown up and left residential care. The children who participated in our research had grown up in families and were usually separated from them due to an SACP sanction. They were older, often with pronounced mental health problems (e.g., addictions, problematic behaviour as a result of living in dysfunctional family relationships or poverty, etc.). These children want and can be reintegrated with their biological parents, shifting the priority of the reform to a family-centred approach.

5 Results

Following the article's aims, we present the study results seen through the lens of children's rights. We focus on four of the rights of the child elaborated in the CRC and analyse the contradictions between the normative definition of the specific right in the Convention and its manifestation in the DI process according to the study's results. The four rights chosen as the most significant are the right to life, survival and development; the right to live in a family environment; the right to child participation and activism; and the right to non-discrimination. They were chosen because they are part of both the CRC and the normative framework of the DI process – the Vision for deinstitutionalization – but also because they were underlined in both previous studies as problematic.

The right to live in a family environment is a core principle in the Vision (CMRB, 2010, p. 5), and the family is considered the most favourable environment for the child's development (CMRB, 2010, p. 4). According to the CRC Preamble, every child 'for the full and harmonious development of his or her personality should grow up in a family environment, in an atmosphere of happiness, love and understanding' and has the right to 'be cared for by his or her parents' (Art. 7). A special article in CRC is dedicated to the situation of children deprived of parental care and their right to maintain 'personal relations and direct contact with both parents regularly, except if it is contrary to the child's best interests' (Art. 9). The Vision also mentions the child's right to be involved in the decision-making process regarding the form of care suitable for them (CMRB, 2010). Besides the right to live in a family environment and the right to have their views given due weight (right to child participation), which are crucial for this group of children, we decided to also include the right to life, survival and development, and the right to non-discrimination because we expected that the violation of the first two rights would result in the violation of the other two.

5.1 The right to live in a family environment

According to the study's results, children's right to live in a family environment has been undermined in the planning of the SHC service. One of the main reasons for this is that the latter provides no opportunities for maintaining a regular and meaningful child-parent relationship. In all four terrains, children raised in residential care settings[9] basically had no or very disrupted relationships with their biological parents. Some of these parents were unknown or physically absent (mainly living abroad), and some paid rare and, according to the children, disappointing visits. Among the children in the SHCs, this created the shared attitude that they are on their own and that they need to deal with their problems either by themselves or with the help of the other children.

Some participants, especially social workers, described the environment in the SHCs as being far from family-like and basically, 'copying the institution from which it descended'. They talked about the 'office-like' atmosphere and pointed to the high number of children in the SHCs, which was in sharp contrast to the idea of a family environment:

> There is no such family with 14 children. What kind of family can provide adequate care for 14 children?! (Social worker, Stara Zagora)

On the other hand, participants from the municipal administration tended to describe them in a socially desirable way:

> I prefer to call them cottages, not services or centres. Like a family house. That's why there are no psychologists in the SHCs – you do not have a psychologist at home. There are only a social worker, a director and an accountant. (Expert, Sofia Municipality)

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[9] At the beginning of the DI process, many biological parents of institutionalized children were contacted. Thus in the new residential services remain primarily children whose reintegration has been assessed as impossible.

Although the new buildings are located in cities, they look more like institutions, with a funding information signboard:

> What I want most is to change the signboard, to have it gone. (Boy, SHC, Sofia)

The feature most frequently cited as contributing to the non-family environment in the SHCs was the quality of the services provided by the caregivers, described by most participants in the study as lacking depth, trust and an individual approach to the children's needs. Several important qualities contributed to this pervasive problem. First, the small number of caregivers – one person per seven children – made the relationship between children and caregivers extremely difficult because of the insufficient time and attention. Second, because of the low educational requirements and the very low salary associated with this position, the former lacked the expertise and skills to respond to the various needs of children who had encountered many traumatic events in their life and were experiencing various psychological and social difficulties, including their need to maintain relations with their parents:

> If the professionals know that they need to keep in touch with the families and believe this is important for both the child and them, they will do it. However, the SHCs employ people for whom the care of the child is reduced to bathing, washing, occasionally calling and sending to school and sending to their own room [...]. This person fulfils his exclusively sanitary function. (Supervisor/trainer, Sofia)

Regarding the staff of the SHCs, additional problems were mentioned; for instance, a huge proportion of them had previously worked in institutions and transferred the institutional model of care to their new workplaces without sufficient training. The lack of expertise and skills, the formal and ineffective training, and the 'institutional background' all led to an emotional dynamic in the children-caregivers relations characterised by unclear and unhealthy psychological boundaries:

> The caregivers were unprepared (for the job), although they had undergone training. I have seen disruption of all types of boundaries between staff and children. Caregivers form coalitions with the children, as is typical [in] dysfunctional families. (CSO representative, Stara Zagora)

In summary, all the characteristics of the residential homes described above – a large number of children, an office-like atmosphere, and dysfunctional relations between caregivers and children –contribute to a substantial undermining of the right of the children to live in a family. As stated by one of the experts in Sofia municipality:

> No matter how much we try to create a family-like environment, the children suffer for [pine for] their families. (Expert, Sofia)

5.2 The right to life, survival and development

For children in residential care, the right to life, survival and development is interconnected with the right to live in a family environment because it is considered a crucial social and psychological determinant of their full personal development. Below, we outline three

types of risks and sources of vulnerability that threaten the development of the children in residential care – poor financial opportunities, which amount to child poverty, exposure to various social risks, and poor preparation for independent life after leaving residential care. All of these can be seen as factors creating life-long social disadvantage and marginalization.

According to the young people in the SHC in Stara Zagora, they had extreme difficulty managing their everyday needs because of the small monthly allowance provided by the state (approximately 17 euros). This sum had to be distributed for various purposes: school meals, shoes, and sanitary pads for the girls. According to the children, the money was insufficient even to cover their expenses at school, and they frequently went hungry. Some even said that the other pupils pitied them for this and bought them food – an experience which obviously induced shame and a feeling of humiliation. When asked about the amount of money they should receive every day, they said they needed at least three times the sum they received. The provision of an allowance less than the sum needed for survival can severely affect the children's self-worth, their chances for social inclusion and, therefore, their development.

The directors of SHCs reported other ways the insufficient financial provision for the children led to limited chances for child development. Residential homes have budgets prescribed, governed and controlled by the municipality. These include no money for paid sports and leisure activities which could provide children with a chance to develop their talents.

A second important way that the discussed child's rights are undermined concerns preparation for independent living after leaving state care. Upon turning 18 (and/or graduating from secondary education), children have to leave residential care, and 'their preparation for this depends on the caregivers' goodwill. There are still regions in Bulgaria where the young people come to our services without any skills for independent life' (director, CSO working with care-leavers, Sofia). After leaving a residential home, some of the care-leavers have the opportunity to be accommodated in a social service centre (called 'Monitored Shelter') administrated by the municipalities or CSOs. The care leavers, social workers, and staff of residential homes noted that children raised in residential care are entirely unprepared to live by themselves because of their attitudes:

> There is an attitude among young people which is a barrier to their successful integration into the community. It is related to a lack of motivation and a lack of dreams. They, as it were, expect that there will always be someone to satisfy their needs. (Directors of residential homes for care-leavers, Stara Zagora and Sofia)

Finding a job is one of the areas which is particularly challenging for young people because of the lack of required skills or a supporting network:

> It's difficult because most of them are disoriented; they know they want to work, but they don't know what and how these things happen, where they should go, what they should do, how to write a resume, open a job site or visit the Labour Office [...]. We teach them how to start the washing machine – simple things like that. (Social worker, Stara Zagora)

> They are looking for a job near the SHC because they do not know how to use public transport, and some are afraid to use it. (Directors of residential homes for care-leavers, Sofia)

The undermining of the child's rights to development in SHCs was evident in another very alarming way – the significant social risks to which they were exposed (violence, dropping out, teenage pregnancy, involvement in crime [mainly theft], etc.). The staff of the residential homes rarely discussed these phenomena, but there was much evidence for them in the interviews with children, experts working in CSOs and state experts dealing with child crime:

> I have lived in two foster families [...] the social workers should not tolerate them. I was like a slave. There are people who are not suitable [to be] foster parents. (Child, aged 16, Stara Zagora)

> A girl from our team received a sign that in the residential home a child is still [being] tied up (by the staff). Moreover, this is not a child with a disability but a more mischievous child. (CSO expert, Stara Zagora)

Other evidence for the social risks to which children in SHCs were exposed came from experts in the local commission for the anti-social behaviour of children, according to whom most of these children engaged in deviant behaviour such as frequent absences from school and running away from SHCs with no possibility for the staff to bring them back. These frequent episodes of running away occurred so commonly that they were presented as a lifestyle:

'These are not (cases) of running away – the children are semi-homeless. They don't follow the rules' (expert, Stara Zagora). The reasons for this were unknown, but there is limited evidence that some children ran away with a (sexual) partner. For the girls, this led to the considerable risk of teenage pregnancy, which subsequently created a risk of the abandonment of the unwanted child:

'Girls get pregnant. They come back to the SHC pregnant. Then she leaves the child in an institution' (expert, Stara Zagora).

Another social risk is exploitation:

> There were cases when they were found in nearby villages – someone took them for construction and repair work, put them in the car, waited for them in front of the school and returned them in the evening. Moreover, he didn't pay them; he just took them away. (Expert, Stara Zagora)

All these examples show the caregivers' lack of adequate professional training and the need for a coordinated network among the services.

5.3 Right to have their views given due weight

The right to have their views given due weight and the right to freedom of expression (Art. 12) are particularly important for children separated from their biological families. These rights are related to the development of child participation and practices of activism, which are difficult for many caregivers and even those planning the reform to understand. Children are the real 'experts' when it comes to themselves. However, their opinions are not usually considered reliable due to their degree of disability, age, institutionalisation,

and even ethnic origin and/or traditional cultural norms of caregivers without the required education and training:

> We teach them less independence and more dependence on the social system – if the child decides to fight for his opinion in the SHC, there is not much [they can] do. (Supervisor, Sofia)

In the study, the children were asked how they participated in decisions directly related to their basic rights: Almost all of them answered that they were not involved in this process:

> We were moved like a sack of potatoes [from the institution to the new home – author's note]. (Focus group children, SHC, Stara Zagora)

> Q: Do you say what you want to eat? – A: No, [we eat] whatever they give us. Only for a birthday. (Focus group children, SHC, Stara Zagora)

A large number of children feel ashamed that they live in residential care:

> The nastiest thing is to hear that I am a child from a home. (Boy, 16 years old, SHC, Sofia)

The rules in the residential homes are made up without the children's consent and met with resistance. When asked about what kind of decisions the children made, they pointed only to activities outside the SHC:

> I have decided not to smoke; I can decide to go to school or not, to go to class or not. (focus group children, SHC, Stara Zagora).

5.4 Right to non-discrimination

All three studies of DI implemented by KHC show that despite the reform, discrimination towards children in alternative care and their biological parents still exists and is widespread and difficult to overcome. Children in SHCs experience many stigmas (Antonova & Andonova, 2022), some of which are imposed by unqualified caregivers. The lack of knowledge and skills to deal with the trauma of separation and the harm caused by institutional care and other contexts puts children in a situation where they develop additional dysfunctional behaviours, thereby increasing the risk of engaging in action that threatens their health and life, which again runs counter to the observance of child's rights. Moreover, children often do not recognise these risks. The lack of cross-disciplinary casework and adequate funding deprives children of the opportunity for the consistent development of their talents, reinforcing the stigma of their inability.

As mentioned above, the children suffer discrimination based on their ethnic origin, disability, lack of family, institutional past etc. Historically, institutional care in Bulgaria has been consistently and systematically used as a publicly available means of discriminating against ethnic minority Roma (Bilson & Markova, 2007). The present study's results show that most children in residential care are again Roma children, mainly from families living in extreme poverty. The large proportion of Roma children in institutions and, consequently, in residential homes has been linked to the social exclusion of Roma people and the discriminatory attitudes of social workers and caregivers without specialised education and training. Attitudes towards children in residential care are permeated with disapproval and stigma:

[Using] stigmatising labels further complicates the resocialisation process. The attitude of the staff towards the children is that these children have more privileges and dividends than their own children. (Director, SHC)

A child's outburst is not understood as an expression of his pain, and [stereotypes] are immediately [deployed] – 'you are bad', 'Gypsies don't do anything', etc. (Director, social worker, SHCs, Sofia)

The participants shared that these attitudes towards children are also present in schools:

In the school, the attitude is a bit like [they are] second-class children... (Director, social worker, SHCs, Sofia)

These attitudes indicate that emotions towards children without parental care vary between concern, pity, envy, fear, hatred, and shame. Inherent discrimination leads to diminished possibilities for the development and realisation of the potential of the children.

6 Discussion

While our research has shown that children's rights are still violated, in comparison with the institutional model, there are major shifts which need to be outlined. Though not really community-based, the new services provide a degree of publicity and control which fundamentally changes the children's position.

First, the extent of violations of children's rights is less pronounced. While institutional care was strongly associated with practices like violence and neglect, this was rare in the small home centres. Therefore, we see a shift in the risks for children deprived of parental care – from violence and neglect in institutions to social risks such as dropping out of school and a high chance of marginalisation after leaving the SCH. The institutions were part of a 'uniform' socialist world, fitting into the highly predictable and uniform socialist society. The new types of care seem to be leading to new forms of insecurities, which easily translate into new forms of stigma and marginalisation.

Second, as mentioned above, from the very beginning of the DI reform, there have been many different understandings of the DI process which relate to the child's rights paradigm in conflicting ways. The lack of clarification and negotiation of a common understanding has deepened over the years, creating tension between the various actors. We distinguish three main understandings of the DI process, which are developed in three different narratives related to the main co-researcher groups – state and local administration representatives, practitioners (caregivers, specialists, scholars), and children (and parents). The child's rights paradigm and understanding how DI will contribute to their observance in practice is part of all three narratives. It co-exists and is often opposed by patriarchal norms of child care, the old institutional model, and an administrative approach to following procedures and control without considering the need for human development, the existing data, and the importance of local, community and individual needs and relations.

The administrative narrative of DI is shared above all by the state and municipal representatives who perceive DI as a process of closing old institutions in line with project deadlines that 'descend' from different ministries and agencies. According to this narrative, DI officially ends with the closure of the last institution.[10] On the other hand, the narratives of children and parents emphasise the need for them to be an active part of the decision-making process related to their own lives.

Some practitioners primarily support the child's rights paradigm with common theoretical-practical approaches (such as care based on an individual approach towards each child and emphasis on the importance of human relations in child development). These practitioners work directly with children and/or train and supervise those working with children (university professors, mental health specialists working in international and local CSOs and, at the beginning of the process, also in the new structures of the SACP). On the opposite end are mainly non-specialists who found a place in the new services due to a lack of other job opportunities. For them, child's rights are 'just caprices and foreign demands since with most of these children nothing helps but punishments and a firm hand' (caregiver, SHC, Sofia). The co-existence of these two groups reflects the characteristics of the Bulgarian context in which patriarchal, institutional and community models of care based on children's rights are increasingly conflicting. The consequences of not accounting for and not communicating between these narratives and understandings of DI are the gradual displacement of the practitioners' narrative by administrative measures, a neglect of the individual characteristics of children, and the replacement of individualised casework with increasingly complex bureaucratic accountability procedures. This leads to a situation in which some of the primary child's rights remain only on paper, with no practical dimension.

The differences in paradigms and definitions of DI are reflected in the current monitoring practices, which are aligned with the administrative narrative without emphasising successes related to children's development or increasing parental capacity. Despite the discussions between specialists and the state administration during the creation of the new Social Services Act, monitoring practices and indicators are not based on an assessment of children's mental health and the development of skills and talents are not tracked. In other words, the understanding of DI as a reform aimed at supporting an individualised approach to each child and family and based on children's rights is not being realised because there is no consensus as to what residential care is – whether temporary shelter or coordinated care tailored to support each child and family.

7 Conclusion

The article contributes to understanding the deinstitutionalisation reform in Bulgaria in three ways. First, it provides a historical overview of the reform in light of the child's rights concept and principles. It therefore employs a broader framework than the one used in disability studies. Second, it provides empirical evidence for how child's rights are be-

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[10] https://www.mlsp.government.bg/deinstitutsionalizatsiya-na-grizhata-za-detsa

ing undermined and violated in the new residential homes meant to overcome the institutionalised model of raising children. Third, it links this evidence to critical perspectives towards the child's rights paradigm and the child's rights regime. Most importantly, the article outlines how the sociocultural context plays a crucial role in the 'translation' of children's rights into practices, understandings and notions. Within the post-socialist context of Bulgaria, children's rights are an ephemeral and fragile construct permeated with traditional values and attitudes.

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Creative and participatory methods for bolstering violence prevention in schools in South East Europe through shifting social and gender norms

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Abstract

Children have the right to be free from violence in schools, yet violence in schools persists. The social and gender norms, or unwritten rules of behavior that drive our collective beliefs, attitudes, and perspectives, perpetuate both positive and harmful behavior related to violence. However, social norms are malleable. To explore this further, the Regional Research on Violence Against Children in Schools in South East Europe project, supported by Terre des hommes and the Child Protection Hub and led by the International Institute on Child Rights and Development (IICRD) sought to work with young people and their supporters in eight South and East European countries from 2019–2021 to unpack how social and gender norms impact school related gender-based violence (SRGBV) and the potential role young people play in challenging destructive social norms in Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Kosovo, Moldova, Romania, and Serbia. At the intersection of a child's right to be safe, to be educated and to be heard, this paper looks at a creative and participatory research approaches that bring children's experiences of violence in schools to the fore and centers their experiences.

This largely qualitative study drew on participatory and creative methods to explore the incidence and type of violence that children and young people are facing in and around school in South East Europe, who is most impacted by it, the social and gender norms related to violence (including SRGBV) against children, the mechanisms and child-led actions that protect children from violence and promote wellbeing, how children and young people felt able to prevent or respond to violence (and SRGBV specifically), and the ideas they had for prevention. National academic and independent researchers were trained on the research and analysis tools that were designed by the IICRD team to ensure consistency. Two schools in each country were chosen to run 2–3-day workshops with up to 15 young people aged 13–18-years-old and up to 15 adult supporters at each site.

This paper outlines the findings and focuses on the cyclical nature of research and practice where one informs the other. The multi-country research design and findings offer unique insights into effective approaches to work with young people as well as the levels of violence experienced by young people and their critical insights in how to implement enhanced safety in schools. In addition, this paper emphases the process

of conducting research using creative and participatory methods as this is not often discussed in detail in the literature. In order to develop research with children and young people that can effectively impact practice, we suggest it is imperative to have a relational approach embedded in research that provides training for adults to ensure they are equipped to do this sensitive work.

Keywords: violence against children; participatory and creative methods; social norms; gender norms; school-based violence

1 Introduction

Children have the right to be free from violence in schools, yet violence in schools persists. Violence prevention projects globally have had diverse structures, processes, and focus with varying degrees of success (Ozer, 2006). In order to address a paucity of children's perspectives on school-based violence prevention and literature on the subject, we sought to explore approaches to mitigating violence against children in schools in different ways by researching with children and young people to identify and learn from their perspectives. Uniquely, the Regional Research on Violence Against Children in Schools in South East Europe project, supported by Terre des hommes and the Child Protection Hub and led by the International Institute on Child Rights and Development (IICRD) sought to work with children and their supporters in eight South and East European countries to unpack how social and gender norms impact school related gender-based violence (SRGBV) and the potential role children play in challenging destructive social norms and promoting positive ones in Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Kosovo, Moldova, Romania, and Serbia (Manion et al, 2021; Currie et al., 2021). The careful consideration of design and implementation supported us to better understand what processes kept violence happening in school settings, and to find ways to integrate different and more effective approaches to challenge and transform destructive social and gender norms, into norms that support safe violent-free schools or zones, that encouraged reporting incidents of violence, that disrupted patterns of violence, including both low level persistent violence and more intense violence, and that created more copasetic learning environments where students feel safe and included. To do this effectively we needed to work with young people to understand what they saw occurring in and around schools and how to co-create ideas for changing these norms. By privileging their unique and valuable insights, we recognized their inherent agency (Collins & Wright, 2019) and that they could provide a different way to tackle violence impacting children. However, as James (2007) suggests, making space for children's voice is insufficient to elicit and value 'the unique contribution to our understanding of and theorizing about the social world that children's perspectives can provide' (p. 262). Our approach needed to honor that they have essential information to share and recognize that they are often left out of important discussions.

This was sensitive research, where we were working with young people under the age of eighteen on difficult and emotive topics. As such, we carefully designed and delivered methodologies that supported participants to feel safe, comfortable and engaged in the research process. The methodology and the research processes allowed local researchers to listen to children and young people through participatory and creative methods

that included play- and arts-based approaches. This paper outlines our youth-focused participative and creative process that was put in place to explore social and gender norms that perpetuated violence in and around schools. Illustrating the value of the methods and procedures it also proffers insights the young participants shared regarding their experience of violence in schools and the social and gender norms that perpetuate it. Below, we first briefly present how social and gender norms are constructed in the literature globally and consider the potential contributions of social norms theory to understandings of violence against children. We then introduce the participatory and creative methods employed to explore the research questions and some of the challenges that arose. We move on to present the findings shared by the young participants regarding the violence they encounter in their school lives and their ideas for how to identify and shift norms. We finish by discussing how we believe this is relevant in the study of violence against children and offer some concluding questions that deserve further reflection.

Drawing on an eclectic social constructivist theoretical framework which was inclusive of a social ecological and a systems thinking approach (Brofenbrenner, 1979; James & Prout, 2015; Wilson, 2008), the project also incorporated a gendered, generational, inclusion and diversity lens which recognized children as social actors or agents, influencing their own lives, the lives of others, as well as the societies in which they live (Dahlberg et al., 2007).

Using participatory and creative methods, this largely qualitative study sought to answer what types of violence do children and young people face in and around schools in South East Europe, who is most affected by it, what are the affiliated social and gender norms relating to violence against children in schools, including gender-based violence and what are the informal and formal mechanisms and child-led actions that protect children and promote wellbeing. Within this, we explored how children felt they could prevent or respond to violence against them and their peers and their prevention ideas. The research methodology was designed by the IICRD team, who trained national researchers on the research tools and analysis to ensure consistency. Two schools in each country were chosen to run 2–3-day workshops with up to 15 young people aged 13–18-years-old and up to 15 adult supporters at each site.

2 Literature review

We have seen increasing interest in how social and gender norms are carried out, how they influence social phenomena and how, if at all, they can be nudged into different, more socially beneficial norms (Manion, 2022; Harper & Marcus, 2018; Heise & Manji, 2016). Social norms are influenced by our beliefs, attitudes, and values, and they dictate how we feel we should act. These are also learned behaviors that start young in life. These are often described as the unspoken rules that guide our behavior in foreseen and unforeseen ways (Lilleston et al., 2017; Heise & Manji, 2016). Norms generally develop slowly over time (Eder et al., 1995), but there are situations that promulgate rapid normative change, for instance as was demonstrated with the predominant (while not unanimous) acceptance of the norm to wear masks in public places during the COVID-19 pandemic (Woodcock & Schultz, 2021). These guiding norms are powerful forces that are held in place by peers, or

rather people's perceptions of how they think peers will act towards their behaviors (Heise & Manji, 2016; Cislaghi & Heise, 2018; Harper & Marcus, 2018). For instance, if someone enters a cafeteria where students diligently place their waste in appropriate recycling or composting bins, one may feel compelled to also dispose of their own waste in the same manner. We are influenced by the norms we see around us, and our behavior is influenced by how we perceive we may be seen by either following the norm or failing to follow it. Interestingly, people's beliefs may sometimes run counter to their actions because the pressure they feel to follow the norms set by those around them more powerfully sways their actions (Bicchieri & Xiao, 2009). Gender norms are based on those same underlying forces that focus our behavior based on perceived ideas of what is expected of us pertaining to, or delineated by gender (Pulerwitz et al., 2019). Gender norms are transmitted early in childhood and reinforced by the differential treatment of children of different genders (Amin & Chandra-Mouli, 2014). A common gender norm may include social acceptance and encouragement of males displaying aggressive domineering behavior over females (DeLamater et al., 2015; Manion et al., 2021). As Jewkes and colleagues (2019, p. 3) describe, 'gendered behaviors can shift before attitudes consciously do, and vice versa.'

Lilleston and colleagues (2017) note the critical importance of understanding and attempting to mold social and gender norms that are associated with violence against children. Norms are held in place by complex and imperceptible social actions (Eder et al., 1995). Social norms theories refer to the people whose opinion we care most about as 'reference groups' (Heise & Manji, 2016). Reference groups are not unified groups and can either consist of those closest to us or they can be random strangers. Similarly, they can be small close-knit groups or large diffuse groups. What tends to unify them is our perception that their opinion of us matters. Cislaghi and Heise (2018) argue that the perception of how a reference group may approve or disapprove of our behavior matters because we assume there will be a sanction or reward based on our behavior. These social processes often go unnoticed but paying attention to these processes can help to surface them and allow people to examine norms and question whether they are destructive or constructive. More importantly it invites us to consider if they are malleable and if so, how we might shift destructive norms to productive norms (Manion, 2022).

We designed procedures to support young people to participate in processes to help identify norms not least because a small but emergent area of literature exploring gender-based norms and violence against children suggests that norms that perpetuate sexism and gender inequality continue to manifest in sexualized violence in schools, including through victim blaming and shame (Mayeza et al., 2021; Jewkes et al., 2019; Lilleston et al., 2017). Similarly, literature supports the idea that ongoing harmful norms that entrench bullying and emotional abuse between peers in schools (Perkins et al., 2011). Conversely, studies have also shown that focusing on normative shifts can support positive change, for instance Perkins et al. (2011) outlined an approach to tackle bullying by influencing social norms through poster campaigns, Barnyard, et al. (2020) emphasize that positive social norms can reverse a bullying culture, Tolmatcheff et al. (2022) further demonstrated that focusing on social norms can reduce bullying in schools, and Jewkes et al. (2022) identified both the role gender norms play in violence in schools, but also in how this opens opportunities to redress gender inequality to help reduce gender-based violence.

Children also defined what school violence and gender-based violence meant to them and what forms they had witnessed or experienced. As a corollary, Ferrar et al. (2019) confirm the high prevalence of violence and identify six common forms of school violence occurring in schools, but also in close proximity in homes and communities, maltreatment, bullying, youth violence, intimate partner violence, sexual violence and emotional or psychological violence. Bott et al. (2005) articulated that gender-based violence further denotes the systemic inequality that girls and women face, as seen in a myriad of experiences of violence, which are often entrenched in institutions, laws and cultural norms.

3 Research methodology

The project's research questions focused on social and gender norms related to violence against children and young people, informal and formal mechanisms, and prevention of violence. This research used a mixed methods study with a qualitative driven approach (Hesse-Bibber & Johnson, 2015). We used participatory and creative research methods (including art and play-based methods) drawing on a variety of contextualized research tools with children, young people, and adults. There are inherent risks in conducting research with children requiring heightened ethical mechanisms, but too often these have mitigated research with children based on fear or ignorance (Fargas-Malet et al., 2010). This undermines children's inherent knowledge about their own lives and ways to implement change (Meloni et al., 2015). To conduct meaningful effective research with children, creative and participatory methods help ensure they both can and want to participate. Creative methods have been extensively used in research with children (e.g., Harris et al., 2015; Clark, 2011) and often seek to foster supportive environments to meaningfully listen to them. The tools in this study built upon one another supporting trust building and a gradual deepening of researchers' understanding of children and young people and their communities' lived realities. The participatory approach sought to create space for open ended questions and interactive activities that allowed for young people to explore perceptions of violence, prevalence in their schools and communities, as well as the attitudes of their peers, parents/carers, and the broader community. To ease participants into the research, the research used a strengths-based approach exploring positive social norms and structures first and identifying how these could address the challenges and concerns of young people. In addition, the time was provided to co-vision strategies for prevention of violence, address social norms, and identify support services to respond to incidents, suspicions, and reports. A guiding principle woven throughout the research was 'do no harm,' ensuring that neither researchers, the methodology, nor the interactions between peers led to harm for any child or young person.

Researchers from the eight countries were invited to a three-day in-person workshop to develop research skills, form a community of researchers addressing sensitive subject matter, and provide recommendations to edit and further contextualize the tools and process. The three days fostered an opportunity for relationships to form through opening circles, jokes and laughter, challenging conversations, and shared reflections. The opportunity to both play within the workshop and outside (e.g., evening dinners and walks) and

feel comfortable in methodological discussions played a valuable role in the success of the research partnership for individuals within it and for the collective. While there is a long history of participatory research, explicit 'description of methods, tools, and processes along with documentation of the challenges and facilitators of implementation' (Vaughn & Jacquez, 2020, p. 7) are limited, leaving us questioning what makes for quality and meaningful research processes. While literature exists on quality training for child and youth researchers, less exists on what is needed of researchers to be able to facilitate effectively. The opportunity to build a solid and trusting relationship between researchers and to include time to practice tools and critically reflect on facilitation approaches is pertinent for effectively conducting research of this nature. Well-crafted tools themselves are not enough. The team maintained ongoing communication through email, WhatsApp, and Zoom calls sharing lessons learned and wise practices along the journey. A spirit of openness, exploration, and a real commitment to the young people underpinned the work together. Researchers also took time to support one another through emotionally challenging and consequential subject matter.

Research participants were drawn from two schools in each site, usually one rural and one urban school. Within the schools, up to 30 young people aged, separated by gender, between 13–18 years old participated, as well as 8–15 adults per site including parents/carers, teachers, principals, school professionals, community leaders, and social service providers. In total 263 young people and 168 adults participated across the seven countries. The research was conducted in the local language and the local researchers translated the initial data analysis into English.

3.1 Dignity and ethics of voluntary, informed ongoing consent and assent

The research adhered to ethical research guidelines and principles for safety, dignity, rights, and well-being of the participants (Morrow, 2012). Research was conducted in accordance with children and young people's rights (as outlined in the UNCRC, 1989), best practices in researching with children (e.g., Ethical Research Involving Children, UNICEF, 2013), and it adhered to Terres des hommes' Child Safeguarding Policy (2015). The research was reviewed and approved by the Royal Roads University Research Ethics Committee in Canada, as well as the national research boards in each country. The ethics addressed critical elements of voluntary and informed ongoing consent and assent, limited confidentiality, anonymity, do no harm protocol, power imbalances between researchers and participants, and use of data. The limits of confidentiality were shared with children, young people, and adults during the consent process so that all knew that if a young person was indicated to be at risk to themselves or others, and/or if incidents of abuse were witnessed, reported, or suspected, the research team would need to report it to someone who could provide support (i.e., appropriate authorities). The national and international researchers were cognizant that research on sensitive subjects, such as violence against children, can cause unintended harm to participants. For example, if confidentiality is breached, informed consent is not obtained, or a group of people is stigmatized. Further, researchers took extra care to be careful not to raise expectations, which could lead to mistrust of outsiders and disillusionment. The ethics in this research thus adhered to procedural ethics

(as outlined above) and integrated a relational understanding of research and an ethics of care that respects and recognizes humans as relational and emphasized the value of participants being respected and listened to in the research (Bussu et al., 2021).

All efforts were made to conduct research in person as there are added ethical issues to consider, mitigate, and respond to when conducting research with children on violence. Unfortunately, the COVID-19 pandemic began during the research data collection phase, so it was not possible for all research to take place in person. Where it was not possible, rigorous risk analysis took place, thoughtful adaptations, and additional ethical safeguards were put in place by national researchers to move to some virtual activities. Tools were adapted to use online with support of school psychologists and ethical support from Ministries of Education and local community teams.

3.2 Creative methods

The focus of the quantitative and qualitative research methods was to design participatory and creative instruments to meaningfully engage young people and adults in exploring violence taking place in children and young people's lives. The intent of the methods was to have a deep and nuanced understanding of children and young peoples' lived experiences and the social norms and practices around violence taking place in their lives. Open-ended questions created space for young people to share their perceptions of violence without being influenced by the researchers' own definitions or notions of violence. This included allowing young people to define what they perceived as violence, discuss the prevalence of violence in their lives, share their beliefs and attitudes around violence, and explore the impact of violence. Importantly, space was created for young people to develop strategies to prevent violence and to make recommendations concerning support services for victims and perpetrators.

The methods were developed in such a way that as the researchers moved through the tools, researchers were able to build trust with participants and their understanding of the current realities of young people gradually deepened. The methods began with the development of a safe shared space, where young people determined what they needed to feel safe and supported in the group of peers and researchers that they would work with throughout the research project. This allowed young people to set the boundaries and parameters of the work, alongside researchers. Creative tools were developed as a toolkit (see Currie et al., 2021) with special care and attention to the difficult subject matter, allowing researchers to learn about typical experiences of violence while being extremely cautious not to trigger or harm young people involved. In each site, local researchers set up processes to follow up with the young people in case someone was triggered or there were lingering questions or comments they wished to share. The tools were reviewed by the National Researchers to ensure acceptability in study contexts. For example, more traditional participatory tools used with social norm research, such as *vignettes* (i.e., sample stories) were used in combination with *body mapping* (drawing of bodies on maps and exploring thoughts, feelings, and actions) to explore fictional characters and experiences of violence for children and young people in their schools and communities. Since the vignettes were hypothetical stories, participants had more latitude to depersonalize issues

and share impressions, themes and issues that emerged in the exploratory discussion. The vignettes needed to be contextually appropriate in each country, and some adaptations were made to ensure they were.

Innovative tools, such as *'gender boxes'* were used to understand how violence affects children of different genders differently. This approach uses images to generate dialogue regarding what typical gender behavior is by identifying what is within and what is outside the typical 'gender box'. This allowed participants to look at qualities of typical boys and girls as well as consequences for being different. Focus was placed on meaningful conversations that emerged from these tools of inquiry, and young people were generally keen to participate in these conversations, enjoying the opportunity to share thoughts and experiences that typically are not spoken about.

As the research progressed, tools shifted to focus on understanding the development and maintenance of social norms around violence against children, including understanding reference groups and sanctions for fictional characters that were based on typical experiences of young people in the region. In addition to helping researchers understand the complex social worlds young people inhabit, the tools also taught young people about social norms and how these may be impacting their and their peers' experiences of violence. This recognized the young people's agency to explore how they can work together to build positive social norms, and creative tools such as *vision collages* (which invited participants to create mixed media collages that articulated their vision for the future)*, and *safe school plans* (which had participants scope out tangible maps with ideas for building safety in their schools) were used to explore how young people can work alongside adults to create a safer environment. Young people had the opportunity to assess their involvement in the research, offering critical feedback to researchers through arts-based reflective monitoring and evaluation tools such as *rose, bud and thorn* that invited them to reflect on strengths (rose), budding opportunities (bud) and challenges (thorn). Researchers also worked closely with young people to develop a presentation for their school to share their learnings and prevention strategies with their peers and educators.

Several rounds of analysis were done, based on thematic analysis (Daly et al., 1997; Braun & Clarke, 2022) to systematically analyze our qualitative data. We began with reviewing local researchers' initial post-workshop reflections on themes, followed by review of artifacts and transcripts, then reviewing themes and adding them to a template to share across countries to complete and carry out a cross country analysis. Our process was iterative where we read and re-read data to explore and identify emerging themes. We aimed to find patterns in and across data 'in relation to participants' lived experience, views and perspectives' (Clarke & Braun, 2017, p. 297).

4 Results

The comfort, safety and engagement garnered from using these tools allowed the participants to share their ideas, impressions, and insights with the researchers. These details could only be reported by the young people themselves which illustrates the importance of including them directly in research (Manion et al., 2021).

The young participants reported a myriad of experiences of violence in schools ranging from minor and irregular to serious and prolonged, which increased incidents of vio-

lence, particularly online, during the COVID-19 pandemic. Psychological violence and bullying were the most cited types of violence by the participants. They also noted that there were also high levels of sexual harassment and violence against girls. Violence was purported to be perpetrated by a range of people, including fathers, teachers, other adults, but the most cited group in this research were peers. Participants were cognizant of the long-term impacts of violence, and they reported an overarching lack of safety in schools and en route to schools. Given the ubiquitous nature of violence, participants also tended to depersonalize it (Manion et al., 2021).

Participants noted that experiences were both gendered and racially specific. Student participants identified a range of gender differences, including more experiences of sexual violence, shame and victim blaming for females (as illustrated by Angelone et al., 2021) and more physical violence for males. Participants noted that they believed males were more likely to use physical violence, whereas females were more likely to use psychological violence. Similarly, participants suggested females were also more likely to report violence. Participants confirmed that children and young people from marginalized groups, which differed in each location, were more likely to be victims of violence. In exploring the social and gender norms with young people across the eight countries, traditional patriarchal gender norms still dominated discourse within schools, where male and female roles and expected behaviors appeared to be tightly cast. There was some suggestion in some settings that this was shifting, however aggressive male behavior and demure female behavior were identified as common. Gender was woven into many of the findings in the research. This permeated how violence was understood, experienced and remedied. The permissive notion that 'boys will be boys' seemed to provide a broader remit for boys to behave more violently, while at the same time the restrictive notion that 'respectable girls are not violent,' ensured a more punitive approach for females who failed to fit these parameters. The idea of protecting female purity was also common and affected how violence was undermined, underreported, and minimized (Manion et al., 2021).

Participants detailed the locations where violence was more common, such as nearby bus shelters, public washrooms, and specific areas in school grounds. They also identified the actors who promulgate problem norms. The reference groups, or those people whose opinions mattered, included people known to the young people, but some participants, particularly in Serbia, noted that the media also had a strong role in setting and perpetuating norms.

Thematic analysis identified four systems of social norms that limited reporting of violence, increased the use of violence, increased the acceptance of violence, and limited the intervention of third parties. The impact of normative processes minimized the impact of violence, limited mitigation and recognition of violence and curtailed reporting. Participants provided both examples of strong descriptive norms, or beliefs of what others do, as well as injunctive norms, or beliefs of what others approve of. Both led to a failure to name violence as violence, to reduce reporting of violence, to perpetuate victim blaming and feelings of shame by victims, and to fear intervening due to repercussions. This appeared to be further complicated by cultural ideas and assumptions that intersected with norms, including traditional gender roles, assumptions that violence is static, and that women and children do not engage in violence (Manion et al., 2021).

The experiences and entrenched levels of violence and poor rates of reporting in school were deemed to be affiliated with the level of trust in the systems of protection and

apathy due to the perceived breadth, intractability, and significance of violence. All this promoted distancing approaches that displaced the feeling of responsibility for reporting or intervening in situations of violence, including assumptions that someone else would report violence, not wanting to bother someone, assuming others were responsible for reporting or intervening, attempting to report in non-direct ways, or avoiding it altogether (Manion et al., 2021).

Social norms that promoted violence were preserved by the notion that *everyone uses violence.* Similarly, the idea that violence in some circumstances is acceptable, for instance in the case of revenge, further incited violence. This was particularly noted for boys. Further, the commonly held belief that v*ictims of violence must have done something to deserve it*, that *real men use violence with their partners*, and that *boys can take more punishment*, all contributed to the continuation of norms that accepted violence and limited approaches to intervening. Likewise, norms also promoted hiding violence and retaliation against violence (with violence) (Manion et al., 2021).

Participants shared their insights about the role third parties took when violence occurred. Examples of descriptive norms emerged including that *people will do as their parents did*, including intervening or ignoring. Norms that reduced the likelihood of a third party intervening based on others approval (injunctive norm) included norms that were based on fears that those who intervene would be ridiculed; that teachers and police are untrustworthy; apathy as it was assumed children and young people are not listened to (Manion et al., 2021).

Non-normative attitudes, values and beliefs also supported a culture of accepting violence in schools and displacing responsibility. Concurrently, non-normative behaviors that offered reprieve for young people included gathering and protecting together, offering alternatives, following rules to keep safe, and telling others about violence without reporting (Manion et al., 2021).

As the aim of the research was to mitigate violence in schools, researchers focused on better understanding what the circles of protection, both formal and informal, were for young people. These varied across countries and schools, but largely included family, particularly mothers and other guardians, some trusted school professionals, and some peers. This did not include many additional personnel from external institutions. Overall, the circles were limited to those closest to the young people. Participants reported relatively few teachers and other educational professionals that they trusted to discuss violence with. Participants across several countries also highlighted a general lack of access to and trust in police and other statutory services. In tandem, participants also noted there were too few formal supports within schools to offer protection (Manion et al., 2021). This accumulated to feelings of a lack of safety in schools.

The research also sought to amplify the voices of young people and their approaches to bolstering safety within their contexts. However, one of the alarming findings from the study was that participants in most countries did not see themselves as agents of change. They reported feeling helpless, without many avenues for addressing violence, and they did not feel that they were listened to or taken seriously. They also reported a minimization of violence which was not taken as a serious problem worthy of redress. Where violence was addressed, some, for instance in Albania, noted that it was treated as an individual incident, rather than a systemic problem. This undermined successful sustainable and systemic interventions.

This research project represented a marked exception for participants where they expressed gratitude that they had been given a platform to discuss issues that mattered to them, felt listened to and respected, and had space to explore future visions and actions to take at small and large levels. They also saw an avenue to build school safety plans and enact some of their ideas.

5 Discussion

With an aim to explore the social and gender norms of violence that children and young people face in and around schools in South East Europe, this paper reviewed the findings from a project exploring the social and gender norms that perpetuate violence in schools in eight countries, but more so it focused on the participatory and creative research methods utilized to gather these insights. In outlining both the methods and the findings, four areas came to the fore inviting further discussion. The first is the relevance, utility, and effectiveness of creative and participatory approaches with children and young people to better understand challenging issues they experience in their lives and to identify possible interventions. The second is that the methods and how they are applied matter. In this case the importance of a relational approach was critical in building the trust in the participants to meaningfully share their insights. The third area was the importance of considering the relational ethics involved in carrying out this kind of research which goes beyond what is procedurally required by research ethics boards and incorporates how to create safety for children and young people and honoring their experience and expertise. As the research occurred during a pandemic, it illustrated the importance of being nimble when challenged, while also keeping to the central principles of the research process. Fourthly, the findings from the research highlight the prevalence of violence and potential ways to disrupt the social and gender norms that perpetuate violence against children and young people in schools.

The team of researchers working on this project had worked individually and collectively on a range of projects across diverse settings and countries with a focus on progressing creative and participatory approaches to research and practice with children and young people. As such, it is unsurprising that they found that these approaches are beneficial. However, this research reiterated the multi-pronged value in working with and alongside populations that experience the phenomena that researchers are studying. In this case, the young people in schools had an unparalleled knowledge of what kinds of violence exist in and around their schools and yet their opinions, and perspectives are undervalued and rarely heard. While the participants shared findings that were consistent with other research on gender-based violence in schools, such as the prevalence of shame, victim blaming and rape myth acceptance that limit reporting and exasperate harm (Angelone et al., 2021; Mayeza et al., 2022), as well as harmful gender norms that perpetuate gender inequality (Mayeza et al., 2021; Jewkes et al., 2019; Lilleston et al., 2017), they also presented inherently novel, specific, and innovative ideas, highlighting the travesty of failing to take their views into consideration. The process of asking and acting upon these insights can also be a critical and transformative approach of the research process. However, as is noted in the literature, there is often a gulf between what is promised and what is delivered in

participatory processes (James, 2007; Vaughn & Jacquez, 2020). This puts additional onus on researchers to ensure that there are processes in place to act on the ideas shared during participative and creative research.

Participatory approaches can deliver innovative, impactful, and insightful data when they are designed, facilitated, and analyzed well, align with the research questions, and are acted upon. However, when done poorly, these can also produce ineffective and irrelevant data while also disempowering participants and leaving participants feeling helpless and/or frustrated. Part of this research supported identifying social and gender norms that perpetuate violence, but it also highlighted social and gender norms that perpetuated social constructions of childhood as 'vulnerable' and 'becoming' discouraging listening to young people in schools about violence or about other change-making processes they saw were needed. Read-Hamilton and Marsh (2016) suggest that communities that identify norms that perpetuate violence and see that change is in their best interest can draw on collective energy and motivation to make change. In keeping with this insight, this research sparked an interest in shifting norms in schools so that children and young people are more likely to be a part of processes to understand the system and make it stronger. This project gave birth to subsequent local and national projects to develop specific strategies to alter norms in schools across the eight countries, but particularly in four of the countries (see Currie et al., 2021).

Participatory processes can be messy. Taft (2015) suggests a need for 'deeper, more textured analyses of the ways that adults and children co-construct spaces for [children's] participation in democratic social life' while at the same time highlighting how 'ideals of collaboration, dialogue, and partnership is a highly complex and difficult endeavor' in the context of unequal political and social power (p. 427). While the rights of children to contribute to areas that impact them are solidified under Article 12 of the United Nations Convention on the Rights of the Child (1989), this individual-based right also recognizes relational rights that interconnect children with others in their communities. Although rights are interdependent, indivisible, and interrelated (UN, 1993), they can, and do, clash in different contexts and a relational approach provides an avenue for exploring synergies and tensions. This project gave us space to explore how participative and creative research approaches help make space to unearth and traverse those messy tensions.

These participative and creative approaches are further critical in building relational space where participants feel safe to participate and share difficult, emotive, and challenging information, feel their contributions are valuable and trust the researchers will respectfully analyze and share their insights to provide recommendations for action to improve children, young people, and adults' lives. The variety of tools used carefully balanced various approaches to engaging different ways of thinking, knowing, being and expressing. They also allowed participants to unpack and think about issues of violence and the behaviors that led to, curtailed, or came after violence in distinct ways. These types of tools and facilitation encourage relational practice.

The size and scope of the research sample limits the ability to generalize the findings. There were challenges associated with a large international study that included different implementing teams using different languages and embedded in different cultures. We were also hampered by COVID-19 physical distancing protocols and school closures. The project's approach drew on research, but also practice. This progresses the fuzzy line

between interweaving practice and research while also forefronting the voices of children and young people. Tying research to action builds a cyclical approach of research-practice-research which supports a strong learning environment (see, for instance, Vaughn & Jacquez, 2020; Denzin & Lincoln, 2011; Kolb, 1984). In exploring a topic like violence, the creative approaches allowed researchers to leverage methods that indirectly encourage discussion on issues that are sensitive and allows researchers to ask indirect questions which may elicit information about what is occurring that participants may not categorize as violence. The creative approaches also fostered space for the participants to free themselves from worrying about providing the answers that researchers are seeking and instead focus on the activities, contributing to the group discussions, and sharing their thoughts.

The use of data was also an important ethical consideration. The importance of acting on or being clear on what could be acted upon once data was collected, was important for participants. In retrospect, this could have been further emphasized by researchers. This project led to changes made at the national level, but the international team, led by Terre des hommes, initiated a secondary project in four of the countries that focused on training teachers to work with young people in schools to shift destructive social and gender norms and augment protective norms (Manion et al., 2021). Teams in the eight countries also pursued additional projects building on this project. While it is fantastic to know that this research was acted upon, having this as a requirement at the beginning could have also supported the trust in the process for participants. Research integrity should ensure clear communication about the possibilities and uncertainties of how the findings will be used going forward and that the researchers are actualizing what the participants are saying wherever possible. The ability to do this is not always clear or easy but questioning how research outcomes will be acted upon should be a core ethical question asked at the outset of a research project.

Finally, in looking at the findings of the research, it was clear there was a considerable and prevalent level of violence in schools perpetrated by teachers, parents, and peers. It was also clear that social and gender norms played a significant role. While participants did not feel they had agency to call for or make change themselves, they did feel that social and gender norms could be nudged into different directions to make the levels of violence better known, to increasingly call out violence as violence, to cease minimizing the prevalence or impact of violence, and to increase rates of reporting of violence. Small steps in these directions could support moving toward reducing violence and gender-based violence in schools and this was the basis of subsequent work (see Currie et al, 2021).

6 Conclusion and recommendations

This paper has reflected on the ways that participatory and creative research methods with young people may be used to explore social and gender norms that perpetuate violence in schools. Questions and areas to further explore have arisen in the process. Methods matter. What matters is not only that children and young people are engaged, but *how* they are engaged in research processes. In recognizing the 'messiness' of participatory methods and the possible clashes in interconnecting relational and individual rights

of children, how can methods be co-designed to acknowledge, explore and address these tensions? In future studies, we suggest asking how children can be invited to actively engage in messy intergenerational methods conversations in a co-designed process? With the importance of a relational ethical procedure emerging, we ask, how can methodological and ethical procedures consider the needs to 1) ensure the safety for children and young people; and 2) the need to honor experiences and the information, even amid unplanned events and crises such as a pandemic? We invite researchers and practitioners to reflect on what it means to respectfully honor experiences of young people across contexts and co-contextualize methods. Finally, as this study has sought to unearth and highlight the prevalence of violence in schools, and the social and gender norms that perpetuate violence from children and young people's perspectives, we ask how can children and young people be meaningfully engaged in efforts to disrupt the social and gender norms? This research illustrated an approach to work with young people to identify social and gender norms that perpetuate violence in schools and to take the learnings from the process to develop protocols in each setting to redress local concerns. When engaging in any research, but particularly research of sensitive and challenging subject matter, we reflect on our ethical responsibilities to have research connected with policy and practice. These questions point to the need for further opportunities for dialogue between adults and children and young people to explore ways that findings can be practically actualized.

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Surviving their journey: A trauma-informed approach to migrant children's experiences of violence on the Western Balkan route

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Abstract

Year after year, millions of children cross international borders for many different reasons. In order to support the further strengthening of the system of protection in Serbia and Bosnia and Herzegovina (BiH) in terms of responsiveness to new vulnerabilities arising from the context of migration, in-depth interviews were undertaken in 2021 with a sample of 48 youths (N=38 boys and N=10 girls), both unaccompanied and traveling with families, currently residing in camps in BiH, about their experience of violence and its impacts on their wellbeing using a trauma-informed and children's-rights approach.

All children experienced a range of traumatic experiences on the journey, including severe violence. Even though the concept of emotional violence is unclear to them, most children plainly describe traumatic experiences, while their tendency to normalize violence is noticeable. Many of them showed symptoms of trauma responses or identified them in their siblings, younger children, and peers. Nevertheless, many children have developed various help-seeking, help-using, and self-help strategies, including joining other adults or peers, mutual help and support, the analysis of risk situations, elaboration of exit strategies, self-efficiency assessment, and a range of self-regulation and resilience-building techniques, in addition to avoidance, denial, and self-harm.

Research findings point to the diversity of children's responses to violence and prolonged traumatic events. They also raise a lot of questions regarding the impact on children's current and future development and well-being and the availability of trauma-informed responses and care. The results contribute to the scarce resources concerning the scientific understanding of children's experiences of violence and the understanding of traumatic experiences among migrant and refugee children.

Keywords: violence on children; trauma, migration; Balkan route

1 Introduction

Since 2015, millions of children have migrated through the Western Balkan route (Dangmann et al., 2022)[1] toward the European Union, escaping oppression in their countries of origin and searching for safety or a better future. According to the UNHCR data, in Greece, Bulgaria, Serbia, Romania, North Macedonia, Albania, and Bosnia and Herzegovina (BiH), close to 80,000 refugees and migrants were registered as newly arrived in 2019, 30 per cent more than in 2018. While the beginning of 2020 was marked by an increase in the number of new refugees and migrant arrivals to the Balkans, the figures significantly decreased once the COVID-19 pandemic started. By the end of that year, around 16,000 new refugee and migrant entries had been registered, one-fifth of the arrivals registered in 2019 (Jovanović, 2021). In 2021, another increase in numbers was registered, with close to 94,000 arrivals registered in the region (Milić, 2022).

Due to the complexity of push factors,[2] we consider this migration forced, and there are significant difficulties in monitoring and supporting these children as some who travel unaccompanied are registered as older than they are. The unaccompanied children are often boys (older siblings) whose families have deemed them old enough to take responsibility for their well-being and, ultimately, the well-being of their entire families. Girls, however, nearly always travel within a group they report as their family. The reason for girls reporting that they are traveling with a family member(s), even if it is not true, is that they perceive it as safer to be surrounded by older males (Jovanović & Besedić, 2020).

As a multidisciplinary field, children's studies seeks to integrate knowledge of children and a comprehensive human rights approach to children to achieve a critical understanding of childhood and youth as social, legal, and policy constructs (Qvortrup et al., 2009). A child-rights approach is one which furthers the realization of the rights of all children as set out in the United Nations Convention on the Rights of the Child (1990) by developing the capacity of duty bearers to meet their obligations to respect, protect and fulfil rights (art. 4) and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination (art. 2), life, survival and development (art. 6), consideration of the best interests of the child (art. 3, para. 1), and respect for the views of the child (art. 12). Furthermore, children have the right to be guided and supported in the exercise of their rights by parents, caregivers and community members, in line with their evolving capacities (art. 5). This child-rights approach is holistic and places emphasis on supporting the strengths and resources of children themselves and all social systems of which the child is a part, and the basic principles are applied in a specific way in research involving children.

The purpose of the research was to gain a deeper understanding of migrant and refugee children's experience of violence on their journey to create recommendations for re-

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[1] The Balkan route includes countries such as Romania, Greece, Bulgaria, Albania, Serbia, Montenegro, Bosnia and Herzegovina.

[2] Complex push factors, including violence, persecution, family issues, and economic uncertainty, contributed to children leaving their countries of origin more often during these years.

search, policy, and practice (Žegarac et al., 2022). The main goal of this paper is to describe, analyze and interpret how children in migration experience and cope with exposure to violence on their journey to their destination country as a form of violation of their rights and its impacts on their well-being while using a trauma-informed approach. The research was conducted on the territory of Bosnia and Herzegovina and Serbia, but the findings that were obtained are relevant to other countries along the route from South and Central Asia through the Balkans.

Results of a qualitative study that included interviews with 48 girls and boys, refugees and migrants, of different characteristics will be presented. The children were active participants and drivers of change by sharing their experiences and views during the interviews conducted for this research.

2 Literature review

2.1 The experiences of violence of migrant children on the Western Balkan Route

Most refugees and migrant children passing through the Balkans come from countries affected by war or widespread violence. According to the available sources, children in these countries are often exposed to torture and ill-treatment, sexual violence and abuse, child marriage, gender-based violence, displacement, and recruitment by parties to the conflict (Chynoweth, 2017; Nowak, 2019; Bjekić et al., 2020; SYHR, 2021). The maltreatment of children in migration can include a wide range of perpetrators and acts; it can consist of physical or psychological maltreatment by caregivers, strangers, or peers (Attaullahjan et al., 2020). This violence is traumatic and often strongly impacts children's mental health (Cohodes et al., 2021). Although it is difficult to specify all events considered traumatic because individual responses to these events and their psychological consequences are different (Bjekić et al., 2020), some incidents can be considered traumatic for most people.

Traumatic experiences of children in the context of migration can be divided into collective experiences, which are familiar to most people from a particular country (events related to war, such as violence, exposure to armed conflict, or natural or humanitarian disasters affecting entire communities); and individual experiences – those that happen to one or several persons (Bjekić et al., 2020). Children in migration are exposed to physical, emotional, and sexual violence. In addition, specific forms of violence are related to the context of migration, such as detention, push-backs (instantaneous, often violent, involving crossing the border), and particular manifestations of gender-based violence in the context of migration (Bjekić et al., 2020). Children may develop adaptive and maladaptive strategies when dealing with traumatic experiences, such as seeking support from families and friends, creating and finding safe spaces, maintaining hope and optimism, engaging in activities that make them happy, and utilizing cultural or religious practices (Bronstein, 2017).

Research conducted with refugee and asylum-seeking users of psychological aid in 2017 and 2018 in Serbia revealed that over 80 per cent of participants experienced six or more traumatic experiences in the country of origin before migration (PIN, 2017; 2018).

According to this study, some of the reasons for migrations are shame, guilt, fear, and the myths and prevailing prejudices associated with male sexuality in many countries of the world (Krug et al., 2002).

Aside from this, children are reportedly exposed to violence connected to harmful traditional practices in their countries of origin. In addition to physical violence, children are often exposed to psychological violence. During their trip, they may witness the deaths of others or see bodies.

2.2 Impact of violence on the well-being of migrant children

Many migrant and refugee children face discrimination, persecution, and torture due to their ethnicity, nationality, religion, tribal or other affiliation. In contrast, children with disabilities, a minority sexual identity, and girls are especially exposed to marginalization and stigmatization (Fazel et al., 2012). The health and well-being of migrant children are related to their well-being before their journey, the circumstances during it and at their destination, and the physical and mental health of their caregivers and families. Children may suffer from malnutrition and communicable diseases, including vaccine-preventable diseases. (ISSOP, 2018). Social isolation is a significant risk factor for all migrant children, compounding other health risks even after settlement in their new home. Disrupted education happens because most children spend a long time traveling (Žegarac et al., 2022); some are separated from their families and support networks, making them more susceptible to child abuse and exploitation. A lack of health information, language, and cultural differences are significant barriers to accessing adequate, timely, and appropriate healthcare.

The literature indicates that childhood adversity contributes to fear learning and extinction, which may place migrant and refugee children at risk of developing both internalizing and externalizing psychopathologies (Dangman et al., 2022). Fear learning refers to how an individual acquires a fear response towards a previously neutral stimulus. It involves the formation of an association between the neutral stimulus and a negative or threatening event Extinction, in this context, refers to the process of reducing or eliminating a previously conditioned fear response. It involves exposing the individual to the conditioned stimulus (the previously neutral stimulus that became associated with fear) in the absence of the aversive event. The former can be considered a highly adaptive function that allows an organism to predict potentially threatening or aversive events from environmental cues, increase vigilance, and, ultimately, avoid potential danger (Graham & Milad, 2011). Exposure to trauma has also been shown to affect fear learning and extinction (McLaughlin et al., 2019; Jovanović, 2021). The wealth of literature that compares differences in fear learning between trauma and non-trauma-exposed individuals also suggests that this pattern is sustained across stages of development (Sotres Bayon et al., 2012).

Most children who travel the Western Balkan route spend approximately three or four years traveling, which is one-third to one-half of their lifetime. During this time, they mainly rely on smugglers and form relationships with them before arriving at their destination country. Children report that those relationships are especially abusive, which increases the need for the systemic protection of children and at least the elementary pro-

tection of children's rights on the road. This indicates a need to provide high-quality services that take a relationship-based approach to caring for families and children dealing with complex trauma.

3 Theoretical background

Trauma affects children in many ways and levels, and their behavior may be interpreted as 'difficult' or 'disruptive.' In contrast, some children may withdraw without attracting attention to their needs and feelings (CMAS, 2019). Racial bias and language barriers can get in the way of understanding migrant children's needs and trauma responses. However, symptoms characteristic of trauma response have been identified, such as poor early verbal skills, problems with memory, and the development of learning disabilities. Behavioral symptoms might include excessive moodiness, aggressive behavior, imitation of the traumatic event, difficulty forming friendships, or fear of being separated from a parent or caregiver. Physiological symptoms, such as poor sleep habits, nightmares, stomachaches, headaches, and digestive problems, may also be present (Montgomery & Foldspang, 2008). While some children are relatively sheltered from traumatic experiences, others experience multiple forms of trauma, including witnessing war atrocities, being victims of torture or intimidation, separation from family, and deprivation of water and food (Macksoud & Aber, 1996; Fullielove, 1996). Displacement from the home environment compounds traumatic experiences by disrupting a person's sense of attachment to their home, familiarity with their surroundings, and a sense of self that develops from spending one's life in a specific place (Perreira & Ornelas, 2013).

As a result, young children who experience mental health problems are at heightened risk of being expelled or chronically absent from preschool (if enrolled in one), with implications for their readiness for school (Nilsen et al., 2022). In this paper, we will analyze children's coping strategies associated with traumatic events to identify how children deal with these events. While there are more clearly maladaptive strategies, such as using alcohol, self-medication, and substances, if unsupported over a more extended period, every strategy can become maladaptive.

Adopting a trauma-informed approach is highly significant when working with refugee and migrant children due to the unique challenges and experiences they often face. This refers to a framework that recognizes and addresses the impact of trauma on the lives of these children (RHTAC, 2019). It involves understanding the various traumas they may have experienced, such as forced displacement, violence, separation from family, and the challenges associated with migration (Fazel et al., 2012). The approach aims to create a safe, supportive, and culturally sensitive environment that promotes these children's healing, resilience, and positive development. Trauma-informed approaches have been found to be very useful when working with vulnerable children as they involve an increased sense of safety (Van der Kolk, 2005). A robust body of research demonstrates that young children are highly vulnerable to both the short and long-term effects of trauma due, in part, to the rapid brain development that occurs during these formative years (Cohodes et al., 2021)

4 Method

As such migration involves children who are underprivileged, vulnerable, and marginalized (Auerswald, Piatt & Mirzazadeh, 2017), it is necessary to look at their points of view and voices and make an extra effort to reach out to those whose voices are less often heard, ignored or forgotten. Understanding the experiences of these children and the context in which they overcome numerous challenges and threats to their development involves overcoming various barriers to recruiting participants for research. The identified barriers include the availability and visibility of children in data and in the field, negotiating with gate-keepers in numerous instances, obtaining access to particularly vulnerable and 'hidden' subgroups, and issues of consent based on full information in order to ensure that actual consent is obtained not only from those who have legal authority over these children (parents or guardians) but also the children themselves.

The research methodology included a desk review of relevant literature and a secondary analysis of data. In the second phase, qualitative exploratory research was applied with in-depth interviews with boys and girls involved in migration on the Western Balkan route (Žegarac et al., 2022). The goal was to conduct research that follows a child-focused and child-rights framework (Avramović, 2014). In-depth semi-structured interviews were conducted by trained field researchers and cultural mediators, who undertook targeted training associated with implementing such interviews and were continuously supported through communication during field research. The interviews were conducted by five field researchers collaborating with seven translators/cultural mediators.

According to the research objectives, the interviews explored three major predefined themes: the prevalence and level of violence, protection, support systems, and the culture-sensitive protection of children. In relation to these topics, there were discussions about the occurrence and types of violence against children in migration, the extent of children's vulnerability in relation to their characteristics (sex, age, ethnicity), and the manifestations and intensity of violence relative to location (reception centers, outside of such centers, at the border).

The research included boys and girls between the ages of 13 and 17, those traveling alone, and those traveling with their families. In total, 48 children were interviewed. The countries of origin of the children included Afghanistan, Pakistan, Iran, Iraq, Jordan, Morocco, and Nepal.

A purposeful, convenient, and venue-based sampling approach was applied to ensure the coverage of different subsets of the examined population of children (Salway et al., 2019). This is a method of constructing a sample to recruit respondents with specific characteristics in hard-to-reach populations. Since the research was about the experiences of children in migration with violence on the road and the Western Balkan route, five reception centers in BiH where children are accommodated were chosen as a safe places to discuss this topic.

The interviewers prepared the rooms for conversation to ensure privacy and an atmosphere of trust as much as possible. A number of collaborators from the field were consulted, and then, using appropriate procedures, informed consent for participation was sought in the first step from parents or legal guardians of the children in migration. Upon receiving informed consent from parents/legal guardians, field researchers informed the

children about the research, its scope, aim, and purpose and explained how the interviews would proceed. Children were fully informed in their native languages about their right to terminate the interview at any stage and the procedures in place to protect their identity. All the children participating in this research also gave their written consent for their participation. The sample was therefore constructed according to the children's availability, willingness, and desire to participate in the study.

The field research was conducted over three months, from October to December 2021. During that period, the researchers interviewed a total of 48 children and youth aged 13–17. Audio recordings were made of all interviews and transcribed using a specially designed coding system to protect their privacy and identity. The children were encouraged to choose pseudonyms for research purposes.

Most respondents were 16 years old (n=18), 12 of the examined children were 17 years old, three were 13, four respondents were 14, and six were 15 years old.

Regarding the migrant status of the examined children, 30 respondents were unaccompanied (all boys), and 18 were children in a family or accompanied (of which eight boys and ten girls).

Among the interviewed children, ten were girls, and thirty-eight were boys. This difference in the number of interviewed children by gender results from the fact that girls were not present at the reception centers or there was no adequate translator (e.g., for the Kurdish language).

5 Results: Multiple and prolonged exposure to traumatic experiences

5.1 Violence against children in migration on the Balkan route

The results of the interviews were analyzed using thematic analysis based on predefined topics, supplemented by the topics which occurred during the process, involving identifying semantic (explicit) and latent (interpretative) content (Braun & Clarke, 2006). Two researchers independently performed thematic analyses and then agreed on identified topics. The thematic analysis identified four main themes: the route and journey, children's experiences with violence, children's understanding and survival of violence, and help and self-help, which were further analyzed through a chain of subthemes (Žegarac et al., 2022).

Whether directly or indirectly, all the children involved in this research testified they had survived all the basic types (physical, psychological, sexual) of violence during their travels, crossing the border, in reception, asylum and detention centers, in squats, on the street, and in the workplace. Most commonly, the perpetrators of violence are smugglers, their accomplices, and the police, but other adults and children from their environment were sometimes considered a threat.

In summary, each interviewed child reported having a series of traumatic experiences on the road, and more than half of them stated that they had faced severe physical violence from the police and smugglers. Some had witnessed brutal physical violence against their companions or family members, and only a small number had only 'heard' of such experiences. Although no interviewed child said they had survived sexual abuse themselves (although a number of children stated that this is something that is never talked

about to anyone), in several interviews, children stated they were offered 'privileges' (for example, protection, better travel conditions, money, etc.) for sexual services. Almost two-thirds listed one or more incidents when they had recognized or witnessed the sexual abuse of a child in their immediate environment. Thus, children witnessed the violent separation of girls and boys that smugglers abused sexually. Victims of sexual abuse were primarily unaccompanied children, thus children without protection from the individuals they travel with.

Four of the 48 children who were interviewed stated they were personally victims of kidnapping and had been deprived of their freedom for ransom and extortion purposes during the journey. Other children stated they knew about such cases but had not experienced them personally. Several children mentioned that they had seen the bodies of deceased individuals. A number of children had experienced shooting (firearms) in their immediate vicinity, and several children testified about the violent deaths of other persons. Ransom, extortion, robbery, threats of violence (occasionally using a knife), insults, curses, and humiliations, with various forms of discrimination, are part of the interviewed children's experiences.

5.2 Children's reactions to traumatic experiences

A number of children in the sample showed symptoms of trauma responses or identified them in their siblings, especially in younger children and peers. These experiences can be divided into several groups (Žegarac et al., 2022).

Primarily, traumatic memories, i.e., flashbacks and feelings of excessive fear:

Whenever I go outside and hear a car stop by or move slowly, I get scared. I still fear those people will kill me or do something [wrong to me] … It has stayed in my mind. (Hanan, boy, 17)

Those memories were associated with increased stimulation and irritability, i.e., hyperexcitability of the autonomous nervous system, causing excessive tension, sensitivity, and concentration impairment. Some experiences, such as informal border crossings (called 'games' by children and other migrants and professionals), were most stressful for the children, and just thinking about the 'game' caused a bodily reaction. These reactions manifested in physical symptoms such as an accelerated heart rate, cold sweat, increased respiration tempo, increased awareness, etc.

Whenever we want to go to the game, two days before, we feel stressed... when the police wanted to deport us, my little brother had a very fast heartbeat...; he was unconscious for some moments, and they called the ambulance. (Zehra, girl, 16)

Children also report feeling deep and implacable sorrow and helplessness.

I am literally sick of life. I feel bad about being alive. [...] But it's normal; sometimes, a person can just not do anything about it. (Harun, boy, 17)

They are also troubled by wider changes in their understanding of life, with the loss of previously developed values, beliefs, and attitudes.

...this journey was one big lesson; now, it's much easier for me to make correct decisions. In fact, the journey was good for me; it taught me something…. (Ahmad, boy, 16)

This is accompanied by feelings of hopelessness, disorientation, and resignation, which dominate many children's statements.

Just in these six years, so many people arrived, so many people left. I see now that things are not getting better but are getting worse day by day… I'm tired of everything already; I'm tired of war, I'm tired of the fight, of everything […] I can't bear all of this now. (Makbul, boy, 16)

However, it was noted that several children laughed while speaking about traumatic experiences such as abuse, violence, and rape. The content they shared was inconsistent with their nonverbal behavior.

Several respondents reported abusing alcohol and drugs, self-harm, and suicidal tendencies. Concurrently, professional mental health assistance seems to be limited to prescribing psychopharmaceuticals ('half of the camp population is taking tranquilizers,' Harun, boy, 17).

5.3 Help and self-help on the road

On this journey, parents can only provide limited support to their children as they are overwhelmed with difficulties. Hence, children have to rely on themselves and are involved in the care of younger family members. It is common for children traveling with families to help their brothers and sisters ('But I can't help someone else because I already have younger brothers and sisters,' Mehdia, girl, 13). In contrast, when it comes to other children outside the family, they primarily exchange information, help each other with homework, etc.

It's really difficult for me to walk because I carry my bag and my younger brother's bag, and sometimes my other younger brother's bag too, and I am also still a child [starts to cry]. (Zehra, girl, 16)

Furthermore, some children traveling with families recognize that unaccompanied children sometimes join forces and help each other as if they were family. Unaccompanied children try to preserve the group they are traveling with, especially if they come from the same place, which they perceive as a significant comparative advantage. Alternatively, children join forces with other children and families they are not related to for mutual help and support. Unaccompanied children state they are extremely vulnerable if they remain alone.

I have a lot of friends; they are always with me because we come from the same village. Children who don't know anyone can't protect themselves, especially in a single-man camp. (Arham, boy, 17)

…I can't be left alone, then, I am very vulnerable. (Hassan, boy, 15)

On the journey, a friend is a person who acknowledges the needs of others and is capable of encouraging or sharing what they have. 'It is natural that we help each other' (Hassan, boy, 15). It is noticeable that the interviewed children have recognized the importance of the support they can provide to others, even when they have no material resources, i.e., that they can help with encouragement or a hug.

The interviewed children shared situations in which they had helped other children and expressed pride, self-efficiency, resourcefulness, and even gratitude for the chance to help others. However, a little fewer than half of the interviewed children thought it was impossible to get help at all, and they did not trust other children and people. Some had even experienced people they had helped later abandoning or cheating them; thus, caring for others was perceived as an additional burden.

> This journey is not simple in terms of trust. Have you been on this journey?… you'd see that no one was thinking of you and no one cared about you. A person is only essential to himself. (Ahmad, boy, 16)

Providing help to traveling companions can also be dangerous, as those who are 'powerful' – smugglers and their accomplices – are capable and willing to use brutal force and harm any child who opposes them. In several interviews, children shared how they had witnessed physical and sexual violence against other children but did not dare to help them out of fear of retaliation.

When asked about their experience with helpers on the journey, most of the children spontaneously said that no one could help them during their difficult and uncertain travel ('The road is such that no one can help anyone,' [Basit, boy, 16]; 'Even a brother doesn't help his brother during the game,' [Amir, boy, 14]). In addition, they are usually not in a position to help others. More than one-quarter of children specifically pointed out that no one but God could help them on the journey. ('I think no one is helping them, only God' [Amin, boy, 16]).

Reliable adults are either not accessible, or they do not exist for migrant children, so they try to empower themselves to survive. Moreover, adults are mainly perceived as a threat. This experience is particularly present in the experiences of unaccompanied children but has also been observed in other respondents. Persons in positions of power, primarily smugglers and police officers, often abuse that power, aggravating the already unfavorable circumstances (Žegarac et al., 2022).

On the other hand, children reported relying on smugglers as they are the only ones perceived to be of help in reaching the country of destination. Notably, children tend to speak well of the adults from the country they are currently settled in: 'Bosnian people are so nice; they are always helpful' (Ahmad, boy, 16).

A significant topic associated with the broader field of support available to children on the move was illuminated in the conversations about the strategies of self-help. Children develop these strategies during their journey to empower themselves, overcome adversity and numerous high-stress situations.

About one-third of the interviewed children described the cognitive and behavioral strategies they use to solve problems. Thus, in their narratives, they mention self-efficiency

assessments ('I think, I can [laugh] save myself' [Akbar, boy, 16]), analyzing the situation that puts them at risk and elaborating an exit strategy.

> [...] When terrible things happen, I try to move away from that space and that environment. I go as far as I can, then I think about things and see what I will do next.' (Nurullah, boy, 14)

Analyzing difficulties as an integral part of the journey and making sense of negative experiences also enables the development of self-encouragement strategies that help overcome challenges, while focusing on the goal helps the children stay and survive on the road, which keeps getting harder with each stage.

> I just tell myself, 'this one line.' Every mountaintop has a downward slope. I know that wherever this road goes, there will be times when I will be on the top and times when I will be on the bottom. That just has to happen. (Gul, girl, 19)

It seems that children also try to be resilient and empowering for each other through humor. This is accompanied by sharing familiar narratives and finding meaning in events when one of the members finds themselves in trouble:

> [...] we will start making jokes, talk to each other, somehow emotionally help each other, and say that it happened for a reason or that it could have been expected. (Sahil, boy, 16)

In addition, children encourage themselves using examples of others who have managed to cope in particular situations or try to calm themselves down and release their stress and fear using self-regulation strategies. They keep encouraging themselves to overcome fears, continue their journey, and achieve their goals.

> I calm myself down somehow because if I don't have that peace of mind, I can't do anything. To achieve any goal and become someone, I have to be calm in any problem[atic situation]. (Abdurahman, boy, 17)

Most children referred to self-help strategies, as they can reliably count on them. Moreover, the experiences illustrating these strategies are the most prevalent and described in the greatest detail. This probably relates to the previously described conviction that assistance can neither be obtained nor provided on the road, so reliance on one's strength is sometimes the only available strategy. Sometimes, the children tried to distance themselves from the situation or raise their tolerance threshold for hunger, thirst, and pain ('When you're hungry, when you're injured, you have to take it' [Basit, boy, 16]), or by choosing to submit and wait for the storm to pass. Thus, some children reported engaging in avoidance strategies, submission, not reacting to provocations, obedience to smugglers, surrender to police officers, etc. Children opt for these strategies when they think there is no other way to protect themselves as a last resort (Žegarac et al., 2022).

Some children occasionally face the impression that they cannot cope with certain situations, that their powerlessness exceeds their capacities, and that they cannot find a source of strength. 'And then I catch myself not being able to do anything, and that is, simply, the worst part' (Harun, boy, 17).

6 Discussion

All the children involved in this research have survived events or series of events and circumstances considered physical or emotional threats to their survival. The violence children experience on the road is constant, and it seems there are no circumstances in which children are protected from violence.

Children from the sample reported facing stress which is followed by anxiety and uncertainty. Coping comes from harnessing personal, cognitive, and emotional resources and perceived social support. This is used to develop a plan and to undertake activities that help, more or less constructively, to survive and maintain psychological balance during the hardships (Lazarus & Folkman, 1984; Jackson et al., 2017).

Findings show that children perceive violence as an integral and almost inevitable part of their experience. To process it and, ultimately, to survive, children use mechanisms of denial and suppression to cope. There are multiple reasons for this (Petersen et al., 2014):

– Ignoring abuse allows children to maintain basic psychological regulation as a survival mechanism in extremely difficult conditions;
– Protection and support that would respect their standpoints is often lacking, so they resort to denying that they need support in the first place;
– The need to appear strong and capable, as they estimate that it would further endanger them if they were to be recognized as weak or feeble.

In a few interviews, when children talked about difficult circumstances and events they had encountered, this was followed by laughter. In cases of dysmorphic expression in response to unpleasant events, laughter is an attempt to regulate strong, upsetting emotions and a gesture of 'disassociation' from the traumatic experience and the pain it causes (Gross, 2013). In this context, laughter differs from humor, the use of which as an adaptive coping strategy was only recorded in very few interviews. Crying was far less common (occurring in eight out of 48 interviews) in response to the memory of endured hardships.

However, we identified a trend of resilience in children's attempts to use humor to face adverse and hard experiences (Kuiper, 2012). It is noted that a sole focus on humor limits some resiliency-based approaches to humor as a positive attribute. Accordingly, a humor styles model, which acknowledges both the adaptive and maladaptive aspects of humor, has been used to describe broader avenues of research from a resiliency perspective (Hodson et al., 2010). Orientation to humor also highlights the importance of negative and positive emotion regulation in modulating coping and growth. This model is then used for commenting on the limitations and potential extensions of current resiliency perspectives about humor, including programs and exercises that attempt to train humor in a facilitative manner to foster resilience.

Due to the lack of support, children tend to rely on themselves and their faith in God while lessening their dependence on adults and the possibility of establishing strong connections with a significant adult. By doing so, children build resilience by creating a temporary heroic script in which they convince and cheer themselves that they can manage (Burgund, 2016). This script differs from resilience as it does not rely on real support or a source of strength and hence collapses under prolonged exposure to severe deprivation and violence.

It is known that extremely intimidating events, especially if repeated, such as oc-curred with the children from the sample, impact the developing brain by creating distor-tions in the brain's neurological development so that survival mechanisms become more dominant than learning mechanisms (Atkinson, 2013). Such powerful and adverse events during early and middle childhood and adolescence usually cause long-term mental and physical health issues and impaired cognitive, emotional, and social functioning (Cook et al., 2005). This can lead to mental health disorders such as developmental trauma, complex developmental trauma, post-traumatic stress disorder, and some depressive, anxiety, or psychotic disorders that require organized and professional treatment.

A number of children, especially unaccompanied ones, reported examples of self-harm, suicide attempts, and the abuse of psychoactive substances as passive strategies for coping with stress and difficulty. This is important not only in terms of the children's mental health but also for their overall development from the perspective of their future.

Childhood abuse, in addition to being an evident violation of the child's right to sur-vival, development, and protection, is one of the important risk factors for the develop-ment of long-term and severe physical and mental health issues, as well as long-term adverse effects on behavior, social relations, and functioning. This has been identified in numerous studies that looked at the negative experiences of children (John Hopkins Bloomberg School of Public Health et al., 2020) as well as in a recent study that investigat-ed, in particular, such experiences in the migrant population (Schapiro et al., 2021).

Traumatic entrapment situations go well beyond the avoidance stage ('freeze') asso-ciated with attentive immobility; withdrawal may be desired but is impossible ('flight'); aggressive defense ('fight') is not viable because of the children's much lesser status ('fawn'), and the situation is not yet terminal ('tonic immobility') (Cambridge Cognition, 2006). This leaves appeasement as a potentially more relevant response. In the presented study, we noted that children often use appeasement when stating that everything is go-ing well in the country they are currently staying in (while the narrative is significantly different when referring to other countries), as well as often reported fainting due to ex-haustion caused by constant stress. Flight or fight as a first response to traumatic reac-tions is not widespread in this sample, possibly because of the children's exposure to pro-longed traumatic experiences.

The findings indicate that the identity of the migrant children from this sample, their self-determination, and self-knowledge is developed in terms of the physical, psycho-logical, emotional, and sexual violence, discrimination, and neglect of basic developmen-tal needs. The trauma-related responses that children enact help them to survive in the present situation, but it is not clear what impact this will have on their lives and their identity in the future.

One of the consequences of trauma is a lack of trust in one's own experiences, mak-ing seeking help difficult (Hornor, 2015). Thus, it seems migration that involves violence as a structural, unquestionable, and unsanctioned component may have incomprehensibly harmful effects on the development of children. Growing up in transit creates particular challenges in adolescence since it is relevant for identity development, yet we have only modest knowledge regarding the characteristics and consequences of growing up during an uncertain, multi-year, and traumatic journey.

These research findings add a lot of content to the literature about children's responses to violence and prolonged traumatic events but also raise many questions. The impact that these severe and prolonged adversities will have on the development and well-being of such children who travel for a third or even half of their lives is unclear. We do not know much about the trauma-informed care that children should receive on their travel and when they arrive at their country of destination. It seems that little, if any, support exists for the children and that most of them are left alone to deal with the violence and trauma they experience.

The number of children migrating to the Northern and Western countries is huge; this finding also raises the question of how these children, as future young adults, will integrate into (the Western) world and, on the other hand, how their trauma will impact the lives of other inhabitants once they arrive.

7 Conclusions

The refugee and migrant children who took part in this research had gone through many years of traveling, full of danger and uncertainty.

The experiences the children described have conspicuous characteristics of traumatic events and prolonged exposure to them. The traumatic events children are exposed to during migrations along the Balkans route are beyond the limits of ordinary childhood and adolescent experiences. It seems obvious that the children are straining their personal capacities to integrate their emotional experiences about survived events due to the threats to their own lives.

Strong and harmful stimuli, physical and psychological vulnerability due to physical, psychological, and sexual violence, high-stress levels, and prolonged fear overwhelm the capacities of these children and impact their ability to regulate their emotions.

The findings raise questions about children's experiences and understandings of the violence they are exposed to. Children only recognize violence when it is geographically, nationally, and emotionally distant, and when it exists in some other county, not in the one where they are currently residing. The perpetrators are persons who are not connected to the children by culture, friendly, or family relations. This is probably why peer violence, violence within the community with which they are migrating, and violence in their families were least reported.

These results require careful interpretation and further research, as, in addition to the issues of trust and preparedness to share one's own difficult experience, children may attempt to distance and protect themselves from difficult, disturbing experiences.

In planning to continue their journey, they are 'stuck' in 'survival mode,' waiting for a favorable moment to reach Western and Northern Europe, even if they are unsure where they would like to be. In this context, children have few opportunities and incentives to develop socially desirable and constructive behavioral patterns; they are deprived of opportunities for self-actualization and the development of interests. Children in transit do not have an opportunity to integrate traumatic experiences because they are constantly facing them, and it is uncertain when these hardships will end. Bearing in mind the circumstances and the situation of migration, their growing up is accelerated and compressed (Fazel et al., 2009).

As children spend several years in migration, the traumatic experiences permeate the growing up and formation of their identities and personalities. Since trauma changes the brain structure, it affects perception, trust, the establishment of bonds, the possibility to experience positive emotions, and physical health. The oversaturation of traumatic experiences prevents children from developing a positive attitude toward themselves and others and the optimism and belief that things can improve.

From the standpoint of the rights of the child, these children are denied numerous rights in many situations and circumstances, from protection from violence and exploitation to the provision of conditions for growth and development (adequate nutrition, housing, education, and play) to participation rights. Children are often denied the right to participate in matters that concern them, and their point of view is rarely known and considered even though the circumstances in which they are growing up demand their reinforced and constructive engagement and genuine participation.

In the protected environments of reception and asylum centers on the Western Balkan route, children can exercise their rights to food, housing, and to a lesser extent, education, play, recreation, and the development of preferences. The rights to protection from violence and participation are much more difficult to exercise due to a number of intertwined factors. Also, it is not in the best interest of these children that the situation in which they live is sustained and solutions prolonged because most of the interviewed children have already spent a large part of their upbringing in threatening circumstances.

The denial of rights contributes to children losing faith in the adult world, being left alone to develop self-protection strategies, and/or the experience of even deeper trauma. Such phenomena significantly threaten children's well-being, and the consequences are as uncertain as their future.

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Ethical statement

The research described herein was approved by the Ethical Board of the University of Sarajevo.

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Personality, social distance and conflicts: Personality functioning, empathy and socioeconomic factors predicting social distancing and conflicts with minorities

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Abstract

Objective. Although previous studies pointed to various aspects of social distance and conflicts with representatives of otherness, associations with objectively measured aspects of personality in the form of a semi-structure interview combined with observation are less common. Based on previous studies, this study focused on the relationship between social distance and conflicts with representatives of otherness. It was hypothesized that the lower the personality functioning, the higher will be social distance and more conflicts with representatives of otherness will be reported. We assumed that impaired empathy would be associated with higher social distance in comparison with other variables of personality functioning derived from Alternative Model for Personality Disorders (AMPD) – identity, self-direction and intimacy. *Sample and methods.* Participants (N = 204) were recruited from several contrast groups including clinical and measures focused on conflicts, personality functioning (STiP-5.1), social distance (Bogardus Social Distance Scale). Additionally, several related methods were used. *Results.* Increased impairments in identity, self-direction, empathy, and intimacy were associated with a higher degree of subjective importance of conflicts with representatives of otherness. Greater social distance was associated with impairments in self-direction and empathy. However, social distance was found independent of subjectively experienced conflicts. Multivariate linear regressions showed that social distance was predicted by education, racism, and personality functioning (STiP-5.1 – Self-direction), BR and SR scores, explaining 58 per cent of the variance. *Conclusions.* The subjective importance of conflicts and social distance to representatives of otherness is associated with AMPD.

Keywords: social distance; conflicts; Alternative Model for Personality Disorders; STiP

1 Introduction

Gordon Allport (1954), a pioneer in prejudice research, perceived personality as one of the preconditions for the development of prejudices. This issue raised by Allport is up to date even now. Still, the key question is to what extent individual differences in prejudice are

driven by differences in social and ideological attitudes, which are relatively changeable, and differences in personality traits and other characteristics, which are relatively stable features of individuals (Lin & Alvarez, 2020). It seems there are approximately two lines of interpretation (Ekehammar & Akrami, 2003): differences in prejudice are due to differences in group membership (explanation of social psychology) or due to differences in personality (explanation of personality psychology). In both lines of interpretation, negative attitudes and prejudice were found to be directly, as well as indirectly, related to a plethora of variables with more or less convincing and stable results.

In the second line of thought, the function of various internal attributes of the individual is considered. Nevertheless, there is no agreement on whether personality directly influences prejudice or whether the influence is indirect (Sibley & Duckitt, 2008). Many personality traits and characteristics were examined in connection to prejudice (usually using self-report questionnaires), for example, the classic study of authoritarian personality theory (Adorno et al., 1950), right-wing authoritarianism (RWA; Altemeyer, 1998), dual process model (Duckitt, 2001; Duckitt & Fisher, 2003), or numerous studies using the Big Five personality trait paradigm (e.g. Ekehammar & Akrami, 2003; Lin & Alvarez, 2020; Sibley et al., 2010; Sibley & Duckitt, 2008). Among other things, these studies showed that high levels of emotionality and the neuroticism trait serve as a predictor of negative attitudes and avoidance (Stürmer et al., 2013).

Allport (1954) perceived personality assumptions for tolerance, which he described as a 'tolerant personality.' He considered empathic ability to be a significant factor of tolerance and believed that 'empathic ability leads to tolerance' (p. 408). Allport expected (1954, p. 170) that cognitive processes of tolerant and prejudiced people differ. At the same time, Allport considered empathy a difficult trait to submit to laboratory or clinical investigation. However, recent research has shown that authoritarianism and social dominance positively predict generalized prejudice, as well as lack of empathy and principled moral reasoning (McFarland, 2010). Global human identification and citizenship is positively related (among others) to empathy, and the ideals of global human identification and citizenship correlate with variables that have significant genetic underpinnings: negatively with authoritarianism, and positively with empathic concern and openness to experience (McFarland et al., 2019).

Two central facets of empathy are empathetic concern (feelings of sympathy, compassion) and perspective taking (the ability to take the perspective of others). These seem antithetical to prejudice; compassion should make one more likely to sympathize with the plight of outgroups, and perspective taking more likely to appreciate their concerns. As a result, empathy should reduce the tendency to disparage others (McFarland, 2010). There is good reason to think that empathy may have been especially relevant during the refugee humanitarian crisis, which started in 2015 (Bruneau et al., 2018). Bruneau et al. (2018) found that empathy, measured as an empathic trait from the Interpersonal Reactivity Index, played a significant role in the refugee crisis. It was associated with lower levels of blatant dehumanization of refugees and predicted less anti-refugee hostility. Nevertheless, other traits, such as self-control, might play a role as well, as it is known that children with better self-control have fewer behavioural problems in general, including fewer hostile conflicts with other children (Murphy & Eisenberg, 1997).

The current psychodynamic concept of personality pathology states that people with healthy personalities function relatively flexibly when stressed by external events or internal conflict, express impulses in a manner appropriate to the situation, conduct themselves in accordance with internalized moral values, and neither suffer undue distress nor impose it on others. Moreover, conflicts, tensions, and stressors detract from experienced vitality on both somatic and psychological levels, where both self and interpersonal functioning can be disrupted (Peterson & Seligman, 2004). This notion is reflected in the alternative DSM-5 model for personality disorders (AMPD; American Psychiatric Association, 2013), in which personality disorders are characterized by impairments in personality functioning and pathological personality traits. Disturbances in self and interpersonal functioning constitute the core of personality psychopathology and in this alternative diagnostic model, they are evaluated on a continuum. Self-functioning involves identity and self-direction; interpersonal functioning involves empathy and intimacy. For example, empathy, which is an element of interpersonal functioning, is defined as 'comprehension and appreciation of others' experiences and motivations; tolerance of differing perspectives; understanding the effects of one's own behavior on others' (American Psychiatric Association, 2013, p. 762).

Although traits have been repeatedly measured in the past in relation to prejudices (Sibley & Duckitt, 2008), we believe that personality functioning may be more sensitive to one's current life situation and thus more accurately relate to attitudes and prejudices. Variables that personality functioning covers, i.e. identity, self-direction, empathy, and intimacy, were connected to attitudes using various questionnaires (e.g. Altemeyer, 1998; Bruneau et al., 2018; Hogg, 2012). However, these variables are more accurately assessed by interviews combined with observation, which allow one to analyse individual variables from different angles. As far as we know, in-depth interviews examining personality or personality functioning in more detailed association with current personality models as related to prejudices have not been used.

In addition, it was found that attitudes are to some degree formed in the family, and that parenting styles can have an influence on several aspects covered by AMPD domain of interpersonal functioning, such as the degree of closeness or distance to other people in the future (e.g. Degner & Dalege, 2013; Miklikowska, 2016), or empathy development (Wagers & Kiel, 2019). For example, the study from Miklikowska (2016) showed a higher correspondence of prejudice between adolescents and parents who were perceived as supportive in general. However, very little is known about the long-term effects of parental bonding on negative attitudes and prejudice (Miklikowska, 2017).

There are also studies that found a connection between various demographic as well as socioeconomic variables and attitudes. Based on previous studies, it seems that men are more prejudiced than women in general (Ekehammar et al., 2003), and have tendencies to keep greater social distance from out-group members (Jonason et al., 2020). In addition, age was found to be associated with more blatant expressions of prejudice (Ford, 2008) and preferences for greater social distance (Jorm & Oh, 2009). Differences between people with different educational levels and their socio-economic position in society were also found (Verberk et al., 2002), especially in the expression of negative attitudes. Concretely, people with lower levels of education and an overall lower socioeconomic situation tend to be more overtly prejudiced than people with higher levels of education, and those with a more secure socioeconomic position.

Furthermore, there is agreement in the literature (Allport, 1954; Cuhadar & Dayton, 2011; Duckitt, 2003; Pettigrew et al., 1982) that prejudice may unfold through three psychological processes: in cognitive structures and processes (e.g. beliefs and stereotypes), as affect (e.g. negative feelings), and as behaviour (e.g. social distance, discrimination, and violence). Conflicts between different groups may or may not be related to prejudices, but prejudice is one of the essential ingredients of intractable conflicts (Cuhadar & Dayton, 2011). However, the latter are more serious forms of tension and dissatisfaction than prejudices, which can be more covert.

Development of conflicts can be understood by investigating situational dynamics (Bramsen & Poder, 2014). Furthermore, the situational context for understanding criminal events, especially violence, is traditionally recognized (Mullins & Miller, 2008). Specifically, it was found that negative contact with minorities has an influence on an individual's attitudes and can serve as a predictor of negative attitudes (Barlow et al., 2012). It is likely that conflict with people who are different from us may originate from prejudice, and that the presence of prejudice can be a catalyst for conflict. Conflicts with different representatives of otherness can thus communicate more about the participants in the conflict than about the conflict itself.

Even Allport (1954) stated that under the condition of heightened emotion, prejudice may lead to acts of violence or semi-violence. He proposed continuum with five steps, which start with antilocution, avoidance, discrimination, physical attack, and end with extermination. The fourth and the fifth steps can be combined into a previously mentioned conflict area; the first three steps can be grouped into a social distance variable.

The concept of social distance (Bogardus, 1947) was developed as a measure of 'the degree of intimacy and understanding that exists between individuals or social groups' (Hughes et al., 1950, p. 88). Social distance can be perceived as an indication of how acceptable or objectionable various ethnic groups are in society and as a general measure of prejudice (Weaver, 2008). Additionally, Corrigan et al. (2001) see social distance as a proxy for behavioural discrimination toward selected group used in research on racial and other outgroup stereotypes. Their proposed model identifies two person variables (familiarity and ethnicity) that inversely influence prejudicial attitudes (authoritarianism and benevolence), which in turn directly affect the person's social distance, i.e. prejudicial attitudes influence social distance. The method measuring social distance was developed at a time when conflict was caused by a surge of non-Protestant immigration and Bogardus himself was clearly concerned with racial issues. Since then, the Bogardus Social Distance Scale is a commonly used method measuring prejudice (Wark & Galliher, 2007). Bogardus himself emphasized the function of feelings in responding to items on the scale and perceived the answers as 'feeling reactions.' In his view, 'social distance studies rely upon promptness or quickness in filling out in the social distance forms' (Bogardus, 1947, p. 307).

2 Aim of the study

Recent studies show that negative attitudes toward 'otherness' and xenophobia are on a rise in the Czech Republic (Hoření et al., 2018). Due to the social realities of the Czech Republic, we propose several representatives of otherness – Romani, Vietnamese, foreigners,

homeless people, unknown people, tourists, migrants, people with mental disorders, and people with physical disability. Romani and Vietnamese are among the largest minorities in the country, while foreigners and tourists are categories of people that Czechs commonly meet – especially in the summer months. Homeless people are visually striking, especially in cities in which citizens have contact with them. Migrants are a relatively invisible group repeatedly discussed in the media in connection with the government's efforts to accept or not to accept migrants for staying in the Czech Republic. Unknown people are the most common manifestation of encounters with otherness, in which it is possible to project one's feelings and needs. People with mental health issues and people with physical disabilities represent other frequent forms of relatively visible otherness.

As mentioned, attitudes and prejudice toward others remain a continually researched topic in social and personality psychology. Through scientific investigations on these topics, relationships with various variables have been evaluated; still, much remains unclear. In this study, we decided to analyse the relationship between social distance and conflicts with representatives of otherness and its personality roots – personality functioning, especially the empathy element. Based on data from previous studies, we hypothesize that the higher the impairment in personality functioning, the greater social distance there will be and more conflicts with representatives of otherness with greater significance assigned to these experiences will be reported. More specifically, we assume that empathy will be more strongly (negatively) associated with social distance than with other variables of personality functioning such as identity, self-direction, and intimacy. To our knowledge, we do not know of a study examining the relationship between social distance, conflict, and personality functioning.

3 Sample

Participants were recruited from several contrast groups to ensure a continuum of diverse scores within the population – general population (n = 55), subjects with high level of neuroticism (n = 50), psychiatric outpatient/inpatients with personality disorders (n = 58), people with xenophobic attitudes (n = 10) and people with tolerance to otherness (n = 31). The whole sample (N = 204) was analysed. The general inclusive criterion was the willingness to participate in a detailed examination of personality, Czech citizenship and other specific requirements and exclusive criteria. The study was approved by the Ethical Committee of National Institute of Mental Health, Czech Republic, No. 107/18.

For the general population, the exclusionary criterion was the presence of a depressive or anxiety disorder (Beck Depression Inventory > 20 or Beck Anxiety Inventory > 18; Beck et al. 1996; Beck et al., 1986). For subjects with a high level of neuroticism, the inclusive criteria were 1) a high level of neuroticism according to Eysenck's Personality Questionnaire – Revised (EPQ/R; Eysenck et al., 1985) > 2SD compared to the general population (in-line with the finding of Gallego & Pardos-Prado, 2014), and 2) psychological issues operationalized as any current or previous psychiatric treatment. For psychiatric outpatient/inpatients with personality disorders, the inclusive criteria were 1) diagnosis of a personality disorder by a clinical psychiatrist or via a psychological examination, and 2) current or previous psychiatric hospitalization. For people with xenophobic attitudes, the

inclusive criteria were a tendency toward extremist groups manifested by 1) membership in an extremist organization, 2) public manifestations of xenophobia (e.g. in the press, in socially accessible documents, or in public speeches/performances), and/or 3) criminal prosecution for xenophobic manifestations. For people with tolerance to otherness, the inclusive criteria were 1) direct work in organizations focusing on human rights, cohabitating of different ethnicities, and/or work related to the support for inclusion of different groups, and 2) this work is considered to be personally significant and meaningful by the participant.

4 Methods

4.1 Conflicts

Conflicts were operationalized as a *concrete* negative experience per each representative of otherness (e.g. an item 'I have already had a personal conflict with the Vietnamese'). First, we asked respondents if they have had a conflict with a representative of otherness (yes/ no). Then, participants rated how unpleasant the conflict was and how significant it was for them from today's point of view on an 11-point scale (0 = minimum; 10 = maximum). We interpret this variable as the subjective importance of the conflict. The sum score from both scales was used. Internal consistency measured by McDonald's ω for the scale in total was .78.

4.2 The Semi-Structured Interview for Personality Functioning (STiP-5.1)

The Semi-Structured Interview for Personality Functioning *DSM–5* (STiP-5.1), used as an independent variable in our project, was developed in 2014 (Heissler et al., 2021; Hutsebaut et al., 2017) as a relatively brief (i.e. between 30 and 60 minutes) interview schedule that would yield a reliable multi-item assessment of the facets constituting the Level of Personality Functioning Scale. The functional level of personality scale describes five levels of severity for each of the 12 aspects of personality functioning, from healthy functioning, negligible or no disorder (0), through mild (1), moderate (2), severe (3) to extreme (4) disorder. The STiP-5.1 is a clinician-rated interview, where clinicians are encouraged to use their clinical judgment in making the final ratings. The psychometric evaluation was based on clinical and community samples (Hutsebaut et al., 2017). The interview consists of 28 open questions with optional clarifying questions. In this project, we will measure the STiP-5.1 total score and the four main scores – identity and self-direction, and empathy and intimacy. The first two scores form self-functioning, the second two interpersonal functioning. The internal consistency of the STiP-5.1 is high, with Cronbach's alpha of .97 for the total scale. The interrater reliability is also good, with ICCs ranging from .81 to .92 in the overall sample and .58 to .80 in the clinical sample (Hutsebaut et al., 2017). In our study, the interviewers were trained in the administration of the STiP-5.1 by the author of the method. Several consensus meetings were held over the course of data collection to maintain raters' consistency.

4.3 Social distance

Bogardus Social Distance Scale (BSDS; Bogardus, 1925) was used for the measurement of perceived social distance toward various representatives of otherness. The BSDS is an example of a Guttman scale in that it is unidimensional and cumulative (Wark & Galliher, 2007). In this study, modified BSDS according to Weinfurt & Moghaddam (2001) was used. Respondents were asked to rate their willingness to admit a member of the presented group (representatives of otherness) on each of the seven levels of social distance (ranging from willing to marry to exclude from the country – 1. as a spouse; 2. as a close friend; 3. as a neighbour; 4. as a close co-worker; 5. as a country citizen; 6. as a visitor to my country; 7. would exclude from the country) using a 4-point scale ranging from 0 (No) to 3 (Yes). The score for each representative of otherness was calculated as a sum of seven scores. Total score of social distance was used. Higher scores indicate greater social distance. Internal consistency measured by McDonald's ω for the scale in total was .97.

4.4 Modern Racism Scale

The seven-item Modern Racism was originally designed by McConahay, Hardee and Batts (1981) to measure explicit attitudes toward African Americans. A 6-item version (Kašpárková, 2013) was used for research purposes, the items of which better correspond to the Czech cultural conditions. The original term 'Blacks' was replaced by the word Romani. Higher scores on the MRS indicated a higher degree of prejudice. Internal consistency measured by McDonald's ω = .85.

4.5 Blatant and Subtle Racism Scale

The Blatant and Subtle Racism Scale (BSRS) was developed by Pettigrew and Meertens (1995). While Obvious Racism (BR) describes a hot, fast and direct form of racism and hidden racism (SR) as a cold, thoughtful and indirect form of racism. We used a 9-item version of Kašpárková (2013). The original term 'Blacks' was replaced by the word Romani. Higher scores on the MRS indicated a higher degree of prejudice. Internal consistency measured by McDonald's ω = .86.

4.6 Parental Bonding Instrument

Parental Bonding Instrument (PBI; Parker et al., 1979; Parker, 1990; Čikošová & Preiss, 2012) is a 25-item self-report questionnaire initially designed to retrospectively assess perceived parenting style during childhood in adult respondents. Scores assess perceived overprotection and care of both parents, mother and father. McDonald's ω showed good internal consistency for all subscores, ranging from .88 to .94.

4.7 Demographic variables

Several variables were included: age (years), gender (male/female), education (secondary or lower, tertiary or higher), marital status (3 categories – single, married, divorced), income (below the average, average, above the average in the Czech Republic), time spent abroad (at least 3 months at a time), participation in the last parliamentary elections (2017).

5 Data analysis

Statistical analyses included descriptive statistics, between-group comparisons, correlations, and linear regression models. Data were analysed using IBM SPSS Statistics 23.0, and JASP v. 0.11.1.

Analyses focused on relationship between reported conflicts with minorities, attitude scales and social distances toward them. Differences in the main variables of interest (BSDS – Total, and Conflicts – Total) between demographic and other dichotomous variables were analysed using the Mann–Whitney U test (effect size given by the rank biserial correlation rrb) or ANOVA in the case of the marital status (single, married, divorced) and income (below the average, average, above the average in the Czech Republic), with effect size given by partial Eta-squared, whereby effect sizes lower than .06 and higher than .14 are considered small and large, respectively). Moreover, multiple linear regressions were used with Conflicts – Total and BSDS total scores as a dependent variables and socio-demographic characteristics (age, gender, education level, marital status: single, married, divorced, and income: below the average, average, above the average in the Czech Republic), as independent variables in the first block, and four main scores of STiP in the second block, and socio-psychological variables (MRS, BR, SR, and PBI scores) in the third block.

6 Results

Demographics and other social variables of the sample are following – of the 204 participants there were 132 women (64.71 per cent), 120 people with a secondary education or lower education (58.82 per cent), mean age was 33.48 ± 11.67 (range 18–67). The martial statuses: 141 of them were single, 34 married and 27 divorced (2 missing); salary: 63 had a salary under the average, 65 an average, and 44 above the average (32 did not want to answer this question). At least 3 months at a time abroad spent 139 (68.14 per cent) participants, and 134 (65.69 per cent) respondents participated in the recent parliamentary elections. The results of the sample in all measurements are in Table 1.

Regarding conflicts, 5–74 per cent of the respondents reported conflicts with minorities: Romani (52 per cent), Vietnamese (11 per cent), Foreigners (21 per cent), Homeless (38 per cent), Unknown (74 per cent), Tourists (27 per cent), Migrants (5 per cent), Mental disorders (40 per cent) and Physical disability (17 per cent). If we define tolerance as a zero score in BSDS, 9 per cent (*n*=18) of participants had BSDS = 0.

Table 1 Descriptive statistics of the included variables

	Range	Median	Mean (SD)
STiP – Self	0–4	1	1.07 (0.97)
STiP – Interpersonal	0–3	1	.86 (.94)
MRS	6–30	15	15.37 (5.92)
BR	6–27	12	13.22 (5.11)
SR	3–15	10	9.57 (3.22)
BSDS – Total	0–108	17	24.62 (23.52)
BSDS – Romani	0–21	2	4.17 (4.91)
BSDS – Vietnamese	0–17	1	2.48 (3.61)
BSDS – Foreigner	0–21	1	2.44 (3.75)
BSDS – Migrant	0–21	3	5.54 (6.09)
BSDS – Homeless	0–21	5	5.95 (4.75)
BSDS – Mental disorder	0–21	1	2.6 (3.45)
BSDS – Physical disorder	0–13	0	1.44 (2.36)
Conflicts – Total	0–108	22	26.66 (22.16)
Conflicts – Romani	1–20	10	10.56 (5.22)
Conflicts – Foreigner	0–20	10	9.93 (4.61)
Conflicts – Vietnamese	0–20	4	5 (4.53)
Conflicts – Tourists	0–20	6	6.59 (4.13)
Conflicts – Migrant	0–20	8.5	8.6 (6.42)
Conflicts – Homeless	0–18	8	7.99 (3.93)
Conflicts – Stranger	0–20	10	9.89 (4.7)
Conflicts – Mental disorder	0–20	11	11.33 (5.24)
Conflicts – Physical disorder	0–20	10	9.15 (5.16)

Note. STiP = Semi-structured Interview for Personality Functioning DSM-5; MRS = Modern Racism Scale; BR = Blatant Racism; SR = Subtle Racism; BSDS = Bogardus Social Distance Scale

Table 2 Results of multiple linear regression analysis predicting BSDS score

	Model 1				Model 2				Model 3			
	B	β	95% CI	p	B	β	95% CI	p	B	β	95% CI	p
	$R^2 = .149$, adj. $R^2 = .109$, $F(7, 148) = 3.71$, $p = .001$				$R^2 = .207$, adj. $R^2 = .146$, $F(11, 144) = 3.41$, $p < .001$				$R^2 = .611$, adj. $R^2 = .56$, $F(18, 137) = 11.95$, $p < .001$			
BSDS overall score												
Gender[a]	-6.214	-.264	[-.058, .056]	.105	-5.856	-.249	[-.575, .077]	.133	-1.589	-.068	[-.315, .180]	.590
Age	.413	.203	[-.011, .418]	.063	.0363	.179	[-.033, .390]	.097	-.139	-.068	[-.228, .092]	.399
Education[b]	-6.647	-.283	[-.598, .033]	.078	-5.380	-.229	[-.546, .088]	.156	-4.413	-.188	[-.422, .046]	.115
Marital status												
Married – Single	3.142	.134	[-.358, .625]	.592	4.563	.194	[-.297, .685]	.436	4.749	.202	[-.165, .568]	.278
Divorced – Single	5.766	.245	[-.328, .819]	.400	6.82	.290	[-.274, .854]	.311	6.431	.273	[-.154, .701]	.208
Salary												
Below average – average	4.025	.171	[-.189, .532]	.350	1.832	.078	[-.294, .450]	.680	-2.808	-.119	[-.392, .153]	.388
Above average – average	-6.169	-.262	[-.657, .132]	.191	-5.920	-.252	[-.640, .137]	.202	.336	.014	[-.276, .304]	.923
STiP – Identity					.098	.004	[-.275, .283]	.976	2.283	.099	[-.109, .308]	.348
STiP – Self-direction					-5.073	-.183	[-.451, .085]	.180	-6.817	-.246	[-.444, -.048]	.015
STiP – Empathy					5.918	.201	[-.048, .449]	.112	2.116	.072	[-.111, .255]	.439
STiP – Intimacy					4.363	.170	[-.103, .443]	.220	2.724	.106	[-.096, .308]	.300

	Model 1				Model 2				Model 3			
	B	β	95% CI	p	B	β	95% CI	p	B	β	95% CI	p
BSDS overall score												
	R^2 = .149, adj. R^2 = .109, F(7, 148) = 3.71, p = .001				R^2 = .207, adj. R^2 = .146, F(11, 144) = 3.41, p <.001				R^2 = .611, adj. R^2 = .56, F(18, 137) = 11.95, p <.001			
MRS									.646	.161	[-.014, .336]	.071
BR									3.451	.739	[.569, .910]	<.001
SR									-1.817	-.253	[-.412, -.094]	.002
Father – Care									-.150	-.059	[-.178, .061]	.331
Father - Control									.120	.037	[-.094, .169]	.574
Mother – Care									.153	.061	[-.084, .206]	.404
Mother - Control									.004	.002	[-.137, .140]	.983
Model comparison								ΔR^2 = .057; F(4, 144) = 2.6, p = .039				ΔR^2 = .404; F (3, 137) = 20.33, p <.001

Note. N = 204. BSDS = Bogardus Scale of Social Distance. In Model 1, we entered the control demographic characteristics, i.e., age, gender, education level, marital status, and salary comparison to predict social distance scores. In Model 2, we also entered STiP personality functioning domains, i.e., Identity, Self-direction, Empathy and Intimacy, as predictors. In Model 3, we added socio-psychological variables: results in Modern Racism Scale, Blatant Racism, Subtle Racism, and scores from Parental Bonding Instrument. [a] Gender: Women – Men, [b] Education level: Higher – Lower

Table 3 Results of multiple linear regression analysis predicting conflicts

	Model 1				Model 2				Model 3			
	B	β	95% CI	p	B	β	95% CI	p	B	β	95% CI	p
Conflicts overall score												
	$R^2 = .060$, adj. $R^2 = .0154$, $F(7, 148) = 1.35$, p = .232				$R^2 = .183$, adj. $R^2 = .121$, $F(11, 144) = 2.93$, p = .002				$R^2 = .303$, adj. $R^2 = .211$, $F(18, 137) = 3.30$, p <.001			
Gender[a]	-.606	-.028	[-.365, .309]	.870	-1.996	-.092	[-.423, .239]	.583	-3.774	-.174	[-.506, .157]	.301
Age	.094	.050	[-.175, .275]	.660	.056	.030	[-.185, .245]	.783	.017	.009	[-.205, .223]	.934
Education[b]	-3.766	-.174	[-.505, .157]	.301	-.982	-.045	[-.367, .276]	.781	1.042	.048	[-.265, .361]	.762
Marital status												
Married – Single	-1.799	-.083	[-.60, .434]	.751	-.378	-.017	[-.516, .481]	.945	.720	.033	[-.457, .524]	.894
Divorced – Single	-11.837	-.546	[-1.149, .057]	.075	-10.577	-.488	[-1.06, .084]	.094	-10.432	-.482	[-1.053, .090]	.098
Salary												
Below average – average	7.56	.349	[-.030, .728]	.071	3.083	.142	[-.235, .520]	.457	3.963	.183	[-.182, .548]	.323
Above average – average	6.60	.305	[-.110, .720]	.149	6.105	.282	[-.112, .676]	.160	6.891	.318	[-.070, .706]	.108

Conflicts overall score

	Model 1				Model 2				Model 3			
	B	β	95% CI	p	B	β	95% CI	p	B	β	95% CI	p
	$R^2 = .060$, adj. $R^2 = .0154$, $F(7, 148) = 1.35$, p = .232				$R^2 = .183$, adj. $R^2 = .121$, $F(11, 144) = 2.93$, p = .002				$R^2 = .303$, adj. $R^2 = .211$, $F(18, 137) = 3.30$, p <.001			
STiP – Identity					5.532	.262	[-.021, .544]	.070	3.636	.172	[-.107, .451]	.226
STiP – Self-direction					-7.400	-.290	[-.562, -.018]	.037	-6.250	-.245	[-.510, .020]	.070
STiP – Empathy					5.580	.206	[-.046, .457]	.109	4.673	.172	[-.073, .417]	.167
STiP – Intimacy					4.063	.172	[-.105, .449]	.222	1.697	.072	[-.198, .342]	.600
MRS									.226	.061	[-.173, .295]	.606
BR									-.052	-.012	[-.240, .216]	.916
SR									.309	.047	[-.166, .260]	.664
Father – Care									-.148	-.063	[-.223, .097]	.436
Father - Control									-.190	-.064	[-.240, .111]	.471
Mother – Care									-.040	-.017	[-.212, .177]	.859
Mother - Control									.932	.370	[.185, .556]	<.001
Model comparison					$\Delta R^2 = .123$; $F(4, 144) = 5.42$, p < .001				$\Delta R^2 = .119$; $F(7, 137) = 3.35$, p = .002			

Note. $N = 204$. In Model 1, we entered the control demographic characteristics, i.e., age, gender, education level, marital status, and salary comparison to predict social distance scores. In Model 2, we also entered STiP personality functioning domains, i.e., Identity, Self-direction, Empathy and Intimacy, as predictors. In Model 3, we added socio-psychological variables: results in Modern Racism Scale, Blatant Racism, Subtle Racism, and scores from Parental Bonding Instrument. [a] Gender: Women – Men, [b] Education level: Higher – Lower

Examining the differences in BSDS and Conflicts between demographic and social characteristics showed that there were significant differences in BSDS–Total between those with a secondary or lower (Mdn = 19), and those with a tertiary or higher education (Mdn = 15), with a small effect size (U = 6032.5; p = .017; rrb = .2), but no significant differences in Conflicts–Total (p = .115). There were no differences in total scores of Conflicts and BSDS between genders (both p > .05). Age correlated significantly only with BSDS–Total (ρ = .36; p < .001).

There were no differences between those who were or were not abroad for a longer period of time in both BSDS–Total and Conflicts–Total (both p > .05). On the other hand, there were differences in Conflicts–Total between those who voted (Mdn = 18) and those who did not (Mdn = 29.5) in parliamentary elections, with a small effect size (U = 5524; p = .014; rrb = .21), but no differences in BSDS-Total (p > .05). Comparison of education and election showed significant differences as 82.9 per cent of those with higher education voted, and only 55 per cent of those with lower education went to elections (χ^2 (1, N = 202) = 15.8, p < .001, Cramer's V = .29).

ANOVA results showed differences between marital statuses only in BSDS–Total with medium effect size (M of singles = 19.56 ± 21.1; M of married = 29.18 ± 24.76, M of divorced = 39.26 ± 23.47; F (2,199) = 9.76, p < .001, = .089). Differences between salaries were also only in BSDS–Total with a small effect size (M of below average = 30.86 ± 25.72; M of average = 26.72 ± 26.05, M of above average = 18.19 ± 17.97; F (2,169) = 3.25, p = .041, = .037).

Subsequently, we run multiple linear regressions to predict BSDS overall score and Conflicts – Total using socio-demographics (age, gender, education level, marital status, and income), personality functioning, and socio-psychological variables (MRS, BR, SR, PBI) as independent variables.

First, the BSDS models fit the requirement of no multicollinearity (VIF range 1.03–1.98), and also show absence of autocorrelation (DW 1.84–2.01, p > 0.05). Table 2 shows the results of the final models. The analysis indicates that 61.10 per cent (or 56.00 per cent, when adjusting for the number of independent variables and sample size) of the variance in the BSDS overall score is explained by the independent variables. In the models, the majority of explained variance came from the third block including socio-psychological variables when controlling for socio-demographics in block 1 and personality functioning in block 2 (all p < 0.05). The final model showed that the significant predictors of BSDS score were STiP – Self-direction from the personality functioning, and BR and SR scores from socio-psychological variables.

Subsequently, the Conflicts models also fit the requirement of no multicollinearity (VIF range 1.03–1.98), and also show absence of autocorrelation (DW 2.05–2.14, p > 0.05). Table 3 shows the results of the final models. The analysis indicates that 30.2 per cent (or 21.1 per cent, when adjusting for the number of independent variables and sample size) of the variance in the Conflicts total score is explained by the independent variables. In the models, only the first model including only the socio-demographics was not significant, the majority of explained variance came from the third block including socio-psychological variables when controlling for socio-demographics in block 1 and personality functioning in block 2. In the first model, the socio-demographics were not significant predictors of conflicts. In the second model, a significant predictor of conflicts was STiP – Self-direction. The third model showed that the significant predictor of conflicts was perceived control from mother (STiP – Self-direction became not significant with p = .070).

7 Discussion

We decided to analyse the relationship between social distance and conflicts with representatives of otherness, and its personality roots – personality functioning (using STiP-5.1), especially the empathy element (in addition to empathy, identity, self-direction, and intimacy comprise the four STiP-5.1 variables). We used STiP-5.1 for good psychometric properties and sufficient reliability even with only brief training (Hutsebaut et al., 2017) and for practical feasibility.

In our analyses, we have focused on predicting social distance and conflicts by employing models that have included various socio-demographics, personality functioning, and socio-psychological variables. The regression models predicting social distance showed that 61.10 per cent of its variance was explained by our variables. The majority of it came from the block that included socio-psychological variables when controlling for socio-demographics and personality functioning, and the significant predictors were STiP – Self-direction from the personality functioning, and BR and SR scores from socio-psychological variables. Similarly, STiP – Self-direction was a significant predictor of conflicts in the second regression model focused on prediction of Conflicts, with in total 30.2 per cent of variance explained by the variables. Notably, in the third model including socio-psychological variables, only perceived control from mother was a significant predictor.

Gordon Allport (1954) considered empathy a difficult trait to submit to laboratory or clinical investigation. For empathy assessment in this study, we used the semi-structured interview measuring personality functioning (STiP-5.1), which is a fairly new method allowing for detailed diagnosis of the aspects of personality functioning (i.e. empathy) according to Criterion A of the Alternative DSM-V model for Personality Disorders (Krueger & Hobbs, 2020). More and more research suggest that the utilization of personality functioning assessment goes beyond diagnostics of personality disorders, and that it captures important information about individual strengths and weaknesses regardless of the diagnosis (Di Pierro et al., 2020; Doering et al., 2018; Doubková et al., 2022; Heissler et al., 2021).

We assumed that STiP-5.1 Empathy would be (negatively) associated primarily with social distance in comparison with other STiP-5.1 variables such as Identity, Self-direction, and Intimacy. As the results suggest, this assumption was not confirmed – Empathy did not have a statistically significant relationship with either social distance or conflicts. In the regression model, however, Self-direction contributes more significantly to the BSDS compared to Empathy. Self-functioning (of which Self-direction is a part) seem to be important for understanding social distance. For Self-direction, the higher the level of disturbance, the lower the distance. More generally, it can be concluded that the pursuit of coherent and meaningful short-term and life goals is important for understanding social distance as well as emotions and social cognition – tolerance of differing perspectives and understanding the effects of one's own behaviour.

Conflicts measured in our study are related to the direct experience of respondents with specific people from a certain minority or social group. Contrary to the assumption that conflicts are more situational, our data show that Self-direction and mother's control predict conflicts. This may indicate the importance of conflicts with respect to the personality, which is described primarily by psychodynamically oriented authors (Psychodynamic diagnostic manual: PDM-2). Future analysis could focus on the extent to which such a conflict has been tractable. Intractable conflicts concern goals of high importance and

such conflict is perceived as unsolvable (Böhm et al., 2020). Our results thus support the influence of socio-psychological variables, prejudice and Self-direction, which is part of Self functioning as it, in contrast to Interpersonal functioning, predicts both conflicts and social distance to a certain degree. Similarly to our results, one Czech study found a relationship between social distance and prejudice toward some minorities, such as Romani and homeless people (Kudrnáč, 2017).

The measurement of social distance consists of the generalization of ideas about a particular group and is generally understood as a uniquely sociological concept, irreducible to spatial or biological (genetic) distance, which can be understood from four perspectives – affective, normative, interactive, and cultural (Karakayali, 2009). Given that mutual sympathy and affectivity are the key elements of social distance (Bogardus, 1925), a closer relationship to Self than to interpersonal personality functioning can be assumed. This assumption was fulfilled by a higher association between social distance and Self than Interpersonal functioning.

In the presented study, we were also interested in the association of reported conflicts and social distance with demographics and socio-economical characteristics. First, men and women did not differ in reported conflicts and their subjective importance, neither in the degree of social distance ($p < .05$, similarly e.g. Firat & Koyuncu, 2021, but differently from e.g. Kovačević & Radovanovic, 2020; Jonason et al., 2020). Age correlated significantly only with social distance ($\rho = .36$; $p < .001$), but not with conflicts. The increasing social distance with age can perhaps be explained by changes throughout the life span – openness to experience decreasing in old age (Roberts et al., 2006), or increasing preference for greater social distance with age (Jorm & Oh, 2009).

Given that age was previously found to be associated with more blatant expressions of prejudice (Ford, 2008) or as having a minor role in stereotype ratings (Hřebíčková & Graf, 2014), we expected to find an association between reported conflicts and age. The absent association between age and conflicts can perhaps be explained by the relative randomness of conflicts and their situational dependence. In other studies in Czech youths (15–20 years) no relationship was found between age and prejudice (which is close to social distance) toward social minorities in general, but a relationship between social distance and prejudice toward specific minorities was found, i.e. Romani and homeless people (Kudrnáč, 2017). Differences between marital status in BSDS and conflicts were not found. Therefore, we think that it is more plausible to consider the effect of age rather than the effect of marital status as such. People with higher education reported lower social distance than people with lower education (19 vs. 15, $p = .017$), which is a well-known fact, indicating the protective effect of education (e.g. Yang, 2021). We also found differences between people with different incomes, with those having below average income claiming overall greater social distance then those with average and above average income. This result is in line with Verberk et al. (2002) who explain that these differences are due to competition over resources between social groups. People who feel that their position in society is threatened, which are usually people on relatively low ranks of social stratification, tend to be more prejudiced and express their attitudes more blatantly in order to secure and improve their position in society.

Moreover, people who did not vote in the 2017 national elections reported more significant conflicts than those who went to the polls (29.5 vs 18, $p = .014$), which is also relat-

ed to lower education levels. As data about the 2017 parliamentary election (Linek, 2018) indicate, these results could be a sign of a more general trend showing that a higher percentage of people with higher education levels votes. We can suspect, that consequently, people who do not vote in elections might feel like their voices are not represented by politicians, which can foster the need for resource competition and prejudiced attitudes (Verberk et al., 2002). However, it must be noted that in the regression models, the socio-demographic variables were not a significant predictors of either social distance or conflicts.

We did not find differences between people who were or were not abroad for a longer period of time in both social distance and conflicts. Rather, we would assume a reduction in social distance and an increase in tolerance in people who spent time abroad, which could be reflected in a reduction in the intensity of conflict perception, because it is generally assumed that the interchange of people, knowledge, and ideas is viewed as a positive way to increase understanding between groups of people (Hendrickson, 2016).

More than half of the respondents had conflicts with Romani (52 per cent) and strangers (74 per cent). The fewest conflicts were reported with Vietnamese (11 per cent). The highest frequency being conflicts with strangers is not surprising – although we assume that the most common conflicts are with family members, but our respondents were not interviewed. At the end of 2020, 62,884 Vietnamese (Czech Ministry of Interior, 2021) lived in the Czech Republic (9.9 per cent of the share of all foreigners, 0.6 per cent of the total population of the Czech Republic), which is the third largest foreign community in the Czech Republic. The number of Romani people, probably the largest minority living in the Czech Republic, is difficult to determine because of the combination of historical, political, and ethical reasons. The estimated number of Romani citizens in the Czech Republic is about 250,000 (Czech Statistical Office, 2021), but different sources of information vary. It can be roughly estimated that there are four times more Romani in the Czech Republic than Vietnamese, which (also) may potentiate the possibility of the frequency of mutual conflict. However, Romani in the Czech Republic encounter prejudices and conflicts more often than other minorities (Hoření, 2008; Kašpárková, 2013) and it is probable that their numerical representation in the population may not be essential for the negative bias of the majority population.

More conflicts with Romani are accompanied by an increased social distance (1.68 times) toward the Romani (4.17) compared to the Vietnamese (2.48). It seems that negative contact between two groups, i.e. between majority and Romani people, is a better predictor of mutual relationship and attitudes than positive contact (Barlow et al., 2012). However, conflicts can also be the start of healthy opportunities (Edwards & Haslett, 2011), especially if they do not contain violence – unfortunately our data do not allow us to analyse this.

Historically, physical conflicts with other representatives of otherness have been common. Allport (1954) stated that in the time of Bismarck, verbal attacks on representatives of otherness – Jews – were relatively mild, yet after Hitler's accession, they were loud and officially sanctioned. Jews were blamed for all conceivable crimes, from sexual perversion to world conspiracy. Even in subtler forms, the conflicts between the children of different ethnicities in Czechoslovakia during Franz Kafka's childhood were so significant that Kafka's friend Oskar Baum permanently lost his sight due to a scuffle as a child (Murray, 2004). Unfortunately, similar attacks continue to be repeated in modern Czech history. In 1990, a Turkish citizen was mistaken for a Romani citizen in the Czech Republic

and killed by a group of neo-Nazis. In 1991, neo-Nazis hosed a Romani to death and several others Romani were seriously injured, followed by more deadly attacks (*Oběti rasových útoků od roku 1990*, 2007). There are still life-threatening attacks on Romani – for example, in 2009 four neo-Nazis injured two-year-old Natalia, who suffered life-threatening third- and fourth degree burns to more than 80 per cent of her body (*Žhářský útok ve Vítkově*, 2021).

As psychoanalysis suggests, conflicts between groups can be not only a reflection of internal conflicts, but also of contradictions among in-group members. Freud noted: 'The evidence of psychoanalysis shows that almost every intimate emotional relation between two people which lasts for some time—marriage, friendship, the relations between parents and children—contains a sediment of feelings of aversion and hostility, which only escapes perception as a result of repression' (Freud, 1985, p. 130).

In our study, we also examined parental influence. Concretely, participants were asked to retrospectively evaluate their parents during their first 16 years. Afterwards, scores for parental dimensions of care/indifference and overprotection/autonomy for both mother and father are calculated. Nonetheless, there is very little evidence about a possible long-term effect of parental bonding on prejudice (Miklikowska, 2017). We found in the regressions conducted that only maternal overcontrol was positively related to conflicts with higher subjective significance. These results suggest the impact of maternal control on conflict mitigation and perception. This appears to be in line with what previous studies have indicated, that parenting style has an influence on interpersonal functioning development, including empathy (Degner & Dalege, 2013; Miklikowska, 2016; Wagers & Kiel, 2019).

Tolerant people do not avoid contact with members of an out-group. If we define absolute tolerance as a BSDS zero = 0.9 per cent of participants had BSDS = 0, which represents an identical and non-distancing attitude toward all representatives of otherness. These participants would require a deeper psychometric and psychological analysis and understanding in-depth (this sample was small in our study, with *n* = 18) in order to acquire a deeper understanding. However, we know that prejudice might be influenced by friendships. Friendship, generated through affective ties, is a key factor in reducing prejudice, and is expected to be included in the generic framework of the contact hypothesis (Pettigrew, 1998).

8 Limitations

The sample is relatively small (N = 204). The depth of insight into personality functioning, even if measured face to face, is relatively low (one meeting with the participants) and does not include long-term and systematic data collection and objectification of personality functioning, e.g. by comparing different data sources (interview, observation of loved ones, functioning at work, functioning in leisure activities, etc.). We measured how unpleasant the conflict was and how significant it was from today's point of view, which allows a distance from the conflict. Nevertheless, we have no information on the more detailed nature of the conflict and their quantities, due to the subjective nature of their perception. The measurement of the subjective importance of conflicts would deserve further elaboration; compared to personality functioning it was reduced to a categorized yes/no answer and two scales. Social distance was measured only by the self-report (BSDS).

9 Conclusions

In summary, our study shows the subjective importance of conflicts and social distance to representatives of otherness as well as the association of both internal and external realities with the Alternative Model for Personality Disorders (AMPD).

Social distance is related to prejudice and racism and together with conflicts is influenced by self-direction. Additionally, we revealed the importance of maternal control on perception and mitigation of subjectively experienced conflicts.

Overall, our study shows the importance of measuring personality psychopathology as a variable related to social distance and experienced conflicts with minorities (e.g. Romani), people living on the margins of society (e.g. homeless people) and people who differ from the majority in general.

Acknowledgments

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Locating the role of civil society in anti-corruption: A qualitative comparative analysis of 30 democracies

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Abstract

The paper explores the configuration of corruption in democracies and simultaneously looks at whether civil society figures in this configuration. It does so via a fuzzy-set Qualitative Comparative Analysis of 30 democracies in the third wave of autocratization. Results of the analysis suggest that the presence of high perceived corruption is accounted for by the absence of a robust civil society combined with the absence of wide and independent public deliberation and the presence of high political exclusion. On the other hand, the absence of high perceived corruption is explained by the presence of wide and independent public deliberation combined with the absence of high political exclusion. It is particularly in the latter case that civil society's role, whether in its presence or absence, is elusive. The paper contributes to the discussion on the contextual dependencies of corruption and the conditionality of civil society's anti-corruption role. Prospects for future research on the conditional and possibly indirect anti-corruption role of civil society in democracies are put forward.

Keywords: civil society; corruption; autocratization; consolidated democracies; QCA

1 Introduction

Studies that look at the relationship between corruption and democracy abound. A survey of the extant literature on the broader corruption-democracy linkage, though, reveals confounding results. True enough, as Sung (2004) noted, 'that democratization influences political corruption in a profound way is an indisputable truism but the directions of the impact of democratic reforms on incidence of corruption remain hotly contested' (p. 179).

For instance, several scholars claimed that there is an association between corruption and democracy: linear (La Porta et al., 1999; Ades & Di Tella, 1999) and non-linear (Sung, 2004; Bäck & Hadenius, 2008; Rock, 2008). Casting scepticism on the supposed absence of a relationship between democracy and corruption (see Treisman, 2000), particularly those founded on the belief that there is an upsurge of incentives for corrupt behaviour in emerging democracies or in those that are in transition, supporters of the positive

linkage between democracy and corruption posited that (1) despite eruptions of corruption among intermediate democracies, the consolidation of advanced democratic institutions eventually reduced corruption (Sung, 2004); (2) corruption is a transitional phenomenon common in democratic transitions especially where procedural practices have not been founded on a firm liberal culture and effective institutions (Harris-White & White, 1996; Rose-Ackerman, 1999); and (3) while corruption was typically lower in dictatorships than in partial democracies, once the threshold is attained, democratic practices suppress corruption (Montinola & Jackman, 2002). While these statistical studies are informative, more recent studies and several researchers suggest that the influence of the potential causes of corruption is likely to be affected by different contexts (Zhang, et al., 2009; De Graaf, et al., 2010; Akbar & Vujić, 2014). This was what urged Svensson (2005) to call for the investigation of the contextual dependencies of corruption.

The role of civil society in anti-corruption in democracies is similarly complex. The expectation that societies will further democratize via civil society and thus be able to address corruption is rather more complicated. Encarnación (2012) opined that errors in understanding the conditions under which civil society can be most effective are largely due in part to the neglect of important contexts: while a strong civil society may be a transformative political force capable of fixing the political system, there is a possibility that under certain (deteriorating) political conditions, civil society may as much be a burden as a help. Similarly, while democracy should open the space up for more competition and alteration of clientelistic networks through civil society, having a democracy is not a requirement for anti-corruption (Hira, 2016). On the other hand, speedy democratization has been an appealing argument to radically change perceptions about corruption (Rothstein, 2011). Scholars argue that it is only when well-functioning democratic institutions are in place that growth and transformation can begin (Rose-Ackerman, 2007) and building institutional capacity such as the rule of law in weak states may be a promising avenue for international organizations to address corruption (Jetter & Parmeter, 2018). Indeed, while participation in civil society has been considered as one of the most promising routes to tackle corruption, functioning democratic institutions also increase the costs of corruption for both public and private partners (Bertelli et al., 2020). Such is the complicated character of the relations between corruption and democracy, and the role of civil society is situated in this context. Encarnación (2012) succinctly captured the dilemma facing governments tackling corruption: do we promote civil society development or political institutionalization?

Understanding both the contexts for corruption and the conditions under which civil society is successful in its anti-corruption role thus become more pressing. Due to the wide recognition of the complex nature of corruption, addressing its profound negative political, economic, and social consequences has prompted democratic governments and civil society to shift their strategies to holistic ones. The failure of previous anticorruption approaches is in part brought about by separate, individual interventions to tackle such a systemic problem (Gans-Morse et al., 2018). Hira (2016), for instance, noted that the focus on formal institutional incentives while ignoring culture has contributed to the failure of reforms in developing countries. This complexity seems to resonate with what qualitative comparative analysts hold regarding the import of contexts and with the configurational character of much of social life.

In this paper, I look at the configurations of corruption and the conditions that affect civil society's role in this regard, through a fuzzy-set qualitative comparative analysis (QCA) of 30 democracies that did not experience autocratization from 1994–2017, a period known as the third wave of autocratization.[1] QCA, introduced by Ragin (1987), can help unpack complex causal relations and uncover necessary and sufficient conditions that account for the occurrence and non-occurrence of an outcome. As one of the first to use QCA in exploring the configurations of corruption, the objective of the paper is thus two-fold: identify the formula for the presence and absence of corruption and locate civil society in this configuration.

The paper is organized as follows. The next section reviews the relevant conditions for corruption and the conditions for the anti-corruption role of civil society and provides the theoretical directional expectations of the study. After which, the methodological choices are outlined in section three. The results are presented next in the fourth section. The last section concludes.

2 The conditions for corruption and the role of civil society

Civil society's role in anti-corruption policy outcomes is thought to be conditioned by several factors, both internal (Donaghy, 2011; Uhlin, 2009; Widojoko, 2017) and external (Grimes, 2013; Themudo, 2013; Marinova, 2011). While it is true that civil society's success also depends on opportunity structures provided by the state including a certain degree of autonomy in liberal democracies, as several political opportunity structure theorists suggest (see Kriesi et al., 1992; Bernhard, 1993; Linz & Stepan, 1996; Della Porta, 2009), civil society organizations (CSOs) can also exert their influence on policy through their resources and expertise (Schmitter & Streeck, 1999; Treib et al., 2007; Schrama & Zhelyazkova, 2018).

Among their resources, CSOs have a large membership base needed to mobilize collective action. As such, civil society becomes a venue through which civic causes are amplified. As Schrama and Zhelyazkova (2018) posited, in countries where policy issues and areas attract high civic engagement through CSOs, the governments are more likely to listen and be responsive to CSOs' inputs. Apparently, civil society becomes venues for public deliberation and monitoring of public officials and institutions (Warren, 2011). Similarly, the extent to which citizens' opinions are integrated as policy inputs during deliberations point to the import of civil society's policy representation function. Indeed, democratic engagement with citizens improves trust in government by enhancing public participation and deliberation in public affairs, as research on transparency and collaborative governance show (Innes & Booher, 1999; Newman et al., 2004). Such interaction between the state

[1] As an overarching concept that covers democratic breakdowns, democratic recession, and autocratic consolidation, autocratization is defined as the substantial de-facto decline of core institutional requirements for electoral democracy (polyarchy). Considered as the reverse of democratization, autocratization can occur both in democracies and autocracies. There are three waves of autocratization: first (roughly from 1926 to 1942), second (from 1961 to 1977), and third (from 1994 to present) (see Lührmann & Lindberg, 2019).

and the citizens through civil society in collaborative governance is known to resolve seemingly intractable policy problems and produce successful policy outcomes (Booher, 2004).

Conversely, CSOs become ineffective anti-corruption actors when structural support is lacking via denial of public and legal recognition and access to policymaking (Harasymiw, 2019). This is apparent in states moving towards autocratization as they try to tighten the civil society environment in a phenomenon known as 'closing' or 'shrinking' of civic space (Carothers & Brechenmacher, 2014; Mendelson, 2015; Poppe & Wolff, 2017; Buyse, 2018). This is part of the general trend towards democratic backsliding, which also includes increased government pressure and harassment of mass media. That restrictions for both CSOs and media are expanding together is no surprise: corrupt governments consider free media, especially those that constrain discretionary government action, as an enemy as they lay the ground for an environment where strong collective action flourishes and where civil society is also strong (Mungiu-Pippidi, 2016). Indeed, the positive effects of anti-corruption tools are stronger in contexts of greater media freedom (Mungiu-Pippidi, 2016) and civil society's critical role as an effective anti-corruption actor particularly its ability to generate sufficient public pressure needed to monitor governments is dependent on freedom of the press (Themudo, 2013; Harasymiw, 2019). A robust civil society (ROBUSTCSO), both in terms of resources and opportunity structures, thus becomes important in anti-corruption policy outcomes. However, such an effective anti-corruption role also hinges on the contexts of wide and independent public deliberation (ENGAGE) and simultaneously extensive media freedoms (FREEMEDIA). Given the above, the first configuration for anti-corruption is thus: ROBUSTCSO*ENGAGE*FREEMEDIA.[2]

Civil society's anti-corruption role also hinges on its work on reducing political inequality (EXCLU). In several institutional settings plagued by clientelism, NGOs are usually challenged (Lewis, 2010). Tilly (2007) notes that conditions of inequality, the unequal distribution of socioeconomic and political resources, between social groups characterize state-citizen relations and the eventual process of democratization and de-democratization. Civil society enables people to build trust networks and cross-class alliances and thus aids in the reduction of political exclusion (King & Hickey, 2015; Brett, 2017) usually seen in states suffering from elite capture, co-option and personalized leaderships. Moreover, as noted above, civil society expands the democratic principle of inclusion in its policy representation function. Collective decisions are given legitimacy through inclusion and public deliberation (Warren, 2011) and trust networks are integrated into public affairs through civil society. In the context of autocratization, the decline of democratic attributes which eventually lead to less inclusive forms of governance has implications for civil society's anti-corruption work (Leiniger & Lührmann 2019). As such, the second configuration of anti-corruption is the presence of a robust civil society combined with the absence of political exclusion: ROBUSTCSO*~EXCLU.[3]

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[2] In Boolean logic, and as used here, (*) denotes logical AND; (+) denotes logical OR.
[3] (*) denotes logical AND; (~) means the absence of the condition.

3 Methodology, data, and calibration

Current research on corruption and transparency, including the supposed role of civil society in this regard, are yet to formalize the configurations of corruption as set relations and in terms of causal complexity. The paper thus utilizes qualitative comparative analysis (QCA), a comparative analytical technique that has the strengths of both large-N statistical studies (variable-oriented) and small-N case study research (case-oriented) (Ragin, 1987), to fill in this gap. As a set-theoretic method that looks at relations between social phenomena as set relations (Ragin, 1987), QCA is associated with causal complexity that involves equifinality, conjunctural causation, and asymmetry (Schneider & Wagemann, 2012). Equifinality provides that there may be multiple paths to a given outcome – that is, several conditions or combinations of conditions can lead to an outcome. Second, conjunctural causation means that the effects of single conditions or factors depend on the presence or absence of other conditions. As such, a single condition can only lead to an outcome in combination with other conditions and not on its own. Lastly, asymmetry means that the absence of conditions that lead to the presence of an outcome may not lead to the absence of such an outcome. Thus, an analysis for the occurrence of an outcome and its non-occurrence are separately performed.

In QCA, cases are described as to their degree of membership in the set of cases that has a specified condition or outcome. This necessitates a calibration or transformation of the raw data into membership scores of cases in sets. Specifically, I use a fuzzy set QCA, which uses a coding scheme with a continuous scale from 0 to 1 with assigned thresholds for each value. Whether a case is a full member or non-member of a given condition or outcome is decided through a calibration (assignment of fuzzy set scores) based on the specification of three thresholds: full membership (1), full exclusion (0), and crossover point of maximum ambiguity (0.5). In this study, both theory-guided calibration and an indirect method of calibration were used (see Appendix A for more detail) for the conditions set and outcome set.

After having calibrated the raw data, a test of necessity and sufficiency are performed. QCA then identifies whether specified conditions or configurations of conditions (including those that are linked by the Boolean operators, AND and OR) can be considered as being consistently necessary or sufficient for a specified outcome to occur (Stevens, 2016). The results of the sufficiency test in QCA will eventually offer a complex solution (causal configuration) to corruption. Fuzzy-set QCA provides an option to minimize this complex solution to a parsimonious one based on the rules of Boolean algebra. It does so by eliminating inconsistent configurations (those whose consistency scores were below 0.75). Inconsistent causal configurations mean that while they share the same combination of causal condition, they do not lead to the given outcome.

The following cases of democracies that did not experience statistically significant autocratization (see Lührmann & Lindberg, 2019 for an extensive discussion) from the Varieties of Democracy (2018) were included in the QCA test. Originally, there were 36 such cases, however, the microstates were removed given their idiosyncrasies. This yields a total of 30 cases, as shown in Table 1.

Table 1 Democracies never experiencing an autocratization episode (2017)

Country	EDI 2017	Country	EDI 2017
Australia	0.88	Namibia	0.74
Botswana	0.71	New Zealand	0.88
Canada	0.86	Paraguay	0.65
Cyprus	0.84	Senegal	0.72
El Salvador	0.66	Slovakia	0.84
Finland	0.88	Slovenia	0.86
Georgia	0.74	South Africa	0.73
Ireland	0.84	Sweden	0.90
Israel	0.69	Switzerland	0.90
Jamaica	0.83	Taiwan	0.80
Japan	0.83	Timor-Leste	0.72
Lebanon	0.51	Trinidad and Tobago	0.76
Mauritius	0.83	Tunisia	0.70
Mexico	0.65	United Kingdom	0.87
Mongolia	0.68	United States of America	0.82

Note: The Electoral Democracy Index (EDI) ranges from 0 (not democratic) to 1 (fully democratic).
Source: Lührmann and Linberg (2019)

3.1 Calibration of the outcome

The outcome of interest is high perceived corruption *(CORR)*. Public perception of corruption is used as an appropriate gauge of the effectiveness of anti-corruption (policy). A lag of two years was used for the outcome data, following the 2017 data from the Varieties of Democracy project. The data thus follow the country-year format.

Since the interest here is on national levels of corruption rather than particular forms of corruption, data come from the Control of Corruption from the World Governance Indicators by the World Bank. Such capture perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as capture of the state by elites and private interests. The scores range from +2.5 to −2.5 (better to poor). Based on the method originally used, for a given episode or country to be fully in the set of CORR, it must have a governance score of −1.2815 (10th percentile) and below. For it to be out of the given set, its rating must be +1.2815 (90th percentile) and above. The maximum point of ambiguity or cross-over point is 0, which is typically the

mean in a z-score distribution. The indirect method of calibration was thus used, and the resulting outcome is a continuous fuzzy set. All data sources and summary of calibration thresholds are presented in Appendix A.

3.2 Calibration of the conditions

a) Robust civil society (ROBUSTCSO)

This is a macrocondition derived from four indicators of robustness of civil society that measure both the strength of civil society as to membership (CSOparticipation) and policy (CSOconsultation) and the external environment within which they operate (CSOrepression and CSOentryexit). These ordinal scores that run from 0 (worst) to 4 (best), were calibrated with the corresponding four-value fuzzy set: 0, 0.33, 0.67 and 1, where 1 is fully in and 0 is fully out of the given set. Given that this is a macrocondition and that all four indicators must be present to have a robust civil society, the minimum score (logical AND, using the MIN function) of a case in all four indicators is used as its score for the given condition set (see Appendix Final Data for the aggregation).

b) Extensive media freedoms (FREEMEDIA)

Similar above, this condition is a macrocondition indicative of how extensive the independence of the media is. Such does not only involve the absence of government repression on the media (Govmediacensor), but also the presence of critical media (Critmedia) and the extent to which the media represents a wide range of political perspectives (Mediabias). A four-value fuzzy set is also used as thresholds as above: 0, 0.33, 0.67 and 1, where 1 is fully in and 0 is fully out of the given set.

c) Wide and independent public deliberations (ENGAGE)

This condition is a measure of the extent of public deliberations during important policy changes. The original ordinal data used six qualitative assessments with corresponding numerical scores. The same assessment was used for the six-value fuzzy set for the manual or theoretical calibration: 0, 0.2, 0.4, 0.6, 0.8 and 1.

d) High political exclusion (EXCLU)

Unlike the conditions above which run from low to high level of democracy (worst to best), political exclusion, as a measure of denial of access to services or participation in governed spaces, runs in the opposite direction. That is, higher scores mean worse (less democratic). As an index in the V-Dem 2018 Project that ranges from 0 to 1, it is calibrated into a continuous fuzzy set where 0.90 is full inclusion and 0.10 is full exclusion. The maximum ambiguity is set to 0.5.

4 Results

After data calibration, the analyses of necessity and sufficiency were performed.[4] A condition is necessary if it passes the consistency threshold of 0.90. This would imply that without such condition, the outcome would not be achieved. Sufficiency, on the other hand, suggests that a condition or a combination of conditions is present whenever the outcome is present.

4.1 Analysis of the outcome high perceived corruption (CORR)

The test of necessity below shows that there are no conditions with a consistency score above the threshold of 0.90. As such, there are no necessary preconditions (both in their presence and absence) for the outcome. Table 2 presents the parameters of fit.

Table 2 Parameters of fit, necessity, outcome high perceived corruption

Condition	Consistency of necessity	Coverage of necessity	Relevance of necessity
ENGAGE	0.815	0.356	0.369
ROBUSTCSO	0.301	0.214	0.614
FREEMEDIA	0.860	0.371	0.364
EXCLU	0.394	0.929	0.989
~ENGAGE	0.616	0.715	0.903
~ROBUSTCSO	0.751	0.429	0.584
~FREEMEDIA	0.562	0.673	0.895
~EXCLU	0.864	0.317	0.185

~ denotes absence of the condition

After the test of necessity, the test of sufficiency was conducted. This necessitates the creation of a truth table, which shows all logically possible combinations of conditions.[5] Table 3 presents the 30 cases spread out in six out of the 16 logically possible combinations. This leaves ten logical remainders, those configurations for which there are no observed cases (rows one through 16).

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[4] The 'QCA' (Dusa, 2019) and 'SetMethods' (Oana & Schneider, 2018) programming packages in R were used.

[5] The number of logically possible combinations is equal to 2^k, where k is the number of conditions (four) included in the analysis. This yields a total of 16 possible combinations.

The first column shows the row number as displayed in the R output. Columns two through four indicate the status of the four conditions used in the study where 0 is absent and 1 is present. The next column 'OUT' shows whether a given row is sufficient for the outcome to occur, where 1 means sufficient and 0 is not sufficient. The column 'incl.' displays the row's consistency score and the 'PRI' column shows the PRI[6] score. The decision for sufficiency (threshold) is based on these two scores. Although a 0.75 consistency score may typically be had, row three, with consistency of 0.758, is not included in the analysis as the corresponding PRI is rather low at 0.454. Also, given the significant gap as to the consistency scores of rows four and three, a consistency score equal to or higher than 0.941 is set as a benchmark in the study. Lastly, column 'n' refers to the number of cases in a given row and such cases are specified in the last column 'cases'.

By applying the rules of Boolean algebra to reduce their complexity, the truth table is minimized, and this resulted to conservative (see Appendix Table B.4), parsimonious (see Appendix Table B.5) and intermediate (Table 4) solutions.[7] Given the theoretical directional expectations set in section two of the paper, the intermediate solution is reported.

The intermediate solution reveals one path for the outcome high perceived corruption (CORR), which includes three of the four conditions: ~ROBUSTCSO*~ENGAGE*EXCLU. In states that have not experienced autocratization in the third wave, high perceived corruption is brought about by the absence of a robust civil society combined with the absence of wide and independent public deliberations and presence of high political exclusion. The said solution has a high consistency ('Cons.' column) of 0.945. The coverage, which indicates how much of the outcome is in line with the solution, ('Raw cov.' column) at 0.384 is rather low. Only two of the 30 cases are covered by the theoretical model or the solution formula: Lebanon and El Salvador.

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[6] PRI stands for proportional reduction in inconsistency, an alternate measure of the consistency of subset relations, and only relevant to fuzzy sets (Pappas & Woodside, 2021). PRI consistency is used to avoid simultaneous subset relations of configurations in both the outcome and the absence of the outcome. The PRI score should be high and ideally not too far from raw consistency score (e.g. 0.75). Configurations with less than 0.5 PRI scores indicate significant inconsistency (Greckhamer et al., 2018, p. 489).

[7] The conservative solution is based only on empirically observed evidence. The parsimonious solution is based on assumptions about the logical remainders which contribute to parsimony. The intermediate solution is based only on those simplifying assumptions that at the same time represent easy counterfactuals. The intermediate solution is often but not necessarily always less complex than the conservative solution and more complex than the parsimonious solution (Paustyan, 2021).

Table 3 Truth table, outcome high perceived corruption

Row	E	R	F	EX	OUT	n	incl	PRI	Cases
2	0	0	0	1	1	1	0.952	0.856	Lebanon
4	0	0	1	1	1	1	0.941	0.84	El Salvador
3	0	0	1	0	0	1	0.758	0.454	Paraguay
9	1	0	0	0	0	2	0.689	0.34	Israel, South Africa
11	1	0	1	0	0	10	0.538	0.279	Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago
15	1	1	1	0	0	15	0.258	0.072	Canada, Cyprus, Finland, Ireland, Jamaica, Mauritius, Mexico, New Zealand, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom, United States of America
1	0	0	0	0	?	0			
5	0	1	0	0	?	0			
6	0	1	0	1	?	0			
7	0	1	1	0	?	0			
8	0	1	1	1	?	0			
10	1	0	0	1	?	0			
12	1	0	1	1	?	0			
13	1	1	0	0	?	0			
14	1	1	0	1	?	0			
16	1	1	1	1	?	0			

Consistency cut-off: 0.90
E: ENGAGE
R: ROBUSTCSO
F: FREEMEDIA
EX: EXCLU

Table 4 Intermediate solution, outcome high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
~ROBUSTCSO*~ENGAGE*EXCLU	0.945	0.864	0.348		Lebanon, El Salvador
Solution	0.945	0.864	0.348		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

4.2 Analysis of the outcome absence of high perceived corruption (~CORR)

Results of the test of necessity for ~CORR are presented in Table 5. While one condition (~EXCLU) has a very high consistency at 0.986 and a moderate coverage at 0.778, its relevance of necessity (RoN) which is close to 0.5 could be a reason for concern as it can indicate that the necessity relation is trivial (Schneider and Wagemann, 2012).

Table 5 Parameters of fit, necessity, outcome absence of high perceived corruption

Condition	Consistency of necessity	Coverage of necessity	Relevance of necessity
ENGAGE	0.886	0.832	0.692
ROBUSTCSO	0.536	0.832	0.875
FREEMEDIA	0.873	0.811	0.656
EXCLU	0.134	0.680	0.953
~ENGAGE	0.315	0.786	0.925
~ROBUSTCSO	0.488	0.600	0.667
~FREEMEDIA	0.323	0.832	0.943
~EXCLU	0.986	0.778	0.412

~ denotes absence of the condition

The following is the generated truth table used for the Boolean minimization in the analysis of sufficiency. A 0.80 cut-off was used, retaining 27 out of the 30 cases in the analysis. Row three (Paraguay) with a consistency of 0.798 is not included (even when a 0.75 cut-off is acceptable) given that PRI is rather low at 0.546.

Table 6 Truth table, outcome absence of high perceived corruption

Row	E	R	F	EX	OUT	n	incl	PRI	Cases
15	1	1	1	0	1	15	0.906	0.883	Canada, Cyprus, Finland, Ireland, Jamaica, Mauritius, Mexico, New Zealand, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom, United States of America
9	1	0	0	0	1	2	0.831	0.641	Israel, South Africa
11	1	0	1	0	1	10	0.808	0.7	Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago
3	0	0	1	0	0	1	0.798	0.546	Paraguay
2	0	0	0	1	0	1	0.715	0.144	Lebanon

Table 6 *(continued)*

Row	E	R	F	EX	OUT	n	incl	PRI	Cases
4	0	0	1	1	0	1	0.692	0.16	El Salvador
1	0	0	0	0	?	0			
5	0	1	0	0	?	0			
6	0	1	0	1	?	0			
7	0	1	1	0	?	0			
8	0	1	1	1	?	0			
10	1	0	0	1	?	0			
12	1	0	1	1	?	0			
13	1	1	0	0	?	0			
14	1	1	0	1	?	0			
16	1	1	1	1	?	0			

Consistency cut-off: 0.80
E: ENGAGE
R: ROBUSTCSO
F: FREEMEDIA
EX: EXCLU

The minimization process resulted to conservative (see Appendix Table B.6), parsimonious (see Appendix Table B.7), and intermediate (Table 7) solutions.

Table 7 Intermediate solution, outcome absence of high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
ENGAGE*~EXCLU	0.839	0.785	0.883		Israel, South Africa, Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago, Canada, Cyprus, Finland, Ireland, Jamaica, Mauritius, Mexico, New Zealand, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom, United States of America
Solution	0.839	0.785	0.883		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

The formula for the outcome absence of high perceived corruption is the presence of wide and independent public deliberations combined with the absence of high political exclusion (ENGAGE* ~EXCLU). It has a high consistency score of 0.839 and a high coverage of 0.883.

4.3 Robustness checks

To look at the robustness of the tests carried out, a sensitivity analysis is done to check if changes in the calibration, raw consistency scores, and case selection, produce substantively different results (Wagemann & Schneider, 2015). A sensitivity check that involves alternative calibration strategies for the condition EXCLU and the outcome was performed to assess the robustness of the results, given the lack of agreement on thresholds for when a case is highly corrupt and is characterized by high political exclusion. Both slightly higher and lower calibration strategies were used (see Appendix Table C.1). As Skaaning (2011) notes, 'while many other breakpoints are possible, they are placed at levels near the original anchors. Only minor changes are made to ensure that similar theoretical justifications could apply to the original as well as the new anchors defining set-memberships' (p. 395). The test reveals that the results for the outcome high perceived corruption in the original test are robust. The intermediate solution formula derived from the first alternative calibration is the same with that of the original test. The slightly lower alternative calibration features a solution formula that is not so much different from the original (with one condition missing but with the same configuration). For the outcome absence of high perceived corruption, while the results from the slightly lower alternative calibration are the same with the original test, the slightly higher alternative calibration reveals that ~EXCLU is sufficient by itself (it does not combine with ENGAGE unlike in the original test and in the slightly lower alternative calibration).

It was not advisable to perform a sensitivity test that involves a different raw consistency cut-off from the original test because of the low PRI score (which means higher inconsistency) of the rows that could have been included if only based on the consistency score of 0.75 above, in both the presence and absence of the outcome (see Truth Tables). Similarly, while providing as much diversity to the outcome, the cases selected are deemed to be homogeneous as they are those that have not had a statistically significant decline in their democratic attributes in the given autocratization period. Although it might be sound to, for example, have the cases of non-autocratizing, consolidated democracies with high-income as alternative cases, these are not diverse when it comes to the outcome. QCA is applicable in cases with such diversity in the outcome, after all, difference-making can only be had in such an instance. Nonetheless, for future research, an alternative, more nuanced case selection strategy in this line can be done.

5 Discussion and conclusion

Following the logic of QCA this study reports the pathways to corruption in non-autocratizing states. The paper also intended to locate the role of civil society in anti-corruption (whether it appears on the configurations of corruption) and whether such a role is conditional on the presence or absence of other conditions, given the context of states that have not had an autocratization episode.

While such a role is indeed present as the absence of a robust civil society combines with the absence of wide and public deliberations and simultaneously with the presence of high political exclusion to produce the outcome of high perceived corruption, the coverage

of such a solution formula is rather very low. Only two (2) out of the thirty (30) countries that did not experience autocratization were covered by the said solution. Despite the high consistency of such a solution, the weak coverage raises concern about the causal import of the pathway. Interesting as it is, it is in the sufficiency analysis for the outcome absence of high perceived corruption that the role of civil society could not be located. As the intermediate solution provides, the pathway for the absence of high perceived corruption is the presence of wide and independent public deliberations combined with the absence of high political exclusion. Not only was the solution consistent; it also covered more cases as shown by the high coverage score.

The results for the outcome absence of high perceived corruption are striking although not surprising as it is in line with the foundations of QCA. The results herein show that the absence of high perceived corruption (in non-autocratizing states) is not brought about by robust civil society organizations (both in their presence or absence, and/or in combination with other conditions) but by the presence of wide and independent public deliberations combined with the absence of high political exclusion. One is prompted to ask, could this very well be indicative of the differential impacts of civil society? Could this perhaps point to the different roles that civil society organizations play in anti-corruption in different contexts, of autocratization or non-autocratization, in this case? Or does this relate to the general political atmosphere that characterizes much of state-civil society relations in these countries?

For instance, Yabanci (2019) held that in competitive authoritarian (CA) regimes, dissenting social forces turn to civil society as they have no practical access to political institutions to democratically challenge the government. Even while CA regimes extensively violate these democratic practices and political institutions, unlike closed autocracies, they seek to engage with civil society rather than eliminate it as they cannot ignore societal consent and legitimacy and rule by pure coercion (p.286). A caveat exists, however: the growth and diversification of civil society in such regimes cannot be a guarantee for its ability to become agents of democratic change (Giersdorf & Croissant, 2011; Yabanci, 2019). The existence of a co-opted civil society, or the politicization of the same, shows that the roles of the CSOs are thus contingent to the preferences of the government. Moreover, the complicated relationship between state and civil society may undermine the supposed positive impact of civil engagement in anti-corruption. As Zaloznaya et al. (2018) posited, the government and civil society have fundamentally incompatible goals as the former approaches the issue of anti-corruption and reform from the point of self-preservation while the latter seeks to directly challenge the elites. In their study, they claim that under certain conditions, active civil engagement produces suboptimal outcomes: under the pretext of faux collaboration (façade of cooperation) and non-collaborative co-presence (shared governance role without compromise-based solutions), civil society may actually hinder long-term goals of anti-corruption, including democratization and effective governance.

But how about in contexts of non-autocratization? Why is it, for instance, that the presence of a robust civil society organization (by itself or in combination with other conditions) does not necessarily lead to the absence of high perceived corruption, given the solution formula discussed above? Most of the countries in the list are highly consolidated democracies and advanced industrialized countries. What roles, if any, do CSOs play in anti-corruption in governance contexts where citizens have access to stable democratic

political institutions, where citizens are empowered, and where collective action is fostered, among others? These are among the bases for sustainable development and control of corruption, which Mungiu-Pippidi (2016) claimed are rather long term and which few donor agencies pursue to address corruption in the case of neo-patrimonial systems. Corruption levels are quite low once all democratic components are strong, noted McMann et al. (2019). But could it then be that in the case of non-autocratizing states, the anti-corruption effects of other components of democracy (and in combination with each other) are more crucial than civil society's? Or is it possible that civil society's anti-corruption role is rather indirect, as manifested in its work on two relevant aspects in democracies: enhancement of political participation through public deliberation and reduction of political inequality? One thing remains for sure, and it is consistent with the underpinnings of QCA: apart from institutions that support wider and independent public deliberations and that address systemic political inequality, there must be several other conditions and configurations not covered here that can possibly be a pathway for the outcome absence of corruption.

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Appendices

A. Calibration and data sources

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
CONDITIONS Macrocondition: 1. ROBUSTCSO			
CSOrepression	Does the government attempt to repress CSO? 0: Severely. The government violently and actively pursues all real and even some imagined members of CSOs. They seek not only to deter the activity of such groups but to effectively liquidate them. 1: Substantially. In addition to the kinds of harassment outlined in responses 2 and 3 below, the government also arrests, tries, and imprisons leaders of and participants in oppositional CSOs who have acted lawfully. Other sanctions include disruption of public gatherings and violent sanctions of activists (beatings, threats to families, destruction of valuable property). 2: Moderately. In addition to material sanctions outlined in response 3 below, the government also engages in minor legal harassment (detentions, short-term incarceration) to dissuade CSOs from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of civil society organizations with each other or political parties, bar civil society organizations from taking certain actions, or block international contacts. 3: Weakly. The government uses material sanctions (fines, firings, denial of social services) to deter oppositional CSOs from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new civil society organizations and sidetrack them from engagement. The government may also organize Government Organized Movements or NGOs (GONGOs) to crowd out independent organizations. 4: No. Civil society organizations are free to organize, associate, strike, express themselves and to criticize the government without fear of government sanctions or harassment.	(0 worst to 4 best) (less democratic to more democratic) 1: (4) 0.67: (3) 0.33: (2) 0: (0) and (1)	Varieties of Democracy (V-Dem) Project 2018

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
CSOentryexit	To what extent does the government achieve control over entry and exit by civil society organizations into public life? 0: Monopolistic control. The government exercises an explicit monopoly over CSOs. The only organizations allowed to engage in political activity such as endorsing parties or politicians, sponsoring public issues forums, organizing rallies or demonstrations, engaging in strikes, or publicly commenting on public officials and policies are government-sponsored organizations. The government actively represses those who attempt to defy its monopoly on political activity. 1: Substantial control. The government licenses all CSOs and uses political criteria to bar organizations that are likely to oppose the government. There are at least some citizen-based organizations that play a limited role in politics independent of the government. The government actively represses those who attempt to flout its political criteria and bars them from any political activity. 2: Moderate control. Whether the government ban on independent CSOs is partial or full, some prohibited organizations manage to play an active political role. Despite its ban on organizations of this sort, the government does not or cannot repress them, due to either its weakness or political expedience. 3: Minimal control. Whether or not the government licenses CSOs, there exist constitutional provisions that allow the government to ban organizations or movements that have a history of anti-democratic action in the past (e.g. the banning of neo-fascist or communist organizations in the Federal Republic of Germany). Such banning takes place under strict rule of law and conditions of judicial independence. 4: Unconstrained. Whether or not the government licenses CSOs, the government does not impede their formation and operation unless they are engaged in activities to violently overthrow the government.	(0 worst to 4 best) 1: (4) 0.67: (3) 0.33: (2) 0: (0) and (1)	Varieties of Democracy (V-Dem) Project 2018

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
CSOconsultation	Are major civil society organizations (CSOs) routinely consulted by policymakers on policies relevant to their members? 0: No. There is a high degree of insulation of the government from CSO input. The government may sometimes enlist or mobilize CSOs after policies are adopted to sell them to the public at large. But it does not often consult with them in formulating policies. 1: To some degree. CSOs are but one set of voices that policymakers sometimes take into account. 2: Yes. Important CSOs are recognized as stakeholders in important policy areas and given voice on such issues. This can be accomplished through formal corporatist arrangements or through less formal arrangements.	(0 worst to 2 best) 1: (2) CSOs are recognized as stakeholders in important policy areas and are routinely consulted by policy makers. 0: (0) and (1) CSO are not consulted or are consulted to some degree but CSOs are only one set of voices that policymakers sometimes take into account.	Varieties of Democracy (V-Dem) Project 2018
CSOparticipation	Which of these best describes the involvement of people in CSOs? 0: Most associations are state-sponsored, and although a large number of people may be active in them, their participation is not purely voluntary. 1: Voluntary CSOs exist but few people are active in them. 2: There are many diverse CSOs, but popular involvement is minimal. 3: There are many diverse CSOs and it is considered normal for people to be at least occasionally active in at least one of them.	(0 worst to 3 best) 1: (3) Many diverse CSOs exist, it is normal for people to be at least occasionally active in at least one of them 0.67: (2) There are many diverse CSOs; popular involvement is minimal 0.33: (1) There are voluntary CSOs but few people are active in them 0: (0) state-sponsored CSOs, large people maybe active but participation is not purely voluntary	Varieties of Democracy (V-Dem) Project 2018

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
Macrocondition: 2. FREEMEDIA			
Critmedia	Of the major print and broadcast outlets, how many routinely criticize the government? 0: None. 1: Only a few marginal outlets. 2: Some important outlets routinely criticize the government but there are other important outlets that never do. 3: All major media outlets criticize the government at least occasionally.	(0 worst to 3 best) 1: (3) All major media outlets criticize the government at least occasionally 0.67: (2) Some important outlets routinely criticize the government but there are other important outlets that never do 0.33: (1) Only a few marginal outlets 0: (0) None	Varieties of Democracy (V-Dem) Project 2018
Govmediacensor	Does the government directly or indirectly attempt to censor the print or broadcast media? 0: Attempts to censor are direct and routine. 1: Attempts to censor are indirect but nevertheless routine. 2: Attempts to censor are direct but limited to especially sensitive issues. 3: Attempts to censor are indirect and limited to especially sensitive issues. 4: The government rarely attempts to censor major media in any way, and when such exceptional attempts are discovered, the responsible officials are usually punished.	(0 worst to 4 best) 1: (4) absent 0.67: (3) 0.33: (1) and (2) 0: (0) present	Varieties of Democracy (V-Dem) Project 2018

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
Mediabias	Do the major print and broadcast media represent a wide range of political perspectives? 0: The major media represent only the government's perspective. 1: The major media represent only the perspectives of the government and a government-approved, semi-official opposition party. 2: The major media represent a variety of political perspectives but they systematically ignore at least one political perspective that is important in this society. 3: All perspectives that are important in this society are represented in at least one of the major media.	(0 worst to 3 best) 1: (3) 0.67: (2) 0.33: (1) 0: (0)	Varieties of Democracy (V-Dem) Project 2018
3. ENGAGE	When important policy changes are being considered, how wide and how independent are public deliberations? 0: Public deliberation is never, or almost never allowed. 1: Some limited public deliberations are allowed but the public below the elite levels is almost always either unaware of major policy debates or unable to take part in them. 2: Public deliberation is not repressed but nevertheless infrequent and non-elite actors are typically controlled and/or constrained by the elites. 3: Public deliberation is actively encouraged and some autonomous non-elite groups participate, but it is confined to a small slice of specialized groups that tends to be the same across issue-areas. 4: Public deliberation is actively encouraged and a relatively broad segment of non-elite groups often participate and varies with different issue-areas. 5: Large numbers of non-elite groups as well as ordinary people tend to discuss major policies among themselves, in the media, in associations or neighbourhoods, or in the streets. Grass-roots deliberation is common and unconstrained.	(0 worst to 5 best) 1: (5) Large numbers of non-elite groups and ordinary people discuss major policies among themselves, in the media, in associations or neighbourhoods, or in streets; grassroots deliberation common and unconstrained 0.8: (4) Public deliberation actively encouraged; broad segment of non-elite group often participate and varies with different issue-areas	Varieties of Democracy (V-Dem) Project 2018

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
		0.6: (3) Public deliberation actively encouraged; some autonomous non-elite participate but confined to a small slice of specialized groups that tend to be the same across issue-areas	
		0.4: (2) Public deliberation is not repressed but infrequent and non-elite actors are typically controlled and/or constrained by the elites	
		0.2: (1) Some limited public deliberation allowed but the public below the elite level is almost always either unaware of major policy debates or unable to take part in them	
		0: (0) Public deliberation is never, or almost never allowed	

CONDITIONS/OUTCOME	Measure/Questions	Calibration	Data source
5. EXCLU	Exclusion is when individuals are denied access to services or participation in governed spaces (spaces that are part of the public space and the government should regulate, while excluding private spaces and organizations except when exclusion in those private spheres is linked to exclusion in the public sphere) based on their identity or belonging to a particular group. The point estimates for this index have been reversed such that the directionality is opposite to the input variables. That is, lower scores indicate a normatively better situation (e.g. more democratic) and higher scores a normatively worse situation (e.g. less democratic). Note that this directionality is opposite of that of other V-Dem indices, which generally run from normatively worse to better. Interval, from low to high (0-1) The index is formed by taking the point estimates from a Bayesian factor analysis model of the indicators political group equality in respect for civil liberties (v2clpolcl), access to public services by political group (v2peapspol), access to state jobs by political group (v2peasjpol), and access to state business opportunities by political group (v2peasbpol).	Continuous fuzzy set (0-1) 0.90 is fully in 0.5= cross-over point 0.10 fully out	Varieties of Democracy (V-Dem) Project 2018
OUTCOME			
CORR	Runs from -2.5 to 2.5, higher scores mean better corruption condition. (Use public perceptions of political corruption as an appropriate gauge of the effectiveness of anti-corruption policy)	1 = -1.2815 (10th percentile) 0.5=0 0= +1.2815 (90th percentile)	World Bank's World Governance Indicator Control of Corruption

B. Sufficiency Tests

Table B.1 Raw Data

Country	R				CM	F		E	EX	C
	CSOr	CSOe	CSOc	CSOp		GMC	MB			
Australia	4	4	1	3	3	4	3	4	0.011	1.81
Botswana	3	3	1	2	2	3	3	3	0.258	0.71
Canada	4	3	2	3	3	4	3	4	0.026	1.77
Cyprus	4	4	2	3	3	3	3	4	0.102	0.6
El Salvador	3	3	1	2	3	3	3	2	0.584	−0.55
Finland	4	3	2	3	3	3	3	5	0.027	2.15
Georgia	4	4	1	3	2	3	3	4	0.091	0.67
Ireland	4	4	2	3	3	4	3	4	0.031	1.46
Israel	3	3	1	3	3	2	3	3	0.368	0.81
Jamaica	4	4	2	3	3	4	3	4	0.118	−0.06
Japan	4	4	1	2	3	3	3	4	0.048	1.48
Lebanon	3	3	1	3	3	2	3	2	0.521	−1.16
Mauritius	4	4	2	3	3	3	3	4	0.113	0.32
Mexico	3	3	3	2	2	3	3	3	0.277	−0.82
Mongolia	3	4	1	2	2	3	3	4	0.291	−0.44
Namibia	4	4	1	2	3	3	3	3	0.204	0.37
New Zealand	4	4	2	3	3	4	3	4	0.055	2.17
Paraguay	3	3	1	2	2	3	2	2	0.425	−0.83

Country	R					F			E	EX	C
	CSOr	CSOe	CSOc	CSOp	CM	GMC	MB				
Senegal	4	3	1	3	3	3	3	3	0.23	0.05
Slovakia	3	3	2	2	3	4	3	3	0.09	0.33
Slovenia	4	4	2	3	2	4	3	3	0.037	0.91
South Africa	4	4	1	3	3	2	3	3	0.356	0.08
Sweden	4	4	2	3	3	4	3	5	0.022	2.12
Switzerland	4	4	2	3	3	4	3	5	0.023	1.98
Taiwan	4	3	1	3	3	3	3	4	0.058	1.05
Timor-Leste	3	3	1	2	2	3	3	3	0.454	−0.38
Trinidad and Tobago	4	3	1	3	2	3	3	4	0.199	−0.19
Tunisia	4	4	2	3	3	3	3	5	0.178	−0.08
United Kingdom	4	3	2	3	3	4	3	4	0.08	1.77
United States of America	4	4	2	3	3	3	3	4	0.03	1.22

Legend:
R: ROBUSTCSO
   CSOr: CSOrepression
   CSOe: CSOentry
   CSOc: CSOconsult
   CSOp: CSOparticip
F: MEDIAFREE
   CM: Critmedia
   GMC: Govmediacensor
   MB: Mediabias
E: ENGAGE
EX: EXCLU
C: CORR

Table **B.2** Calibrated Data

Country	R				F			E	EX	C
	CSOr	CSOe	CSOc	CSOp	CM	GMC	MB			
Australia	4	4	1	3	3	4	3	4	0.011	1.81
Botswana	3	3	1	2	2	3	3	3	0.258	0.71
Canada	4	3	2	3	3	4	3	4	0.026	1.77
Cyprus	4	4	2	3	3	3	3	4	0.102	0.6
El Salvador	3	3	1	2	3	3	3	2	0.584	-0.55
Finland	4	3	2	3	3	3	3	5	0.027	2.15
Georgia	4	4	1	3	2	3	3	4	0.091	0.67
Ireland	4	4	2	3	3	4	3	4	0.031	1.46
Israel	3	3	1	3	3	2	3	3	0.368	0.81
Jamaica	4	4	2	3	3	4	3	4	0.118	-0.06
Japan	4	4	1	2	3	3	3	4	0.048	1.48
Lebanon	3	3	1	3	3	2	3	2	0.521	-1.16
Mauritius	4	4	2	3	3	3	3	4	0.113	0.32
Mexico	3	3	3	2	2	3	3	3	0.277	-0.82
Mongolia	3	4	1	2	2	3	3	4	0.291	-0.44
Namibia	4	4	1	2	3	3	3	3	0.204	0.37
New Zealand	4	4	2	3	3	4	3	4	0.055	2.17
Paraguay	3	3	1	2	2	3	2	2	0.425	-0.83

Country	R				F			E	EX	C
	CSOr	CSOe	CSOc	CSOp	CM	GMC	MB			
Senegal	4	3	1	3	3	3	3	3	0.23	0.05
Slovakia	3	3	2	2	3	4	3	3	0.09	0.33
Slovenia	4	4	2	3	2	4	3	3	0.037	0.91
South Africa	4	4	1	3	3	2	3	3	0.356	0.08
Sweden	4	4	2	3	3	4	3	5	0.022	2.12
Switzerland	4	4	2	3	3	4	3	5	0.023	1.98
Taiwan	4	3	1	3	3	3	3	4	0.058	1.05
Timor-Leste	3	3	1	2	2	3	3	3	0.454	−0.38
Trinidad and Tobago	4	3	1	3	2	3	3	4	0.199	−0.19
Tunisia	4	4	2	3	3	3	3	5	0.178	−0.08
United Kingdom	4	3	2	3	3	4	3	4	0.08	1.77
United States of America	4	4	2	3	3	3	3	4	0.03	1.22

Legend:
R: ROBUSTCSO
    CSOr: CSOrepression
    CSOe: CSOentry
    CSOc: CSOconsult
    CSOp: CSOparticip
F: MEDIAFREE
    CM: Critmedia
    GMC: Govmediacensor
    MB: Mediabias
E: ENGAGE
EX: EXCLU
C: CORR

Table B.3 Final Data*

Country	E	R	F	EX	C
Australia	0.8	0	1	0.02660796	0.015386674
Botswana	0.6	0	0.67	0.14413213	0.163648002
Canada	0.8	0.67	1	0.02962224	0.016842876
Cyprus	0.8	1	0.67	0.05070396	0.201235509
El Salvador	0.4	0	0.67	0.64983914	0.77966371
Finland	1	0.67	0.67	0.02983456	0.007104138
Georgia	0.8	0	0.67	0.04694532	0.176618767
Ireland	0.8	1	1	0.03069872	0.033745846
Israel	0.6	0	0.33	0.27454878	0.13457526
Jamaica	0.8	1	1	0.0566824	0.534410276
Japan	0.8	0	0.67	0.03464923	0.032279137
Lebanon	0.4	0	0.33	0.53856899	0.934946205
Mauritius	0.8	1	0.67	0.05474624	0.324044121
Mexico	0.6	0.67	0.67	0.1622577	0.868078296
Mongolia	0.8	0	0.67	0.17675789	0.733209188
Namibia	0.6	0	0.67	0.10166273	0.299405452
New Zealand	0.8	1	1	0.0364147	0.006787234
Paraguay	0.4	0	0.67	0.36538143	0.870687348
Senegal	0.6	0	0.67	0.12052199	0.471310916
Slovakia	0.6	0.67	1	0.04661707	0.319031842
Slovenia	0.6	1	0.67	0.03204054	0.109988178
South Africa	0.6	0	0.33	0.25730983	0.45417594
Sweden	1	1	1	0.02878749	0.007607238
Switzerland	1	1	1	0.02899401	0.010463457
Taiwan	0.8	0	0.67	0.03719756	0.082221978
Timor-Leste	0.6	0	0.67	0.41614705	0.70539182
Trinidad and Tobago	0.8	0	0.67	0.09835031	0.607437511
Tunisia	1	1	0.67	0.08546777	0.54582406
United Kingdom	0.8	0.67	1	0.04345255	0.016842876
United States of America	0.8	1	0.67	0.03048043	0.057155083

* The macroconditions have been created from the conditions using the MIN function (Logical AND)

Legend:

E: ENGAGE; R: ROBUSTCSO; F: FREEMEDIA; EX: EXCLU; C: CORR

Table B.4 Conservative solution, outcome high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
~ENGAGE* ~ROBUSTCSO* EXCLU	0.945	0.864	0.348		Lebanon, El Salvador
Overall solution	0.945	0.864	0.348		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

Table B.5 Parsimonious solution, outcome high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
EXCLU	0.929	0.819	0.394		Lebanon, El Salvador
Solution	0.929	0.819	0.394		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

Table B.6 Conservative solution, outcome absence of high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
ENGAGE* ~ROBUSTCSO* ~EXCLU	0.795	0.695	0.434	0.043	Israel, South Africa, Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago
ENGAGE* FREEMEDIA* ~EXCLU	0.859	0.807	0.813	0.421	Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago, Canada, Cyprus, Finland, Ireland, Jamaica, Mauritius, Mexico, New Zealand, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom, United States of America
Solution	0.849	0.796	0.855		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

Table B.7 Parsimonious solution, outcome absence of high perceived corruption

	Cons.	PRI	Raw cov.	Uniq. Cov.	Cases
ENGAGE	0.832	0.778	0.886		Israel, South Africa, Australia, Botswana, Georgia, Japan, Mongolia, Namibia, Senegal, Taiwan, Timor-Leste, Trinidad and Tobago, Canada, Cyprus, Finland, Ireland, Jamaica, Mauritius, Mexico, New Zealand, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom, United States of America
Solution	0.832	0.778	0.886		

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND

C. Robustness tests

C.1. Test 1 Calibration

Table C.1 Robustness test set membership scores calibration

Conditions*/Outcome	Full membership	Cross-over point	Full non-membership
CORR(i)	−1.2815 (90th percentile)	0 (50th percentile)	1.2815 (10th percentile)
CORR(ii)	−1.6448 (95th percentile)	0.1256 (55th percentile)	1.6448 (5th percentile)
CORR (iii)	−1.0364 (85th percentile)	−0.1256 (45th percentile)	1.0364 (15th percentile)
EXCLU (i)	0.90	0.50	0.10
EXCLU (ii)	0.95	0.55	0.05
EXCLU (iii)	0.85	0.45	0.15

Note: (i): original analysis; (ii) first alternative calibration; (iii) second alternative calibration

Table C.2 Summary of solution formula derived from the alternative calibrations, outcome high perceived corruption

Calibration	Parsimonious solution	Intermediate solution
i	EXCLU	~ENGAGE*~ROBUSTCSO*EXCLU
ii	EXCLU	~ENGAGE*~ROBUSTCSO*EXCLU
iii	EXCLU	~ROBUSTCSO*EXCLU

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND;

Note: (i): original analysis; (ii) first alternative calibration; (iii) second alternative calibration

Table C.3 Summary of solution formula derived from the alternative calibrations, outcome absence of high perceived corruption

Calibration	Parsimonious solution	Intermediate solution
i	ENGAGE	ENGAGE*~HIGHPOLEXCLU
ii	~EXCLU	~EXCLU
iii	ENGAGE*~EXCLU	ENGAGE*~EXCLU

~ denotes absence of the condition; + denotes logical OR; * denotes logical AND;

Note: (i): original analysis; (ii) first alternative calibration; (iii) second alternative calibration

BOOK REVIEW

Brans, M. & Timmermans, A. (Eds.) (2022). The Advisory Roles of Political Scientists in Europe – Comparing Engagements in Policy Advisory Systems. Palgrave Macmillan

The book is dedicated to the engagement of political scientists as advisors to public policy decision makers and participants in broader public debates. What roles do they play, and what activities do they do in their external, non-academic activities? How do they operate at the intersections of academia and their local political and social environment? What are their motivational factors? What, where, how and for whom do they communicate? These questions are relevant indeed, as relatively few works can be found that are focusing on the role of specific intellectual professions as advisors of policymaking: previous studies mainly focus on lawyers (Miller, 1995; Johnston, 2008) and economists (Hamilton, 1992; Hirschman & Berman, 2014). At the same time, looking at the role of political scientists as suppliers of public policy decision-making would be a question with a self-evident relevance, which has never been asked from a broader perspective. Now, this volume focuses on a novel field of empirical investigation: political scientists who are employed in academia. The book is edited by Marleen Brans (KU Leuven) and Arco Timmermans (Leiden University) and contains contributions from twenty-three researchers in total. The open-access book is based on the work carried out in the ProSEPS (Professionalization and Social Impact of European Political Science), a large-scale cross-national project, financed by COST (European Cooperation in Science and Technology). The authors provide an easy-to-read text written in a professional, yet understandable style, which increases the accessibility of the messages of this engaging volume.

The book is structured into three main parts. The first part contains an introductory chapter defining the research problem and giving an overview of the main research questions. Then, the second chapter discusses the theoretical and conceptual anchors of the research, in a very logical and comprehensive way. The authors build strong theoretical and conceptual foundations for their work. These foundations are built on the concept of knowledge utilization (Gieryn, 1983), which, in this case, happens in a policy advisory system (Halligan, 1995), specific to each country. A policy advisory system is defined as a locational model, which exists at the junction of three different arenas: the academic arena, the government or policy-making arena, and the public and media arenas. Policy advisory systems consist of interconnected actors crossing through the boundaries of the three

arenas while providing information, knowledge, and recommendations for policymakers and the broader audience. Besides the conceptualization of policy advisory systems, another key theoretical contribution of the book is the construction of the ideal-typical advisory roles of academics as policy advisors: the 'pure academic', the 'expert', the 'opinionating scholar', and the 'public intellectual', each having different knowledge orientation at a higher or lower frequency of advice. Finally, the first part is supplemented by a methodological chapter providing a detailed elaboration of data collection and analysis on which the empirical results were based. The empirical basis of the book is a large-scale survey that collected information from 2,400 academics across Europe, which serves as a representative sample of roughly 12,500 political scientists from the 39 countries, the survey gathered data from.

The second part of the book is composed of twelve chapters containing case studies from European countries (Albania, Belgium, Denmark, France, Germany, Hungary, Italy, Norway Spain, the Netherlands, Turkey, and the United Kingdom), where the role of political scientists in the context of the local policy advisory systems was analysed in a more detailed way. The countries selected for case studies represent a wide geographical range, from North to South and from West to East, and show differences in their cultural, historical, and institutional background, including stable, traditional democracies, countries that went through a democratic transition in the past few decades and also endangered democracies. The individual case studies not only apply the general conceptual and analytical framework developed for this research, while looking at national policy advisory systems as well as empirical patterns of advising and advisory roles but also, contain specific findings for each country, drawing up a more detailed picture of academics as policy advisors within their local circumstances.

In the last part, the book provides a comparative overview of the results, focusing not only on the twelve countries selected for case studies but using the whole sample. Besides the review of the community of political scientists from the perspective of age, gender, and employment status, one key point in the last part of the volume is that the authors were able to empirically distinguish between the roles of policy advisory roles. The interesting result is that almost half of the academics were falling into the category of opinionating scholars, more than a quarter of them were identified as experts, one-fifth as pure academics, and only less than five percent as public intellectuals. Despite the significant differences in the composition of advisory roles in the countries, this is a very strong indication that the majority of European political scientists are not afraid to 'speak truth to power' (Wildavsky, 1979), as they bring normative statements to public debates, and most of them do not refrain from the language of advocacy. The overview presented in the last part also reflects on the channels through which political scientists give advice, the topics they focus on as advisors, and the audience to whom they communicate. Based on the empirical findings, the final chapter is finally providing a revision of the theoretically developed ideal-typical roles of policy advisors as it is pointing out that the broader range of advisory orientations and activities the academics calls for a more detailed multidimensional model of advisory roles.

Some limitations of the study presented in this book also indicate possible directions for future research. The volume mainly focuses on the role of political scientists within their national policy advisory system. However, these systems are not limited to the

domestic level, but they are exposed to internationalization, especially in EU-member countries, where supranational institutions play a key role in several policy areas. The examination of how knowledge flows between domestic and international policy advisory systems would provide a deeper understating of the internationalization of knowledge production and utilization through policy advice. In addition to the findings presented for the whole sample in the summary part and the twelve individual case studies, another interesting step would be to focus on cross-country comparisons within regions (e.g. Scandinavian countries) and even between different regions (e.g. 'old' and 'new' EU member countries), using the original dataset from the 39 countries. During these comparisons, also the influence of internal factors, like administrative traditions or administrative culture on the national policy advisory systems might be pointed out.

This essential volume warns us that the contribution of political science research to decision-making and to public debates has special importance when policy advisory systems are influenced not just by internationalization, but also by the political instrumentalization of scientific information and evidence, which is narrowing the opportunities to speak the truth to power and questioning the role of evidence-based policymaking. The book shows a mirror to the academic community of European political scientists; however, it can be recommended not just to them, but to anyone, who is engaged in decision-making and debates around public policy issues on a broader societal scale; consider credible information, scientific knowledge, and well-grounded suggestions provided by scholars to be important; and concerned about those to whom the book is dedicated: the political scientists whose academic freedom is under threat.

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