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Highlights

- Executive Functions in Para-Athletes
- Language Acquisition of Deaf Children
- A Study on Communication & Bonding
- Ensuring Protection from Ill-Treatment

Discovering Thoughts, Inventing Future

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The Influence of the Family Core on the Language Acquisition of Deaf Children: A Study on Communication and Bonding

By Schubert, Silvana Elisa de Morais, Santos, Israel Bispo & Berberian, Ana Paula

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Abstract- This qualitative study, grounded in a sociocultural perspective, investigates the communication challenges faced by families of deaf children. A snowball sampling method was employed, through which nine mothers of ten deaf children were interviewed. The primary objective was to understand the families' emotions regarding deafness, how they received the diagnosis, and the strategies adopted for interacting and communicating with their children. A recurring expectation of speech development among family members was observed, as well as conflicts between guidance provided by the health and education sectors and the family's own dynamics. Reports highlighted a lack of support following diagnosis and continuous efforts to overcome the barriers imposed by reality. Considering family communication as an essential element in the development of deaf children, the study offers reflections on practices and discourses that continue to deny their identity and limit their potential.

Keywords: family, communication, deaf child, brazilian sign language (libras), inclusion.

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The Influence of the Family Core on the Language Acquisition of Deaf Children: A Study on Communication and Bonding

Schubert, Silvana Elisa de Morais [α], Santos, Israel Bispo [σ] & Berberian, Ana Paula [ρ]

Abstract- This qualitative study, grounded in a sociocultural perspective, investigates the communication challenges faced by families of deaf children. A snowball sampling method was employed, through which nine mothers of ten deaf children were interviewed. The primary objective was to understand the families' emotions regarding deafness, how they received the diagnosis, and the strategies adopted for interacting and communicating with their children. A recurring expectation of speech development among family members was observed, as well as conflicts between guidance provided by the health and education sectors and the family's own dynamics. Reports highlighted a lack of support following diagnosis and continuous efforts to overcome the barriers imposed by reality. Considering family communication as an essential element in the development of deaf children, the study offers reflections on practices and discourses that continue to deny their identity and limit their potential.

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I. Introduction

The relationship between family and language presents considerable challenges, particularly within the context of deaf childhoods. It is estimated that approximately 95% of deaf children are born into hearing families who, in most cases, are unfamiliar with the specificities of deafness and the importance of early investment in the child's linguistic development (QUADROS & PIZZIO, 2014). This lack of knowledge can lead to significant developmental barriers, resulting in social, linguistic, interactional, and identity-related disadvantages.

Furthermore, the absence of accessible information and clear guidance for families regarding initial actions compromises not only the child's socialization but also their self-perception and the construction of a sense of belonging from early childhood.

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In light of this scenario, the present study aims to understand how the family can contribute to creating a communicative environment conducive to the development of the deaf child, thereby mitigating the challenges described. To this end, a literature review was conducted focusing on the themes of family, language, and deafness, guided by the legal framework of Law No. 10.436/2002, which recognized Brazilian Sign Language (Libras) as an official language in Brazil (BRASIL, 2002).

The studies analyzed highlight several converging themes, such as:

- The central role of mothers in the trajectory of deaf children.
- The difficulties faced by hearing families in accessing information and engaging with the deaf community.
- The prevailing expectation for speech acquisition as a criterion for acceptance, participation, and competence.

Many of the reviewed publications adopt a biologizing perspective on deafness, viewing it as a disability to be treated. In contrast, this study is grounded in a sociocultural (or socio-anthropological) approach, as advocated by authors such as Quadros (2005), Skliar (2005), Lane (1992), and Sacks (1990), who understand deafness as a linguistic and cultural experience.

Embracing such a perspective entails recognizing that deafness transcends the sensory dimension and involves an identity construction in which the deaf individual is understood as a full subject. The research, therefore, seeks to understand how families appropriate (or fail to appropriate) the specificities of the deaf child following diagnosis, the bonds they establish, and the forms of interaction they construct over time.

Accordingly, the general objective of this study is to analyze families' perceptions of the interactions, communication, and forms of language established with the deaf child from the initial suspicion or confirmation of the diagnosis. The specific objectives are:

a) To understand the feelings expressed by families from the moment of suspicion and/or confirmation of deafness;

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b) To investigate, through interviews, the forms of communication and interaction established with the deaf child;
c) To highlight how families access information about deafness and make decisions related to the child's holistic development in the face of communication challenges.

II. Research Method

This study is characterized as qualitative research and was approved by the Research Ethics Committee under opinion No. 7.250.868. The adopted approach seeks to deeply understand the communicative experiences of families with deaf children, considering the social, emotional, and cultural contexts that shape such interactions.

a) Participants

Nine mothers of ten deaf children participated in this research, with one mother having two deaf children. The participants were between 27 and 50 years old and had varying educational backgrounds: two had completed primary school, five had completed high school, and two held a higher education degree (one of them still in progress). Although one father initially showed interest in participating, only the mother attended the scheduled interview, resulting in an exclusively maternal sample.

b) Data Collection Procedure

Interviews were conducted using the snowball sampling technique, a non-probabilistic method that relies on networks of contacts and successive referrals to reach participants with specific characteristics. According to Vinuto (2014) and Bocorny and Gomes (2021), this technique is especially effective for accessing hard-to-reach populations and addressing sensitive topics, as the initial contact is made through individuals already recognized within the target group.

The interviews were conducted using a semi-structured format, allowing for standardized questioning while preserving flexibility to explore relevant subjective aspects. The collected content was analyzed using content analysis, as proposed by Bardin (1977), allowing for the categorization and critical interpretation of participants' discourses. From this analysis, categories emerged that will be presented and discussed in the results section.

III. Analysis and Organization of Results

To identify the families participating in the study, we used the letter "F" (for "family") followed by a number corresponding to the interview sequence. The sample composition was exclusively maternal, as only mothers agreed to participate in the study. No fathers or other family members were present during the interviews.

This scenario reinforces a pattern already identified in several studies (PETEAN & BORGES, 2003; PAIVA & SILVA, 2006; SILVA, ZANOLLI & PEREIRA, 2008; KELMAN et al., 2011; FREITAS & MAGALHÃES, 2013; SANTOS, 2019; SILVA, 2021), in which mothers predominantly assume responsibility for their children's education and care. Even when living in family settings with partners, they position themselves as the primary models of behavior, affection, and guidance. Recurring themes in their narratives included intense concern with their children's educational performance and professional future—seen as directly dependent on maternal dedication, effort, and personal sacrifice.

A unanimous concern expressed by the mothers was the language delay experienced by their children, both in oral communication and in Libras (Brazilian Sign Language). As Botteon and Dragone (2021) point out, many mothers reported not seeking communication alternatives beyond orality. This preference is often associated with frustrating early experiences of failed communication. Some interviewees did not even consider the use of Libras, perceiving it as indicative of lower qualification or competence when compared to oral language.

It is important to note that, for deaf children, oral language is not natural and is not always their native language. As emphasized by Quadros (2017, pp. 74–79), when a deaf child is born into a hearing family, they do not spontaneously access deaf culture or sign language. Generally, parents attempt to pass on what they consider their legacy—oral language and hearing culture—while Libras often appears belatedly, fragmented, or is outright rejected. Acquisition of sign language depends on the quality of exposure, the age at which contact begins, and the individuals involved in linguistic mediation.

Considering the relevance of the topic, five thematic axes were defined to guide the interviews:

a) The diagnosis of deafness and its impacts on family dynamics;
b) Bonds established with the deaf child;
c) Forms of communication;
d) Sense of belonging;
e) Understanding of deafness and access to information.

These axes informed the development of interview questions and structure the presentation of results, which includes both charts and discursive analyses.

During the initial stage of the interviews, when asked "Who is your child? Tell me about them," mothers generally responded with the child's name, age, and issues related to the diagnosis, interventions, and the

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use of devices such as hearing aids or cochlear implants. However, none initially referred to the child's personal, emotional, or subjective characteristics, nor did they use the terms "deaf," "deafness," or "hearing impairment."

This absence of identity-based naming reveals a discourse pattern focused on clinical, biological, and technological aspects, to the detriment of a perspective that recognizes the child as a subject of rights, experiences, and culture. This focus reiterates contradictions already noted in the literature, which highlight how deafness is still often perceived as a disability to be rehabilitated, rather than a cultural and linguistic identity.

Based on the collected data, the next section presents selected excerpts from the interviews, accompanied by an analysis of the families' discourse and the emerging contradictions between lived experiences and prevailing social and institutional narratives about deafness.

a) Maternal Perception of Deafness: The Diagnosis and its Impacts on Identity Formation

For data analysis, excerpts from the interviews were organized into thematic categories, based on the previously defined axes. The data are systematized in tables, followed by qualitative analyses.

Table 1: Perception of Deafness and Diagnosis

Category	Participant (F)	Report
Late diagnosis or deafness as a secondary diagnosis	F1	Noted a lack of communication since birth. Diagnosis occurred at age four. Prior to that, the child was diagnosed with ASD and ADHD. They said she would not live a normal life.
	F3	Sought medical attention after noticing delayed speech. The child did not comprehend well. After a long process, the BERA test was performed.
	F6	At age two, realized the daughter could not hear. Underwent tests. It was a shock: "How will I talk to her?" Did not know Libras.
	F8	Initially suspected cerebral palsy. Deafness was confirmed at age two. Felt lost: "How will I work?"
	F9	Diagnosis at age two. Referred to APAE. "I can't explain my feelings."
Pseudo-acceptance or partial acceptance of deafness	F3	The second child was diagnosed early due to the sibling's history. Claims acceptance but avoids using the terms "deafness" or "hearing impairment."
Grief, fear, and denial	F2	Diagnosis was met with denial: "She's not deaf." Left the facility crying.
	F4	Neurologist diagnosed deafness from birth, but the mother did not believe it: "A mother knows her child."
	F5	The diagnosis started mild and progressed. It was harder for the father: "God won't heal!" The mother reports severe emotional distress.
	F7	Diagnosis confirmed at a hospital. Felt sadness and helplessness: "I didn't know what my life would be like after that."

Source: Organized by the authors, 2025.

For most mothers, the diagnosis of deafness is a traumatic and confusing event, marked by ambiguous feelings. Many express shame, fear, frustration, and denial. According to Bruno and Lima (2015), the use of Libras in these contexts is initially met with distrust, due to fear that the child will not be understood or able to ask for help. This fear often leads to the exclusion of Libras as a communicative possibility.

Yamanaka et al. (2010) highlight a worsening factor: intrafamilial prejudice. Many parents report resistance from relatives in accepting the deafness diagnosis, even after adopting technologies like cochlear implants. There is an ongoing expectation of restored hearing as a way to secure future opportunities—revealing a biologizing view of deafness as an obstacle to dignity.

The categories identified in Table 1 reveal three main ways of confronting the diagnosis:

- a) late or mistaken diagnosis;
- b) pseudo-acceptance;
- c) grief and denial.

In the first case, families report anguish over the lack of clear answers regarding the child's development. Delayed diagnosis hinders early access to linguistic stimulation, as seen in F9's case, where the child was

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referred to APAE—a center historically associated with intellectual disabilities—revealing confusion between deafness and cognitive limitations. This reinforces Quadros' (2017) call for early hearing screening, mandated by Law No. 12.303/2010 (BRAZIL, 2010), and shows how lack of awareness and limited access to information still hinder appropriate recognition of deafness.

The second category, pseudo-acceptance, is seen in F3's account, where despite having gone through the diagnosis with a previous child, she avoids using terms like "deaf" or "hearing impaired," preferring expressions such as "differentiated loss." Acceptance, in this sense, is conditional on overcoming deafness through orality—there is no full embrace of deafness as a linguistic and cultural identity. As Silva, Zanolli, and Pereira (2008) point out, many mothers oscillate between the pursuit of normality and the need to adapt to deafness-specific demands.

The third category—grief, fear, and denial—is evident in multiple accounts. According to Santos (2019), this grief is symbolic, resulting from the loss of the expectation of a hearing child. F8, for example, expressed despair upon discovering her child was deaf, even after ruling out cerebral palsy. Her anguish stems from difficulty imagining a communicative and dignified future for a non-hearing child. F5's case highlights the impact of religious beliefs in this process: the father hoped for divine healing until the speech therapist bluntly stated, "God won't heal!" This supports Bezerra's (2019) analysis on how religious and medical discourses together shape parental understanding of deafness and may lead to emotional distancing.

Silva and Gonçalves (2013) also point out that institutional lack of support contributes to parental guilt and insecurity, often leading to the pursuit of alternative diagnoses to avoid facing the reality of deafness. The absence of emotional and psychological support at the time of diagnosis worsens the impact and hinders family adaptation (THOMAZ et al., 2020). F7's statement summarizes this insecurity: "I didn't know what my life would be like after the diagnosis." According to Botteon and Dragone (2021), such reactions can result in emotional distancing, harming the bond and biopsychosocial development of the deaf child from an early age.

Finally, F6 highlights the importance of gradually learning Libras, even after the initial shock: "I didn't even know Libras existed... but over time we got to know it." Despite the legal recognition of Libras by Law No. 10.436/2002 and Decree No. 5.626/2005 (BRAZIL, 2002; 2005), many families are still unaware of its legitimacy as a language and its importance for the holistic development of deaf children. Thus, resistance and expectations centered solely on orality persist.

The following section presents two additional tables detailing the types of communication adopted by families, their methodological approaches, and the emotional perspectives expressed regarding their deaf children's future.

b) Family Interactions and Communication with the Deaf Child: Contradictions and Influences

Table 3: Expectations, Fears, and Interactions with the Deaf Child

Theme	Participant	Excerpt
Learning and Communication	F1	I hope she improves her behavior and irritability, and that she achieves normal communication.
	F2	She was behind in learning and speech development. With Libras, she improved—it helped her.
	F3	I want them to develop and not suffer. The older son tries to make the younger one speak more and use fewer signs—and I like that.
	F4	I want him to understand what he sees. He doesn't speak because he doesn't like to. He doesn't know the vocabulary or understand the value of writing.
	F5	I want her to learn, grow, graduate, work, and be treated equally.
	F6	I hope she finishes school, goes to college—she wants to be an interpreter.
	F8	I hope he learns and develops to have a future—a good job, good relationships—and that he becomes a teacher.
	F2	I feared she would abandon speech for Libras, but I observed the opposite. There's progress in both languages. I hope she is happy, has a good career, and catches up in learning.
Inclusion/Exclusion	F3	I hope the world becomes more open to them, that they're not excluded, that they have autonomy and no longer face so many barriers.
	F7	I hope he doesn't suffer from prejudice or hardships, that things won't be so difficult.

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	F8	No one talks to him—not even at church. He's isolated; no one understands him.
	F9	I hope he grows and overcomes communication difficulties, that he's understood when alone—people usually don't get him.
Overcoming Deafness-Organicist View	F7	I wish he could develop and be understood like a hearing child.
	F8	I treat him like a hearing child, not like a poor thing. He has to be firm because of the difficulty.

Source: Organized by the authors, 2025.

The table above illustrates two predominant educational philosophies applied to deaf children, which shape family communication and educational dynamics.

Based on studies by Sacks (1992), Skliar (2005), and Quadros (2005), we identify two historical periods in deaf education methodologies: the first, *oralism,* peaked in 1880 with the Milan Congress, which banned Sign Language (SL) and imposed speech, resulting in negative impacts on deaf education and inclusion. The second, *Total Communication,* emerged in the 1960s, supported by research on the structure and completeness of sign languages, paving the way for *bilingual approaches.* Despite bilingualism being a legal right for deaf individuals, none of the interviewed families reported practicing it in daily communication.

Mothers' responses reveal a disconnect between discourse and actual family interactions, highlighting difficulties in establishing effective communication. There is also tension between medical/educational guidance and family expectations. Although families seek strategies to interact, these are often limited to scarce post-diagnosis instructions.

This aligns with Rodrigues' (2022) perspective on the challenges of understanding deafness and the deaf individual: when deafness is wrongly associated with cognitive disability, emotional bonds suffer, and family interaction decreases. Consequently, families often resort to minimal interactions, using improvised gestures or isolated signs accompanied by speech. Even when communicative potential exists, no developed communication method—oral or sign—is effectively adopted. What emerges is contradiction: "neither this, nor that," reflecting the absence of a consistent communicative strategy.

Moreover, recent studies show broader impacts of hearing loss beyond language, including cognition. A meta-analysis by Moraes et al. (2025) identified cognitive impairments in adults and the elderly with hearing loss, with or without hearing devices. This emphasizes the importance of structured, meaningful early communication to prevent future difficulties.

Similarly, Santos et al. (2023), through a systematic review, found that adults with hearing loss reported significant restrictions in social participation, particularly when lacking communication support in childhood. These findings reinforce the need for communicative investment in early childhood and within families, to prevent future social, emotional, and cognitive harm.

Considering the analyses, tables, and identified categories, we presented results regarding how families understand and adapt (or not) to the specificities of deaf children from the moment of diagnosis. We explored how their perceptions of communication, language, and interaction impact emotional bonds, communication dynamics, and child development.

Finally, we offer our reflections—not to conclude the research, but as a pause, opening space for future analyses and deeper investigation of this vital theme.

IV. Final Considerations: Without Intention to Conclude

The analysis of deafness and family communication in this study revealed significant gaps where affective and dialogical exchanges were expected. What emerged was the fragility of linguistic bonds between families and deaf children, marked by misinformation and a lack of appropriation regarding the condition of deafness.

The results point to a mourning process for the idealized child, followed by the need for identity resignification after the diagnosis. Table 1 highlights late diagnosis, pseudo-acceptance, and mourning—categories that reveal anguish, stigma, and resistance to accepting deafness as part of the child's subjective constitution. Even when communication is possible, symbolic and social aspects hinder or disqualify this interaction.

In Table 2, the communicative process appears fragmented, with inconsistent practices and predominance of orality. Total Communication emerges as an alternative but fails to generate meaningful bonds. The absence of bilingual practices reveals the fragility of public policies in ensuring Libras the status of a linguistic right. The maternal figure remains the main caregiver and interlocutor, facing alone the challenge of sharing a common language with her child.

Although Libras is mentioned, it is rarely used or is secondary to orality. Many mothers find themselves torn between divergent guidance coming from health professionals, educators, and social circles. This conflict

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reflects the tension between biologizing and socio-anthropological approaches, leaving families without clear references to support the holistic development of their children.

Even while desiring inclusion and success for their children, these mothers operate within a system that prioritizes hearing, shaping an identity that silences deafness. Public policies and professional training still fail to offer effective support that embraces difference and guides families with clarity and sensitivity.

From the moment of diagnosis, institutional actions must recognize and value difference, favoring informed choices and acknowledging the deaf child as a subject of rights. Health and education professionals must be prepared to provide emotional support and practical strategies that foster language development and strengthen family bonds.

The interviews show that, at times, the responsibility for adaptation falls on the child, as if overcoming communication barriers depended solely on them. This ableist logic must be overcome. Families should be welcomed and guided to understand deafness as difference, not limitation.

It is hoped that, in the future, families will be better informed, professionals more sensitive to linguistic and cultural diversity, and deaf children will finally be able to occupy spaces of speech and listening. Bilingualism — with Libras and oral/written language — remains a legitimate path toward building a fairer, more inclusive, and more humane society.

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Article 3 of the ECHR, Migrants and Asylum Seekers: Ensuring Protection from ILL-Treatment

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Abstract- This article examines the protection afforded to migrants, asylum seekers, and refugees under Article 3 of the European Convention on Human Rights, which prohibits torture, inhuman, or degrading treatment or punishment. Triggered by the refugee crisis in recent years, migration to Europe has led to increased border securitization and reports of ill-treatment by state authorities. The paper explains how Article 3 has been applied by the European Court of Human Rights in such contexts, evaluates its implementation and identifies key obstacles to its effective enforcement. Recommendations are also offered to strengthen the protection framework within Council of Europe states.

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Mohammad Ayub Shahreyar

Abstract- This article examines the protection afforded to migrants, asylum seekers, and refugees under Article 3 of the European Convention on Human Rights, which prohibits torture, inhuman, or degrading treatment or punishment. Triggered by the refugee crisis in recent years, migration to Europe has led to increased border securitization and reports of ill-treatment by state authorities. The paper explains how Article 3 has been applied by the European Court of Human Rights in such contexts, evaluates its implementation and identifies key obstacles to its effective enforcement. Recommendations are also offered to strengthen the protection framework within Council of Europe states.

I. Introduction

The Refugee crisis started in 2015 and 2016 when the Balkan refugee route was opened. During these two years, Europe faced the greatest refugee crisis since the Second World War.[1] The European countries filed 2.5 million asylum applications in 2015 and 2016.[2] Recently, after the collapse of the Afghanistan Republic government in August 2021 and Russia's invasion of Ukraine in February 2022, the refugee movement towards European countries has increased significantly.[3] Some EU countries, such as Hungary, Austria, and Romania have considered increasing national border security to stop the flow of people, particularly those from non-European countries.[4] There are many cases of inhuman treatment registered against the refugees in the borders and detention facilities. The Council of the European Anti-Torture Committee (now CPT) reported ill-treatment, such as punching and beating with sticks, weapons and truncheons by police and border guards against the people trying to cross the borders. Also, these people were subject to pushback and expulsion from the European territories by either land or sea without having their asylum claims heard.[5] The inhuman treatment, particularly by the member states of the Council of Europe officials, brought the attention of the European Court of Human Rights (now ECtHR) under Article 3 of the European Convention on Human Rights (now ECHR). The protection afforded by Article 3 of the ECHR preserves the fundamental values of democratic societies, which reinforce the commitment of the Council of Europe members to uphold human dignity.[6]

This essay explores how Article 3 of the ECHR addressed the migrants, asylum seekers and refugee's protection against ill-treatment, torture, inhuman and degrading treatment or punishment. Also, it evaluates how Article 3 of the ECHR has been effectively implemented and what the key obstacles to the application of this Article will be. To address these questions, this essay is structured in four parts. The first part delves into the scope of Article 3 and briefly explains the torture, inhuman and degrading treatment and punishments. Also, it describes the absolute nature of Article 3 of the ECHR. The second part discusses the challenges of migrants and asylum seekers in terms of suffering ill-treatment during their pathway; additionally, it discusses the significance of Article 3 in protecting them against torture and inhuman and degrading treatment. The third part evaluates the implementation status of Article 3 of the ECHR and explores the critical obstacles towards the effective implementation of Article 3. Finally, the fourth part suggests recommendations for effectively implementing Article 3 of the ECHR within the territories of member states.

II. The Scope and Absolute Nature of Article 3 of the ECHR

Article 3 of the ECHR prohibits subjecting individuals to torture, inhuman or degrading treatment or punishment.[7] Also, under Article 1 of the ECHR, the member states are obliged to secure the rights and

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[1] Boštjan Nedoh, 'Mass Migrations as a Messianic Event? Rereading Agamben's State of Exception in Light of the Refugee Crisis in Europe' (2022) 18 Law, Culture and the Humanities 272, 272.

[2] Etienne Piguet, 'The 'Refugee Crisis' in Europe: Shortening Distances, Containment, and Asymmetry of Rights—a Tentative Interpretation of the 2015–16 Events' (2021) 34 Journal of Refugee Studies 1577, 276.

[3] Matías Ibañez Sales, ' The Refugee Crisis' Double Standards: Media Framing and the Proliferation of Positive and Negative Narratives During the Ukrainian and Syrian Crises', 1.

[4] Adrian Otovescu and Maria-Cristina Otovescu, 'The Refugee Crisis in Europe and Addressed Solutions' (2017) 17 Journal of Community Positive Practices 63, 63.

[5] Jennifer Rankin, 'Refugees Subject to Widespread Physical Ill-Treatment, Council of Europe Finds' *The Guardian* (30 March 2023) <https://www.theguardian.com/world/2023/mar/30/refugees-widespread-physical-ill-treatment-council-of-europe> accessed 15 February 2024.

[6] Kristiāna Jana Biksone, 'Violations of Article 3 of the ECHR in the Detention Conditions of Migrant Minors' <http://dspace.lu.lv/dspace/handle/7/65116> accessed 14 February 2024, 7.

[7] European Convention on Human Rights, Article 3.

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freedoms of everyone set out in the Convention within their jurisdiction[8]. In addition to that, the nature of Article 3 has been recognized as non-derogate or obsolete rights[9].

a) The Scope of Article 3 of the ECHR

Article 3 of ECHR indicates the prohibition of all three types of ill-treatment, including torture, inhuman and degrading treatment or punishment.[10] The ECHR has not explained inhuman treatment, degrading treatment, or punishment. Yet, European Human Rights Judicial bodies, ECtHR and the European Commission of Human Rights, have produced definitions of these terms by deciding on case laws.[11] Punishment has an ordinary meaning, but this term and the term of treatment are often not subject to separate analysis. Sometimes, the ECtHR categorises the punishment as inhuman or degrading treatment taken to gather.[12]

The Guide on Article 3 of the European Convention on Human Rights, developed by the Registry of the Council of Europe, divides the scope of prohibited treatment under Article 3 into three parts: torture, Inhuman or punishment and degrading treatment or punishment.

i. *Torture*

The ECHR didn't define the term torture; however, the ECtHR defined the definition of torture in its case law. The Court, in the case of Ireland v UK, defined torture "as deliberate inhuman treatment causing severe and cruel suffering".[13] For the determination of torture from other ill-treatment embodied in Article 3, the considers the element of intention and severity of treatment causing severe and cruel suffering. Some of the ill-treatment which were recognized by the Court as torture include rape committed by security forces while in detention[14] or by a coastguard responsible for supervising an illegal immigrant[15], suspension from arms causing paralysis of both arms of the detainees[16], a sustained state of physical pain and anxiety resulting from uncertainty about their fate and the severity of the violence they had endured.[17], forced feeding to the detainee on hunger strikes without justification[18], beating and using excessive force by police for dispersal of demonstrations[19].

ii. *Inhuman Treatment or Punishment*

The implication of inhuman treatment comprises a material (objective) element and a deliberate (subjective) element. The material element is described as severe pain or suffering, either physical or mental, while the deliberate element is described as deliberateness.[20] It is worth noting that the concept of inhuman treatment, as understood by the ECtHR, has evolved. The requirement of deliberateness (subjective element) of the inhuman treatment diminished in importance in recent case laws. As a consequence of this evolution, the material element, severe pain or suffering, whether physical or mental, becomes essential.

The Strasbourg case law has identified inhuman treatment such as wall-standing, hooding, subjection to noise, deprivation of sleep, food, and drink over interrogation. Additionally, use of force during arrest, bodily injuries during police custody and exposure of a person to the death row phenomenon also demonstrate the inhuman treatment.[21] Additionally, the case laws identified the inhuman treatment as a failure to provide adequate medical treatment[22], destroying a person's home by security forces,[23] depriving the people of livelihood and forcing them to leave their village[24], and serving life sentences for a long time in poor conditions under a restrictive regime.[25]

iii. *Degrading Treatment or Punishment*

Lowering a person in rank, position, reputation or character in his own or other eyes can be defined as degrading treatment[26]. In a broader definition, "Inhuman degrading requires for the act to be humiliating or debasing for the individual, showing a lack of respect for, or diminishing, his or her human dignity, or arousing feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance".[27] Also, the case laws recognized the degrading treatment as arresting a person while

[8] Ibid, Article1.
[9] Biksone (n 6), 9.
[10] Bernadette Rainey author, *Jacobs, White and Ovey, The European Convention on Human Rights,* (Sixth edn, OUP Press 2014), 169.
[11] Ibid (n 6), 12.
[12] Ibid (n10), 170.
[13] Author D J Harris (David John), *Harris, O'Boyle & Warbick Law of the European Convention on Human Rights*. (Fifth edition / David Harris LLM, PhD, CMG, Michael O'Boyle LLB, LLM, LLD(HON), Ed Bates LLB, LLM, PhD, Carla M Buckley LLB, LLM; chapters 2 and 3 by Krešimir Kamber, PhD; chapter 11 by Zoë Bryanston-Cross; chapter 12 by Peter Cumper LLB, LLM; chapter 22 by Heather Green LLB, PhD, Oxford University Press 2023), 245.
[14] *Aydın v Turkey* [1997] ECtHR 23178/94.
[15] *Zontul v Greece* [2012] ECtHR 12294/07.
[16] *Aksoy v Turkey* [1996] ECtHR 21987/93.
[17] *Batı and Others v Turkey* [2004] ECtHR 33097/96 and 57834/00.
[18] *Nevmerzhitsky v Ukraine* [2005] ECtHR 54825/00.
[19] *Lutsenko and Verbytskyy v Ukraine* [2021] ECtHR 12482/14 and 39800/14.
[20] Alberta Fabbricotti, 'The Concept of Inhuman and Degrading Treatment in International Law and Its Application in Asylum Cases' (20 March 1998) <https://papers.ssrn.com/abstract=3356614> accessed 14 February 2024, 9.
[21] Ibid (9-10).
[22] Hélène Lambert, 'The European Convention on Human Rights and the Protection of Refugees: Limits and Opportunities' (2005) 24 Refugee Survey Quarterly 39, 49.
[23] *Selçuk and Asker v Turkey* [1998] ECtHR 23184/94 and 23185/94.
[24] *Hasan İlhan v Turkey* [2004] ECtHR 22494/93.
[25] 'Guide on Article 3 of the European Convention on Human Rights-Prohibition of Torture' <https://www.echr.coe.int/d/guide_art_3_eng>, 16.
[26] Fabbricotti (n 20), 11.
[27] Biksone (n 6), 12.

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permitting him to change his soiled clothes[28], shaving the hair of prisoners by prison administration without justification, confiscating the glasses of detainees who have vision problems without justification, using force to search the home of a person which is not strictly necessary, keeping a detainee in a severely overcrowded and unsanitary environment in prison, stripped naked of a person in front of a female prison officer, detention of an asylum seeker for three months because of a pending application with no any recreational activities and proper meals, Handcuffing a migrant during a bus journey lasting about 20 hours in the context of forced deportation, detaining a severely disabled person in inappropriate conditions such cold environment and not proper access to bed and toilet.[29]

The distinction between torture and other ill-treatment, such as inhuman treatment or punishment and degrading treatment, drives from the intensity of the suffering inflicted.[30] Sometimes, the ECtHR doesn't distinguish between these terms. For example, in the case of Il v Bulgaria, the ill-treatment detention of an individual for three months in a small cell without any natural light and satisfactory ventilation, coupled with poor sanitary facilities and no provision for spending time outside of his cell, categorized as inhuman and degrading treatment by the Court.[31]

b) The Absolute Nature of Article 3 of the ECHR

Before assessing the competency of a case, the court repatriated "Article 3 of the Convention enshrines one of the most fundamental values of a democratic society. It prohibits in absolute terms torture or inhuman or degrading treatment or punishment, regardless of the circumstances and victim's behaviour". Also, the court declares, "The Convention prohibits, in absolute terms, torture and inhuman or degrading treatment or punishment, irrespective of the victim's conduct. Unlike most of the substantive clauses of the Convention, Article 3 makes no provision for exceptions and, under Article 15(2), there can be no derogation from it even in the event of a public emergency threatening nation's life".[32] On this basis, the member states cannot breach Article 3 of the ECHR even if they need to fight terrorism or organized crimes or to save someone's life.[33] Additionally, breaching this Article to protect public order, health or morals, public safety, and national security is not permissible.[34] The absolute nature of Article 3 of the ECHR demonstrates three key elements: admitting no qualification or exception, no subject to derogation, and applying to everyone. Absolute rights can never be justifiable and should be fulfilled without exception.[35]

III. The Ill-Treatment Against Migrants and Asylum Seekers and the Significance of Article 3 of the ECHR in Protecting them Against Ill-Treatment

The issue of refugees has been one of the most critical challenges for many member states of the Council of Europe. After the Second World War, thousands of people, particularly from the conflict-affected countries, immigrated to the Europe. Still, the central refugee crisis started in 2015 and 2016 when the Balkan refugee route was opened.[36] To overcome the refugee crisis, some of the Council of Europe State Parties adopted strict policies related to avoiding the movement of migrants and asylum seekers towards their borders. Additionally, many cases of human rights violations are reported against the refugees, especially by security officials at borders, detention facilities and inside the territories of member states.

a) The Ill-Treatment Against the Migrants and Asylum Seekers

This topic mainly focuses on the forced removal of migrants and asylum seekers at the Council of Europe member states' borders and ill-treatment against them, especially in times of pushback and keeping them in detention facilities.

i. *Forced Removal (Pushbacks)*

The migrants, asylum seekers and refugees who flee persecution experience super difficulties in reaching Europe. They come through many dangerous routes, such as the Central Mediterranean, which is among the deadliest migration routes in the world. It is estimated that since 2014, more than 22000 persons have died, while more than 2000 died or were missing in 2023.[37] Multiple cases show that when foreign nationals reach the borders of Council Europe member states, they are forcibly pushed back, which is an issue that

[28] Lambert (n 22), 49.
[29] 'Guide on Article 3 of the European Convention on Human Rights-Prohibition of Torture' (n 25), 9-10.
[30] Ibid, 8.
[31] Bernadette Rainey Author (n 10), 175.
[32] Natasa Mavronicola and Francesco Messineo, 'Relatively Absolute: The Undermining of Article 3 ECHR in Ahmad v UK Case' (2013) 76 Modern Law Review 589, 592.
[33] Author D J Harris (David John), *Harris, O'Boyle & Warbick Law of the European Convention on Human Rights.* (Fifth edition / David Harris LLM, PhD, CMG, Michael O'Boyle LLB, LLM, LLD(HON), Ed Bates LLB, LLM, PhD, Carla M Buckley LLB, LLM; chapters 2 and 3 by Krešimir Kamber, PhD; chapter 11 by Zoë Bryanston-Cross; chapter 12 by Peter Cumper LLB, LLM; chapter 22 by Heather Green LLB, PhD, Oxford University Press 2023), 242.
[34] Elaine Webster, Author, *Dignity, Degrading Treatment and Torture in Human Rights Law: The Ends of Article 3 of the European Convention on Human Rights* (Routledge, Taylor & Francis Group 2018), 29.
[35] Ibid, 29.
[36] Nedoh (n 1), 272.
[37] Dunja Mijatović, 'REPORT FOLLOWING HER VISIT TO ITALY FROM 19 TO 23 JUNE 2023' [2023] COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE, 7.

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constitutes one of the most significant human rights concerns from the perspective of the Commissioner for Human Rights of the Council of Europe.[38] According to a Human Rights Watch report, based on the police statistics from January to August 2022, Hungarian border officials carried out over 900,000 unlawful pushbacks.[39] Pushbacks are aimed at distancing a person from the state's territory and depriving them of access to the protection recognized by the state's domestic laws. Pushbacks are increasingly violent way, becoming normalized in Europe and turning into systematically applied measures. Pushbacks are carried out at both sea and land borders. This practice generally involves multiple violations of human rights, including the prohibition of torture or inhuman or degrading treatment or punishment.[40]

ii. *Inhuman Treatment at the Time of Pushback*

The foreign nationals experienced physical ill-treatment at the time of their pushbacks, such as beating, punches, slaps, and blows with truncheons, barrels of automatic weapons, wooden sticks or the branches of trees. These actions have been committed by police, border guards, members of the Coast Guard or other law enforcement officials. At the same time, they removed their identification tags and police insignia and wore balaclavas to hide their identity. Also, CPT recorded horrible ill-treatment such as firing bullets close to the persons lying on the ground, pushing the hands tied people into reverse, forcing them to walk barefoot and naked across the borders, using un-muzzled dogs to capture the foreign nationals, deprivation of food and water for a prolonged period. These actions were fulfilled as a threat against the foreign nationals' physical integrity and humiliation. CPT has also reported the appalling and unsafe conditions of foreign nationals during their removal, crammed into the back of police vans, and denied food and water or access to the toilet for prolonged periods. The CPT has also documented medical evidence, such as the classic "tram-line" hematomas on various parts of foreign nationals' bodies and dog-bit wounds on their limbs; additionally, the CPT affirmed the excessive use of force during pushbacks.[41] Amnesty International also reported the arbitrary arrest, abuse of voluntary repatriation, use of unlawful firearms to return the refugees from borders, and forced expulsion of refugees through land and sea borders[42]. Furthermore, the United Nations Special Rapporteur on the Human Rights of Migrants affirmed that pushing migrants back and forth, use of water cannons, destruction of the migrants' electronic devices, use of attack dogs and pushing and threatening weapons against migrants by Poland officials. The perpetrated actions caused stress and trauma to the migrants.[43]

iii. *Ill-treatment in Detention Facilities*

The CPT reported the prolonged and informal detention of arrested foreign nationals and kept them in inadequate condition before removing them. Also, the Court consistently described the deplorable material conditions in informal detention places and police and border guard stations. In several instances, families with children, unaccompanied or separated children and other vulnerable people are held in conditions that amount to inhuman and degrading treatment in detention. The migrants, including children and pregnant women, remained in close detention facilities. Most didn't know how long they spent in detention; meanwhile, they couldn't access information about the asylum proceedings. It caused a significant amount of distress and anxiety and caused them psychological problems.[44]

The ill-treatment, as mentioned earlier, against foreign nationals, migrants, and asylum seekers violated Article 3 of ECHR. This Article prohibited any torture, inhuman and degrading treatment against anyone, including migrants and asylum seekers and forcibly pushback to a country where there are substantial grounds for ill-treatment and persecution.

b) The Significance of Article 3 of the ECHR in Protecting Asylum Seekers and Migrants Against Ill-Treatment

The Article 3 ECHR is designed to safeguard the treatment of everyone within the territory of the member states of the Council of Europe to individuals, including migrants and asylum seekers. The Convention allows the victims of a breach of the Convention to bring applications against violator states. Under Article 34 of the ECHR, the Court receives applications from any person, non-governmental organization, or group of individuals, regardless of their nationality, claiming to be the victim of a violation due to the breach of the Convention.[45] This Article permits the victims of foreign

[38] Dunja Mijatović, (n 37), 17.
[39] Human Rights Watch, *World Report 2023 | Human Rights Watch* (2023) <https://www.hrw.org/world-report/2023> accessed 28 February 2024, 290.
[40] 'Pushed beyond the Limits Four Areas for Urgent Action to End Human Rights Violations at Europe's Borders' (Council of Europe 2022) <https://rm.coe.int/protecting-the-right-to-health-through-inclusive-and-resilient-health-/1680a177ad>, 15-17.
[41] '32nd General Report of the CPT 1 January - 31 December 2022' (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2023) <https://rm.coe.int/1680aabe2b>, 27.
[42] Amnesty International (ed), *Amnesty International Report 2022/23: The State of the World's Human Rights* (Amnesty International Ltd 2023).
[43] 'A/HRC/53/26/ADD.1: Visit to Poland - Report of the Special Rapporteur on the Human Rights of Migrants, Felipe González Morales' (*OHCHR*) <https://www.ohchr.org/en/documents/country-reports/ahrc5326add1-visit-poland-report-special-rapporteur-human-rights-migrants> accessed 29 February 2024.
[44] 'A/HRC/53/26/ADD.1: Visit to Poland - Report of the Special Rapporteur on the Human Rights of Migrants (n43), 15.
[45] D J Harris (David John) (n 13), 5.

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nationals, including migrants, asylum seekers, and refugees, to apply to the Court to ensure their human rights protection based on the ECHR. The ECHR, under Article 46, made mandatory the Court's judgements upon the Council of Europe member states.[46] Based on Article 3 of ECHR, the ECtHR has obliged states to protect migrants and asylum seekers from expulsion to unsafe countries and to prohibit ill-treatment within their territories or jurisdictions.[47] This Article has played an essential role in safeguarding third nationals against returning them to dangerous countries and ill-treatment in detention facilities.

i. *Article 3 ECHR and its application to the Principle of Non-refoulement*

Non-refoulement is extremely important for protecting migrants and asylum seekers against probable persecution. It is irrespective of whether or not an individual has been formally recognized as a refugee; also, it does not matter how an asylum seeker comes to the territory or jurisdiction of a country. According to this principle, if asylum seekers are forcibly returned to a country where they have well-founded persecution or face a substantial risk of torture, then it will be defilement contrary to international law.[48] The principle of non-refoulement played a significant role in not returning the asylum seekers to their countries of origin where they were at risk of persecution. Many disappointed asylum seekers by petitioning the ECtHR under Article 3 of ECHR, challenged the EU common asylum laws during the first decade of the twenty-first century while at the first Court was reluctant to condemn the EU aborning asylum arrangement.[49] The ECHR does not explicitly refer to the principle of non-refoulement but accepts the prohibition of refoulement as a fundamental right under Article 3; therefore, according to this principle, the ECtHR prohibits the deportation and expulsion of asylum seekers to the countries where they are persecuted.[50] Indeed, the Court developed an expansive jurisprudence related to circumstances under Article 3 of ECHR that required non-refoulement protection. In another example, even the court prohibited returning the asylum seekers to a safe part of a country because that unstable situation will force them to move to unsafe areas of the country where their safety is in danger. Also, the Court not only considered the ongoing conflict as a reason for the safety of an asylum seeker, but it also prohibited the return of asylum seekers because of the existing inhuman tradition and non-balance of power in family life. For example, the Court ruled that Sweden could not return a rejected Afghan asylum seeker to Afghanistan due to her decision to divorce her Afghan husband while they were living in Sweden. Returning to Afghanistan might face this asylum seeker's inhuman, degrading treatment or punishment by her husband based on local tradition and religious issues. Also, the Court prohibited the United Kingdom from returning a Sikh separatist accused of violence to India because he would face inhuman, degrading treatment or punishment because of his political thoughts and performances.[51]

The court's decisions indicate that for the application of non-refoulement principles, the member states cannot rely only on the general situation of a country regarding peace and war; they must consider other grounds and ensure that returning asylum seekers will not confront persecution. According to this principle, the states must assess the third country where an asylum seeker will be returned. In the case of Ilias and Ahmed group v. Hungary, the Committee urged the Hungary authorities to re-assess the legislative presumption of a safe third country concerning Serbia, terminate collective expulsion, and introduce an adequate remedy.[52]

ii. *Protecting the Migrants and Asylum Seekers Against Ill-treatment in Detention Facilities*

Article 3 ECHR established principles regarding the conditions of detention of those awaiting expulsion or detention by immigration authorities.[53] Under Article 3, the states must ensure that prisoners are detained with respect for their human dignity and that their health and well-being are adequately secured.[54] According to the decision of ECtHR, the conditions in which a person is detained can constitute inhuman or degrading treatment within the meaning of Article 3 of ECHR, even though the authorities have no intention to debase the detainees. The Court underscores that anyone deprived of liberty should be treated with dignity. ECtHR prohibited any excessive physical force, forced shaving off of detainees' hair, and any physical harm, such as severe bruises, whilst in detention in police custody. For the Court, the protection of the physical integrity of individuals is a priority, and nothing can justify it. The member states are obliged to take positive steps to improve the conditions of detentions to ensure the rights

[46] D J Harris (David John) (n 13), 5.
[47] Lambert (n 22), 52.
[48] Guy S Goodwin-Gill, *The Refugee in International Law* (3rd ed., Oxford University Press 2007), 233.
[49] Maryellen Fullerton, 'Refugees and the Primacy of European Human Rights Law' (2017) 21 UCLA Journal of International Law and Foreign Affairs 45, 64.
[50] P Heijer Boeles, *European Migration Law* (2nd edition., Intersentia 2014), 343.
[51] Ibid(49), 64.
[52] 'Supervision of the Execution of Judgements and Decisions of the European Court of Human Rights 2022:16th Annual Report of the Committee of Ministers' (Committee of Ministers of the Council of Europe 2023) <https://www.coe.int/en/web/execution/annual-reports>, 42.
[53] Bernadette Rainey Author (n 10), 186.
[54] William A Schabas, *The European Convention on Human Rights: A Commentary* (Oxford University Press, Incorporated 2015) <http://ebookcentral.proquest.com/lib/nuig/detail.action?docID=4310766> accessed 18 March 2024, 85.

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of detainees. The Court recognized that all forms of solitary confinement without suitable mental and physical motivation resulted in the deterioration of the mental faculties and social abilities of detainees.[55] Also, the detention should be compatible with the health conditions of the detainees, such as serious illness.[56] In the case of Feilazoo v. Malta, the Committee urged the improvement of living conditions in the Safi Detention Centers. The Committee asked the authorities to provide reports or assessments of these improvements and their impact on other detention centers used for the detention of migrants. Additionally, the Committee urged the adoption of the law on the confidentiality of correspondence of detained migrants and the length of detention pending deportation.[57] In another example, in Mozer v. Moldova and Russia, the detainees recognized that they deserved physical well-being and medical care in detention facilities.[58]

IV. Implementation Status and the Key Obstacles to the Effective Implementation of Article 3 of the ECHR

a) Implementation Status of Article 3 of the ECHR

The ECHR provided a better enforcement mechanism than other international human rights treaties. The ECHR enforcement mechanism designated the ECtHR and the Committee of Ministers of the Council of Europe to ensure that the human rights of individuals are protected. [59] The Committee of Ministers, composed of the government's representatives, is considered the most crucial body to supervise the execution of the Court judgement within the Contracting states.[60] ECtHR is changed to a cornerstone for protecting the fundamental rights of individuals within the Council of Europe member states' territories. To ensure justice, this judicial body reviews thousands of applications per year. For example, in 2022, 45500 and in 2023, 34650 applications were registered to a judicial formation. Over these two years, the Court decided on 11099 applications.[61] This number includes all individuals, including foreign nationals, migrants, and asylum seekers. The Committee of Ministers of the Council of Europe has been obliged to ensure that the Court judgements are well-executed. Despite the efforts of ECtHR and the Committee of Ministers, the reports of the CPT, Europe Commissioner for Human Rights and INGOs, show that pushbacks through sea and land an increasingly violent way, becoming normalized in Europe. Law enforcement officials, border guards, coast guard, and others committed different types of torture, inhuman or degrading treatment or punishment at the time of pushback.[62] Furthermore, the foreign nationals experienced poor living conditions and ill-treatment in detention facilities.[63] This situation shows that Article 3 of ECHR has not been implemented effectively.

b) The Key Obstacles to the Effective Implementation of Article 3 of the ECHR

The essay outlined the below impediment to the effective implementation of Article 3 of ECHR:

i. *Poor enforcement of the ECtHR Judgement*

However, the human rights protection system based on the ECHR is the most effective regional system compared to other regional mechanisms. Still, its effectiveness is seriously weakened by the problems raised by the weak implementation of the ECtHR judgement. This problem might be because of the Committee of Ministry's involvement in the Court's decision-making supervisory mechanism as the only institution.[64] The Committee of Ministers cannot force to implement the Court decision to the states. Although the Committee has some soft sanctions in its toolkit, it rarely exceeds resolutions demanding execution. The last and most potent sanction is an expulsion from the Council of Europe, but except for Russia, a separate case, it has not yet been used. With such a weak enforcement mechanism, the Court is limited to imposing its judgement effectively. The Committee of Ministers faces fewer challenges in enforcing the Court judgement regarding monetary compensation or individual measures. Still, general measures are almost tricky and controversial.[65] For example, In 2022, among pending execution cases, 1299 were leading cases or those that disclose a problem in law or practice. Such cases often need the adoption of general measures to prevent a recurrence of the human rights violation. It is worth noting that addressing leading cases is essential to avoiding an increased backlog of repetitive instances,

[55] Lambert (n 22), 50.
[56] *Mouisel v France* [2002] ECtHR 67263/01.
[57] 'Supervision of the Execution of Judgements and Decisions of the European Court of Human Rights 2022:16th Annual Report of the Committee of Ministers' (n 54), 42.
[58] 'Guide on Article 3 of the European Convention on Human Rights-Prohibition of Torture' (n 25).
[59] D J Harris (David John) (n 13), 5.
[60] Jerzy Jaskiernia, 'Actual challenges for the implementation of judgments of the European Court of Human Rights' (2022) 48 Review of European and Comparative Law 103, 104.
[61] 'Analysis of Statistics 2023' [2024] European Court of Human Rights <https://www.echr.coe.int/documents/d/echr/stats-analysis-2023-eng>, 3.
[62] 'Pushed beyond the Limits Four Areas for Urgent Action to End Human Rights Violations at Europe's Borders' (Council of Europe 2022) <https://rm.coe.int/protecting-the-right-to-health-through-inclusive-and-resilient-health-/1680a177ad>, 15-17.
[63] 'A/HRC/53/26/ADD.1: Visit to Poland - Report of the Special Rapporteur on the Human Rights of Migrants (n43), 15.
[64] Ibid (n60), 105.
[65] Kanstantsin Dzehtsiarou author, *Can the European Court of Human Rights Shape European Public Order?* (Cambridge University Press 2022), 16-17.

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which made up 84% of ECtHR judgments from the last five years.[66]

ii. *Political and Legal Complexity*

The Committee of Ministers examined that the political and legal complexity continues to increase. The Court decides some cases, but the member states are not interested in executing the judgement; however, the Committee of Minister remind them multiple times.[67] Also, regarding the pending cases, the Parliamentary Assembly expressed concern about the slow progress towards implementing the Court judgements. Related to this concern, the Assembly issued Resolution 2949 (2023) and called the states to enforce the judgement in good faith and without delay.[68] Although the Assembly, as a highly authorized body of legislation of the Council of Europe, underscored to provide effective domestic remedies and fulfil their obligation based on the Convention, some states failed to implement their obligation due to a lack of political will.[69]The reluctance of member states due to political dimensions and complexities is an explicit example of breaching the Convention, including Article 3 by member states.

iii. *Limited Capacity of the Council of Europe Member States*

The Committee of Ministers examined that at the end of 2022, there was a new record number of 2257 cases, including those related to Article 3 of the ECHR. On that information, the respondent states that the Committee of Ministers did not submit payment of just satisfaction. Also, there was an increased delay in submitting state action plans within the designated deadline; for example, for not meeting the deadline, the DEJ sent 92 reminder letters to 17 states in 2022 and 84 reminder letters to 16 states in 2021. The Committee believes these deficiencies are linked to the state's insufficient capacity to take prompt and timely measures for the complete and effective execution of the Court's judgements due to the low status or lack of resources of national coordinators.[70]

iv. *High Number of Applications*

In addition to transmitting the new judgement to the Committee of Ministers by the Court, there are many pending applications before the Court. For example, according to the recent court report, only 67300 applications are registered as pending cases before a judicial formation till 29 February 2024, while the court decided on 5882 applications in 2024[71]. However, there is not available data on the number of asylum seekers, migrants, and refugee applications. Still, given the large movement of foreign nationals, particularly to Turkey and the borders of Europe, combined with the widespread practice of illegal expulsion and detention, it is believed that a significant number of the pending applications may be lodged before the court.

V. Recommendations

For effective and timely implementation of Article 3 of the ECHR, this essay suggests the following recommendations:

a) *Developing National Investigation, Compliance and Monitoring Mechanism*

According to the report of CPT, the member states only carried out a few investigations into allegations of physical ill-treatment and other forms of inhuman and degrading treatment, which do not comply with the criteria of effectiveness. Also, there was no effective and independent system for systematically monitoring border control activities. The CPT reports that the detained interviewed foreign nationals could not lodge complaints due to a lack of an effective compliance mechanism. The absence of an effective monitoring and investigation mechanism by the member states entailed that the perpetrators were not identified, and the cycle of ill-treatment remains unchallenged.[72] It is believed that the states should develop an independent investigation, compliance and monitoring mechanism to systematically oversee the situation of foreign nationals at the borders, punish the perpetrators' officials, and prepare to implement Article 3 ECHR.

b) *Establishing a Joint Committee for the Implementation of Article 3 of the ECHR*

As mentioned, there have been delays in executing a judgement or a lack of implementation of cases, including cases of migrants and asylum seekers violating their rights under Article 3. It is believed that

[66] 'Committee on Legal Affairs and Human Rights: Implementation of Judgments of the European Court of Human Rights – 12th Report' (Parliamentary Assembly 2023) <https://rm.coe.int/implementation-of-judgments-of-the-european-court-of-human-rights-12th/1680ad0083>, 3

[67] 'Supervision of the Execution of Judgements and Decisions of the European Court of Human Rights 2022:16th Annual Report of the Committee of Ministers' (Committee of Ministers of the Council of Europe 2023) <https://www.coe.int/en/web/execution/annual-reports>, 12.

[68] 'Committee on Legal Affairs and Human Rights: Implementation of Judgments of the European Court of Human Rights – 12th Report' (Parliamentary Assembly 2023) <https://rm.coe.int/implementation-of-judgments-of-the-european-court-of-human-rights-12th/1680ad0083>, 2.

[69] 'Supervision of the Execution of Judgements and Decision of the European Court of Human Rights 2022:15th Annual Report of the Committee of Ministers' (Committee of Ministers of the Council of Europe 2022) <https://www.coe.int/en/web/execution/annual-reports>, 8.

[70] 'Supervision of the Execution of Judgements and Decisions of the European Court of Human Rights 2022:16th Annual Report of the Committee of Ministers' (n 64), 13.

[71] ECtHR, 'Statistics, <https://www.echr.coe.int/statistical-reports> accessed 16 March 2024.

[72] '32nd General Report of the CPT 1 January - 31 December 2022' (n 41), 32

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only the involvement of the Committee of Ministers to reinforce the execution of cases is insufficient.[73] For the effective enforcement of the prohibition of torture, inhuman or degrading treatment under Article 3, the CPT, the European Commissioner for Human Rights, and the Parliamentary Assembly should be involved. This essay suggests that to effectively implement Article 3 of the ECHR, a Joint Committee should be established under the lead of the Committee of Ministers from the mentioned bodies. They can push the states to perform and monitor the Court's judgements. Also, the Committee should develop further toolkits to ensure that states have national coordination mechanisms and timely perform the Court judgement.[74]

c) *Strengthening the Roles of Civil Society for the Implementation of Article 3 of the ECHR*

ECHR and the rules of the Court explicitly afford civil society and human rights defenders access, either as direct victims or in the form of third-party intervention. Social activists can play a significant role in representing an applicant and providing a general support structure to the Convention system. They can play their roles in educating the public, including migrants and asylum seekers, about their rights based on the Convention, assisting them in seeking legal advice and collaborating with other NGOs and legal advocates to ensure their rights.[75] In addition, civil society can play a crucial role in the effective implementation of Article 3 ECHR, monitoring the execution of judgements and ensuring that the rights of migrants and asylum seekers are protected against torture, inhuman or degrading treatment and unlawful expulsions.

VI. Conclusion

Article 3 of the ECHR recognizes the rights of third-country nationals, including migrants, asylum seekers and refugees, against torture, inhuman and degrading treatment or punishment. The right under Article 3 of the ECHR was recognized as obsolete or non-derogate, which should not be violated even in a state of emergency or for public orders and national security. This essay found that despite the conventional solid support from the migrants and asylum seekers, they have experienced horrible, inhuman and degrading treatment, particularly at the time of forced pushback and staying in detention facilities. Article 3 of EHCR affirms the non-refoulement principle and provides sufficient protection for migrants and asylum seekers against forcible expulsion to unsafe countries, safeguarding their rights in detention facilities. In terms of the ECHR implementation, this essay concludes that poor enforcement of the ECtHR Judgement, political and legal complexity within member states, insufficient capacity and a high number of new and pending execution applications are vital obstacles that impact the effective implementation of Article 3 of the ECHR within the territories of the member states. For the excellent implementation of Article 3 of the Convention, this essay recommends that the member states should develop national investigation, compliance and monitoring mechanisms to monitor the situation of migrants and asylum seekers, particularly at their borders and detention centres and perfume the pending judgements of ECtHR within their territories and jurisdiction. Furthermore, the Council of Europe should establish a joint committee composed of the Committee of Ministries, CPT, European Commissioner for Human Rights and Parliamentary Assembly to systemically monitor the execution of the Court's judgement, provide toolkits and sanction to ensure that the States Parties fulfil their obligation under Article 3 of the ECHR. Finally, the Author believes that by strengthening the role of civil society in monitoring the execution of pending cases and the situation of migrants and asylum seekers, the ground for effective implementation of Article 3 of the ECHR will be prepared.

[73] Jaskiernia (n 60), 103.

[74] 'Committee on Legal Affairs and Human Rights: Implementation of Judgments of the European Court of Human Rights – 12th Report' (n 68), 2.

[75] Rachel Cichowski, 'Civil Society and the European Court of Human Rights' (2010) <https://papers.ssrn.com/abstract=1643604> accessed 17 March 2024, 14.

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A Gender-Perspective Look at Metal Scenes from the Colombian Media: Metal to the Bone

By Jesús Antonio Córdoba Romero

Abstract- The global metal scene has established itself as an imminently masculine space while also building its image as a musical scene and community where fraternity and inclusion prevail among its members: the people who listen to and experience metal music. Metal to the Bone, in seven years of coverage highlighting the women who are part of metal scenes worldwide, has attempted to reveal that this co-optation of the metal scene by the male gender persists to this day. This has necessarily led to distorting the metal community's characterization of itself as a fraternity and a safe place for all. Through interviews and research, it reveals the gender gap in participation in metal bands and the existence of a series of barriers that prevent and do not allow women to experience metal culture safely and without obstacles.

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A Gender-Perspective Look at Metal Scenes from the Colombian Media: Metal to the Bone

Jesús Antonio Córdoba Romero

Resume- La escena metalera a nivel mundial se ha erigido como un espacio inminente masculino a la vez que ha construido su imagen mostrándose como una escena musical y comunidad donde prima la hermandad y la inclusión entre sus miembros: las personas que escuchan y viven el metal. Metal to the Bone, en siete años de cubrimiento visibilizando a las mujeres que hacen parte de las escenas metaleras a nivel mundial, ha intentado develar que persiste hasta nuestros días esa cooptación de la escena metalera por parte del género masculino, lo cual ha llevado, necesariamente, a desvirtuar esa caracterización que hace la comunidad metalera de sí misma como una hermandad y un lugar seguro para todos y todas a través de la realización de entrevistas y la investigación, mostrando la brecha de género en materia de participación en bandas de metal y la existencia de una serie de barreras que impiden y no permiten a las mujeres vivir de forma segura y sin obstáculos la cultura metalera.

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I. Introducción

El género musical del *heavy metal*, cuyas raíces se encuentran en estilos musicales como el *blues* y el mismo rock, es un espectro sonoro que está conformado por diversos subgéneros donde podemos encontrar *thrash metal*, *black metal*, *death metal*, *power metal*, *gothic metal*, *symphonic metal*, *groove metal*, *alternative metal* y *metalcore* entre otros. La variedad en la sonoridad se expresa en la diversidad de subgéneros que componen el metal, como es reconocido en regiones del mundo como Latinoamérica y el Caribe. Multiplicidad de subgéneros que son tocados en su inmensa mayoría por bandas de metal conformadas exclusivamente por hombres. Como lo ha explicado Sonia Vasan (2011) el metal ha sido cooptado históricamente por el género masculino, siendo mayor esa relevancia masculina en determinados subgéneros. La brecha de género en materia de participación en agrupaciones de metal es histórica, teniendo a las mujeres como una minoría dentro de una escena musical hipermasculinizada.

Ese notorio predominio de los hombres en las bandas metaleras me llevó a crear el medio Metal to the Bone. Espacio que se generó con la finalidad de poder visibilizar a las distintas mujeres que hacen parte de las escenas metaleras. No solo músicas, sino también mujeres que desde sus diversas profesiones le aporten al mundo del metal: periodistas, investigadoras, ilustradoras, mánager de bandas y fotógrafas, entre otras.

¿Cómo se ha visibilizado el trabajo y la experiencia de las mujeres en Metal to the Bone? A través de entrevistas donde, además de los aspectos propios de la música metal, también se han abordado las violencias basadas en género que ocurren dentro de las escenas metaleras. Y de la mano de las entrevistas hechas a las investigadoras, se ha podido abordar el tema de los estudios de género dentro de los sonidos extremos del metal, con mujeres como Rosemary Lucy Hill del Reino Unido, Manuela Calvo de Argentina o María de la Luz Núñez de Perú. Lo anterior como una forma de servir de puente entre la academia y las personas amantes del metal, frente al contenido de los estudios de género que muestran con claridad cómo el metal es un club de hombres.

Según Sonia Vasan (2011) "El *death metal*, una forma extrema del *heavy metal*, es posiblemente el subgénero más centrado en los hombres dentro de cualquier música popular", dejando claro que lo anterior no niega que las mujeres siempre hayan estado presentes no solo en bandas, sino también en otros espacios que conforman las escenas metaleras.

Berckers y Schaap (2018) en el libro “Gender Inequality in Metal Music Production” exponen un dato sobre la presencia femenina en la escena mundial del metal y es que las mujeres históricamente han representado en bandas de metal solo un 3%. A finales del año 2023, la plataforma *MetalStates* actualizó dicha cifra y ahora el porcentaje es del 5%, que sigue siendo ostensiblemente bajo.

En Colombia, la investigación estadística que presentó Esteban Gutiérrez (2021) en el Primer Congreso de Estudios Sociocríticos Sobre Rock, Metal y Expresiones Extremas (Devenir Monstruo), brinda otro dato que refleja lo masculino que es el metal en todas

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sus esferas: de todo el compendio histórico de músicos en bandas de metal de Colombia, las mujeres solo han representado un 3%.

En entrevista de Metal to the Bone con la licenciada en Lingüística Ea Valverde (2017, 2021), ella habla acerca del término peyorativo "putithrasher", sobre el cual realizó una investigación y que es utilizado en México para denigrar a las mujeres metaleras que gustan del *thrash metal* y que se visten de manera provocativa, alejadas del estereotipo creado para las seguidoras de dicho subgénero del metal.

María Hernández (2010) en su investigación denominada "Música, mujeres, hombres y contradicciones: la construcción del género en la escena del *Death Metal* en Bogotá", aborda otro de los términos con una connotación negativa al interior de las escenas metaleras, el de "poser", donde básicamente se refieren con esa etiqueta a mujeres a las cuales no se les reconoce una legitimidad dentro de la escena, estigmatizando su presencia y marcando una clara diferencia con aquellas mujeres a las que sí se les confiere una autenticidad metalera. Se les puede reconocer "porque son aquellas mujeres que no saben de música, a pesar de que aparenten lo contrario" (p. 45).

Un término que es mundialmente conocido y es transversal a las diversas escenas musicales, es el de "groupies". En una publicación de la revista Rolling Stones (Hopkins et al. 1969), se encuentra una entrevista a Jimmy Page en la que se hace alusión por primera vez al término mencionando las dos acepciones de la palabra, la primera con referencia a la amiga de la banda y la segunda entendida hacia aquella mujer que presumía acerca de los artistas con los que tenía sexo.

II. Entrevistas y Barreras

Una de las formas desde el periodismo con enfoque de género para abordar el tema de mujeres en el metal, y lo que eso implica, es la realización de entrevistas a las distintas mujeres de las escenas metaleras. En diálogo con ellas, a través de Metal to the Bone, se han podido evidenciar 3 barreras que no permiten abordar esta discusión dentro de la comunidad metalera y, por lo tanto, no es posible entender que existen una serie de problemáticas de género que se deben abordar.

a) Mito de la Igualdad o Anhelo de la Comunidad

Dentro de los estudios de género en la música metal, la profesora del Reino Unido Rosemary Lucy Hill (2016, 2018) habla de lo que ella ha concebido como el "mito de la igualdad", ese mundo perfecto donde metaleros y metaleras se relacionan sobre la base de un rotundo respeto por el simple hecho de compartir el gusto y la escucha de la música metal. Esa unión sonora significa un panorama de cero discriminaciones y absoluto respeto para los integrantes de la comunidad metalera. Evidentemente, ese relato de igualdad termina siendo un mito, una noción errada de la realidad, algo falaz.

En entrevista con Metal to the Bone, Hill responde frente a este término que "si eres hombre, heterosexual y blanco, estando en el Reino Unido, estas cosas te ayudan a ser parte de la comunidad y si no encajas en esas categorías, es más probable que te encuentres por fuera de escena".

La doctora argentina Manuela Calvo (2020) quien hace alusión a ese término en su investigación "Masculinidades y feminidades en la música metal", en diálogo con Metal to the Bone, explica que ella prefiere hablar de "anhelo de la comunidad" donde la parte positiva es el encontrarse desde lo comunitario para generar lazos de intercambio; mientras que lo negativo para ella "es esto de borrar las desigualdades y las diferencias, creyendo que es una hermandad en donde todo está bien". También hace alusión al miedo dentro de la comunidad de hablar de las cosas malas que suceden dentro de ella, pensando que si abordan esos temas la escena podría llegar a su fin o a dividirse, etc.

Las escenas metaleras, al igual que la sociedad, son una ruta donde ocurren fenómenos de violencia, obviamente con las particularidades propias del ámbito metalero. En Metal to the Bone, a través del mencionado formato de entrevistas, se han recopilado testimonio sobre sucesos de discriminación y diversas violencias basadas en género que se pueden resumir en las siguientes: agresiones físicas, manoseo durante festivales de metal (*mosh pit*), toma de fotografías por debajo de la falda de las músicas, los estereotipos de género, el no reconocimiento de las problemáticas de género en medios de comunicación y el uso de temas referentes a la mujer para generar más tráfico en sus espacios, discriminación a músicas en anteriores bandas, el movimiento Kill The King de la escena sueca (el Me Too de ese país, donde se expusieron diversas violencias que padecen las mujeres) y dos casos de tentativa de feminicidio.

Por eso es fundamental el hecho de que existan iniciativas como las de la Red de Estudios y Experiencias en y desde el Heavy Metal de Argentina, cuya comisión de género estableció el primer protocolo (de la región latinoamericana) contra las violencias basadas en género, dentro del ámbito metalero, para saber cómo actuar ante situaciones de violencia contra las mujeres pertenecientes a las escenas.

b) Ausencia de Autocrítica

La noción de hermandad que se adjudica la comunidad metalera es tan fuerte que se presenta como si estuviera a prueba de críticas. Puede tomarse por integrantes de la escena como un anatema el hecho de poner en la discusión pública problemáticas como las violencias basadas en género al interior de las

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escenas metaleras. Sobre este aspecto, en entrevista con Susana González, trabajadora social y *host* de la séptima conferencia bienal de la International Society for Metal Music Studies, menciona que "La visión que tiene la escena metal de sí misma dista mucho de la realidad y desigualdad de género que existe. Generalmente nos cuesta mucho realizar una autocrítica como comunidad". Para Susana, en últimas la mujer no tiene una participación como integrante de pleno derecho en ese lugar común, siendo constantes los juicios sobre su autenticidad como mujeres metaleras.

Serena Cherry es la vocalista y guitarrista de la banda del Reino Unido Svalbard. En entrevista con ella en Metal to the Bone, se le preguntó por aquella falta de autocrítica en las escenas metaleras, respondiendo que durante sus estudios de doctorado sobre mujeres en el metal se encontró con el término "falsa conciencia", usado para describir a la comunidad metalera, debido a que esas características de hermandad y solidaridad entre sus miembros, son muchas un espejismo y no son visibles en la realidad material. Además, remarcó que el "metal can be an extremely defensive community when it comes to criticism of the scene. Instead of accepting that Metal has some problems of welcoming anyone who's not a white dude, they often deny the problem exists which prevents any real progression". Mientras al interior de las escenas metaleras no seamos conscientes de las problemáticas que suceden en esos lugares, no habrá posibilidad de presenciar alguna iniciativa de cambio.

Serena integra una de las bandas de metal que más se ha ocupado de los temas de género en sus letras, en muchos de sus repertorios la agrupación utiliza su música como un vehículo de denuncia frente a ese tipo de violencias que deben enfrentar las mujeres día a día. En una de las canciones de Svalbard denominada "How Do We Stop It", perteneciente a su segundo álbum It´s Hard to Have Hope, la banda aborda el tema de las agresiones sexuales hacia las mujeres durante el pogo (*mosh pit*):

"How do we make it stop? Because even if we do report
They say our claims are invalidated
By a lack of "hard evidence"
Then they wonder why victims feel silenced
If it's in a dark alley or it's in a mosh pit
It's still sexual assault, how do we stop it?" (Svalbard, 2018).

Durante una entrevista de 2021 con la docente colombiana Diana María Azuaje Cárdenas, ella mencionó lo siguiente acerca de esta falta de reconocimiento de problemas al interior de la comunidad metalera, preguntándose acerca de "Cuál es la amenaza para quienes nos encontramos en esta comunidad metalera de reconocer que hay unos problemas, que cosifican a las mujeres, que existen unos lugares de subalternidad entre los géneros que se reproducen a todos los niveles dentro de las comunidades metaleras, entre muchas otras cuestiones".

c) Carácter "apolítico" del Metal

Cuando se indaga acerca de temas dentro del metal, existe una noción generalizada de pensar a este género musical solo como música, nada más. Lo que dificulta el poder acercarse a tratar aspectos como los sucesos o hechos que narran las mismas bandas en sus letras y que guardan relación con los temas propios de la vida, tales como la violencia en sus distintas formas o las letras que hacen referencia a procesos de memoria histórica, que en definitiva son tema políticos porque nos afectan como sociedad y ninguna persona en su escena metalera local está exenta de padecer algún hecho violento, o de estar en un país cuyo contexto y coyuntura responden a realidades que les toca vivir, enfrentar y muchas veces sufrir.

En conversación con la filósofa e investigadora peruana María de la Luz Núñez (2020), en Metal to the Bone, ella hizo referencia a aquel imaginario de pensar a las escenas metaleras como espacios alejados de la realidad donde te puedes resguardar, relacionándolo justamente con lo enunciado por Niall Scott (2011) en su libro "Heavy Metal and the Deafening Threat of the Apolitical". María trajo a la discusión aquella publicación porque el autor explica que existe la idea de una música metal apolítica porque te escuda de todas las cosas, buenas y malas, que acontecen en el mundo.

Respecto a ideologías nocivas como el machismo y su discusión dentro de las escenas de metal, María comenta en la entrevista que:

"Hablar de machismo dentro del metal es romper con esa ficción de que el metal es apolítico, cuando en realidad tiene mucho que decir sobre su entorno, y yo creo que sí lo dice, solamente que con metáforas. Además, no solamente es romper esa ficción (de lo apolítico) sino también es romper esa estructura masculina con la que se creó, desde la que nació, entonces hablar de machismo en el metal es doblemente subversivo".

Cuando somos capaces de dialogar sobre estos temas, sin prevenciones, y sobre todo cuando son bandas las que proponen la discusión desde sus mismas letras, estamos dejando atrás obstáculos y prejuicios que nos impiden entrar en diálogo acerca de lo realmente importante. Es aquí donde lo enunciado por María se cruza con lo que Constanza Samhain (2020), integrante de la banda argentina Blast Bitch, le expresó a Metal to the Bone en torno a que se debe ejercer una "acción directa y una de ellas es justamente que, si vemos que no hay política en las letras de metal, hacemos una banda con estas temáticas".

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La académica española Susana González (2021), en diálogo con Metal to the Bone, habló sobre este aspecto de concebir de manera errada al metal como apolítico, esgrimiendo que es imposible desligarlo de su componente político, sosteniendo además que "Ese concepto de autonomía del arte ha sido rebatido desde posiciones feministas por Susan McClary o Marcia Citron, por ejemplo. Ellas y muchas otras y otros autores han argumentado que en ningún caso la música es apolítica, ningún tipo de arte es apolítico. El simple hecho de enunciarte como no-político es un posicionamiento político en sí mismo".

Esta barrera es una de las que más me he encontrado en los años que llevo dirigiendo Metal to the Bone, ya que es común tropezarse con respuestas a publicaciones donde argumentan que el metal no debe ensuciarse de política, que deberíamos concentrarnos en la música y no insistir en estos temas de género y en general no inmiscuir al metal con temas políticos. Esta idea de ver al metal como un mero espacio de divertimento, de entretenimiento o de exclusivo resguardo, desconoce una diversidad de apuestas musicales con un claro componente político, no partidario o partidista, desde el metal. Agrupaciones desde los sonidos extremos que se pronuncian en contra de discursos supremacistas y en defensa de los derechos humanos no pueden ser tomadas como propuestas que ostenten una connotación negativa. Y para nuestro asunto, si bandas de metal incorporan temáticas feministas que lo único que buscan es poder vivir en una sociedad realmente diversa e incluyente, no puedes endilgarles una etiqueta peyorativa o estigmatizante solo porque es una manifestación política cuando el arte en sí mismo es político.

III. Investigaciones

En el año 2023, Metal to the Bone se ganó como agrupación la Beca de investigación en música 2023 - Bogotá ciudad creativa de la música del Instituto Distrital de las Artes (IDARTES). En dicha investigación se pudo evidenciar que las mujeres feministas no suelen hacer público su lugar de enunciación como feministas dentro de las escenas metaleras que habitan, por diversas razones que esgrimen, tales como la tergiversación que existe en la comunidad metalera acerca de los feminismos o la estigmatización a las mujeres feministas a través de términos peyorativos como feminazi. En definitiva, se evidencian procesos de autocensura por parte de las mujeres feministas porque saben de la errada noción que ronda las escenas metaleras acerca de los feminismos y el estigma que eso genera, por lo que se vuelve un mecanismo de protección el guardar silencio sobre su postura feminista.

Durante el Primer Congreso de Estudios Sociocríticos Sobre Rock, Metal y Expresiones Extremas (Devenir Monstruo) Esteban Gutiérrez presentó una investigación estadística en donde, de la diversa información que logró recopilar, mencionó el siguiente esto: de todo el compendio histórico de músicos en bandas de metal en Colombia, solo el 3% han sido mujeres. Teniendo como contexto esa cifra, en Metal to the Bone se publicó en 2023 el artículo "Mujeres del metal hecho en Colombia" indagando sobre el devenir histórico de las mujeres en bandas de metal colombianas. Productos de las reacciones, unas de felicitaciones y otras de rechazo o desacuerdo que se pueden segmentar en diversos argumentos, me aventuré a realizar una serie de análisis de eventos de metal, o donde estuviera involucrado ese género musical de forma significativa y mayoritaria. Análisis que se llevaron a cabo desde el 11 de enero hasta el 26 de noviembre de 2024 y se publicaron en las redes sociales del medio. En total se realizaron 45 análisis semanales (solo dos semanas no se realizaron análisis por no contar con la información suficiente para llevar a cabo el ejercicio de un mínimo de 4 eventos).

La información se obtuvo del análisis de eventos ocurridos en 40 ciudades y municipios de Colombia, y se tuvo en cuenta la información de conciertos consignada en las redes sociales de Facebook e Instagram, lo que incluye páginas oficiales de las bandas, grupos y perfiles. También se tuvo en cuenta lo divulgado por medios de comunicación especializados en música metal y la solicitud de información a bandas y promotoras/organizadores de los eventos. Una vez publicado cada análisis, la información que se compartía era la siguiente: número total de integrantes de bandas, número de hombres, número de mujeres y total de bandas participantes en cada evento.

De 326 eventos analizados durante 2024, la información recopilada que se extrajo de los análisis arrojó los siguientes datos:

a) Eventos Con y Sin Mujeres en Bandas

El 51% de los eventos contó con mujeres en bandas; el 49% restante no contó con participación femenina en las agrupaciones analizadas.

b) Integrantes de Bandas de Colombia y el Extranjero

Del total de 3727 integrantes de bandas participantes en los eventos analizados, el 93% fueron colombianos y el 7% extranjeros.

c) Bandas Masculinas, Mixtas y Femeninas

De 911 bandas que se presentaron en los 326 eventos analizados, el 86.2% fueron bandas masculinas (785); las bandas mixtas (con integrantes hombres y mujeres) fueron 121, representando un 13.3%; y las bandas femeninas solo fueron 5 (0.5%).

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d) Mujeres y Hombres en Las Bandas de Los Eventos Analizados

De 3727 integrantes de bandas, el 96% fueron hombres (3589) y el 4% fueron mujeres (138).

e) Total de Mujeres Participantes

En los 326 eventos analizados se presentaron en bandas 138 mujeres, de las cuales 121 (87%) fueron colombianas tocando metal; 12 colombianas (9%) estaban en bandas de otros géneros musicales como el *punk* y *hardcore*; y 5 mujeres (4%) eran extranjeras oriundas de Argentina, Chile, México y Venezuela.

f) Roles de las Músicas Colombianas en Bandas de Metal

De las 121 mujeres colombianas tocando en bandas de metal, el 12% cumplen más de un rol en sus bandas, en tanto que el 88% cumple un solo rol en las agrupaciones.

g) El Origen de las Bandas con Participación de Mujeres

Las 121 mujeres colombianas tocaron en 107 bandas de metal, las cuales se concentran en un 72% en la ciudad de Bogotá; Medellín es la segunda ciudad con mayor concentración de bandas con un porcentaje del 15%; y el 13% se lo reparten 11 ciudades y municipios de Colombia que son los siguientes:

Armenia (Quindío), Barranquilla, Calarcá (Quindío), Cali, Girón (Santander), Itagüí (Antioquia), Marinilla (Antioquia), Pamplona (Norte de Santander), Pasto, Pereira y Urrao (Antioquia).

IV. Conclusiones

Es notorio el predominio de los hombres dentro de las escenas metaleras, es un aspecto histórico, que persiste en el presente, pero que esa arista desigual no quiere decir que las mujeres no tengan participación en los lugares que conforman estas escenas musicales extremas, como lo menciona Vasan (2011), ya que desde distintas posiciones como las de managers de bandas, periodistas, fotógrafas, *fans* y demás labores, las mujeres tienen una incidencia directa en cómo se está desarrollando actualmente cada una de las escenas existentes, tanto a nivel territorial como desde los propios subgéneros musicales.

Desigualdad en las escenas que esta diagnosticada, ya existe desde los estudios de género información suficiente para poder entender lo que implica estar ante una brecha de género a todos los niveles. Y que desde espacios como el de Metal to the Bone, seguiremos indagando sobre aquella desigualdad y acerca de los distintos fenómenos de violencia que rondan las escenas metaleras y que esas mismas escenas se niegan a reconocer.

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The use of Modus Operandi as an Identification Technique in the Investigation of Cash-In-Transit Robberies in Limpopo Province, South Africa

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Abstract- The aim of this article is to explore the use of modus operandi (MO) as an identification technique in investigating Cash-In-Transit (CIT) robberies in the Limpopo Province of South Africa. The study adopted a qualitative research approach and a case study design. A purposive sampling technique was used to choose 15 participants from three Serious Organised Crime Investigation Units (SOCIU) of the Directorate for Priority Crime Investigation (DPCI). Semi-structured interviews were conducted with 15 investigating officers attached to Polokwane SOCIU, Phalaborwa SOCIU and Musina SOCIU for data collections. Data was analysed through spiral data analysis. The findings of this study show that CIT robbery is a challenging issue in the Limpopo Province of South Africa. Furthermore, the nature and extent to which CIT robbery occurs in South Africa are also outlined in the study, thus making empirical and significant contributions by exploring and describing the MO used by perpetrators in the commission of CIT robberies. Consequently, the study recommendations proffered include that the CIT robbery investigating officers should undergo specialised training; the implementation of MO database; and provision of sufficient resources to DPCI - SOCIU.

Keywords: modus operandi, identification technique, Cash-In-Transit robbery, serious organised crime investigation unit, directorate for priority crime investigation.

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Lufuno Ramatsitsi [α] & Dumisani Quite Mabunda [σ]

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I. Introduction and Background

South Africa has the highest rate of serious and violent crimes in the world, especially Cash-In-Transit (CIT) robbery, which negatively impacts the safety and security of the citizens and the economy of the country (Ramatsitsi, 2024:1). Wilson (2023:1) reports that every year in South Africa CIT robbery rates have appeared to be escalating, adding that law enforcement agencies are facing significant challenges in combating these crimes. These robberies are often organised, sophisticated, complex, and dangerous in execution, making it difficult to investigate the crimes.

The South African Banking Risk Information Centre (SABRIC) and South African Reserve Bank (SARB) has expressed concerns about the increase of violent CIT robberies in the country (SARB, 2018:1; Häefele, 2022:11). In the same way, the South African Police Service's (SAPS) crime statistics for the 4th Quarter (January-March 2022) indicate that the number of cases of CIT heists had increased again from 42 to 53 cases (26.2%) as compared to the same period in the previous year (SAPS, 2022a). The SAPS crime statistics for the 1st Quarter (April-June 2022) shows that 60 cases of CIT robberies had been reported, reflecting a 30.4% increase as compared to the same period of the previous year (SAPS, 2022b). The high prevalence of CIT robberies in South Africa, particularly in the Limpopo Province, is of concern. Undetected CIT robbery cases are a major concern in South Africa. Therefore, many questions are asked daily as to what can be done to eradicate the scourge of these robberies in South Africa.

This study identified a research gap on the utilisation of *modus operandi* (MO) in the investigation of these robberies, hence the necessity for this study to investigate the effectiveness of the police while investigating these robberies. As a result, the researcher sought to fill some of the existing gaps in previous research studies.

II. Problem Statement

South Africa has, in recent years, been heavily burdened with the scourge of CIT robberies, which the police struggle to eradicate (Thobane, 2019:32). The Portfolio Committee on Police was informed in June 2018 by the then Minister of Police, Mr. Bheki Cele, that CIT robberies are a type of terrorism (News24Wire, 2018:1). The rationale for undertaking this study lies with the prevalence of CIT robbery cases in the Limpopo Province, the analysis of which indicates that investigating officers are not well-versed about the importance of MO in investigating CIT robbery cases. Hosken (2018:2) highlighted that the festive season is the busiest time for CIT robberies to occur since more money is being managed, and when the police are under pressure to curb CIT robberies. Table 1.1 below shows the number of CIT robbery cases committed in the Limpopo Province for the period of 2012/2013 to 2021/2022 financial years.

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Table 1.1: Crime in Limpopo (Provincial Total) for April to March 2012-2013/2021-2022

Crime Category	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
CIT Robbery	05	07	09	13	10	14	13	15	13	25

Source: SAPS (2022c:104)

The above table indicates that between 2012/ 2013 and 2021/2022 Limpopo Province experienced 124 reported CIT robbery cases. The figures indicate that between 1 April 2012 and 31 March 2013, a total of 5 CIT robberies were committed in Limpopo Province, compared to 25 between 1 April 2021 and 31 March 2022. This represents a year-on-year increment of 20%, which shows the figure remains high and highlights the nature of the problem (SAPS, 2022c:104). From the SAPS annual report, crime statistics in Table 1.1 above, it is evident that Limpopo Province is experiencing a high rate of CIT robbery cases.

According to Burger (2018:1), CIT robberies represent serious danger to both public safety and the country's economy because they are on the rise in South Africa, with aggravating circumstances. The CIT robberies also disrupt the flow of cash, which causes major disruptions to the service delivery of South African Social Security Agency (SASSA) grants and access to Automated Teller Machines (ATMs) for citizens. The CIT industry in South Africa comprises five large CIT security companies, namely Group 4 Security (G4S) Cash Solutions; Protea Coin; Standard Bank, Barclays Bank and Volkskas (SBV) Services; Fidelity Cash Solutions; and IziCash.

In addition, media reports and social media show that the SAPS do not use MO information when investigating crime (Lochner, Horne, & Van Wyk, 2018: 210). The difficulty is that in most situations, suspects are not apprehended, and they continue to commit CIT robberies since there is lack of evidence linking them to the scene of crime. The major difficulty is that most perpetrators are not apprehended, and they continue to commit CIT robberies owing to lack of evidence linking them to the crime scene. As a result, a large number of cases are closed undetected owing to insufficient or lack evidence. This study is imperative because it contributes to the body of knowledge on MO in the investigation of CIT robbery cases. The findings of this study will provide recommendations for solving the problem using best practices. Again, this study contends that the conviction rate would rise if the MO investigation approach was employed in investigating CIT robbery cases.

III. Conceptualising Cash-In-Transit Robbery

According to SAPS (2020:77) annual crime report, CIT robbery is "the intentional and unlawful forceful removal and seizure of cash money or containers for the conveyance of money belonging to another, while such money or containers for the conveyance of money are being transported by a security company on behalf of the owner thereof". CIT robberies are situations where CIT security company personnel who are registered to transport cash money for clients are robbed while doing so (usually between the client and a bank or *vice versa*) (SAPS, 2023:30). For the robbery to be classified as a CIT robbery, it must have taken place when the personnel of Security Company were in possession of the money. Robbery of money that has been signed off to the client will be reported as business robbery rather than CIT. In incidents where individuals in their private capacity or employees of businesses are robbed of cash, while enroute to or from a bank, the charge would be robbery with firearm and not CIT robbery (SAPS, 2023:30).

In addition, Klopper and Bezuidenhout (2020: 222) concur with SABRIC (2019:14) that CIT robbery is the unlawful, intentional, and violent removal and appropriation of cash while in transit or under the custody of a security company. As such, Piennar (2014: 104) explains that CIT robbery consists of the removal of cash using threats and violence inside or outside the bank or other premises. This type of robbery usually takes place outside a bank or in other business premises, or on the way to a security depot or business. This further includes the removal and appropriation of movable assets using threats of violence. The key consideration is that the movable assets must be under the control of the CIT Company registered to transport cash for clients, normally between the client and a bank or *vice-versa* and are robbed while transporting such cash.

Various agencies and institutions employ different definitions and classifications of crime. Considering the above, the definitions of CIT robbery by the SAPS, SABRIC, and Cash-In-Transit Association of South Africa (CITASA) are different. The SAPS definition states that the CIT Company must have already gained custody of the money, but with SABRIC and CITASA, the personnel of the CIT Company must be present during the theft of the money, even if they have not yet taken control of it.

Furthermore, there is no such crime of CIT robbery in South Africa; instead, it is referred to as robbery with aggravating circumstances. The term CIT robbery is a classification allocated by SAPS for statistical purposes. The perpetrators who commit the

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crime against a CIT Company are charged with robbery with aggravating circumstances. Section 1(1) (b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) defines aggravating circumstances in relation to robbery or armed robbery as the use of a firearm or other dangerous weapon, or the infliction of grievous bodily harm (GHB), or a threat to inflict GHB, by the perpetrator or an accomplice on the occasion when the offence is committed, whether before, during, or after the commission of an offence (South Africa, 1977; Snyman, 2020:451).

IV. Different Types of Cash-In-Transit Robberies and Modus Operandi

CIT robberies have been classified depending on the nature of the target, namely Armoured Vehicle (AV), the Cross Pavement Carrier (CPC), the Merchant's Premises, as well as the Own Premises. There have been many different types of attacks on CIT service providers. These are discussed below.

a) Cross-pavement Robbery

When cash is robbed by force while being transported to or is being loaded into a stationary AV, or when it is being unloaded from the stationary AV and being transported to the bank, it is called cross-pavement robbery (Klopper & Bezuidenhout, 2020:319). This type of robbery occurred when the index makes provision for robbery incidents where the attack was directed at the security guard carrying the CPC or warrior bag of money whilst crossing the pavement or in the parking area, and it includes cash destined for a bank branch or ATMs site. Another explanation offered by Burger (2018:1) is that cross-pavement robbery occurs when CIT security personnel are robbed while transporting cash between the AV and a business or *vice-versa*. This type of robbery takes place outside the CIT vehicle in the parking area or pavement, where the CIT security guard is accosted by armed perpetrators while returning with the CPC bag of cash toward the AV.

b) Vehicle on Road Robbery

The vehicle on-road robbery is also known as AV on-road attack. This type of robbery occurs on the road when an AV carrying cash is stopped, either by driving into the CIT vehicle with another vehicle or impeding the AV (boxing in) to appropriate the cash within the vehicle (Klopper & Bezuidenhout, 2020:319). The attack includes robberies where the CIT security vehicles are targeted by the suspects, through various means, with the intent to gain control of and/or immobilise the cash-carrying vehicle while in transit. These measures include the security vehicles being forced off the road using a collision (tap-tap), boxed in and forced to a standstill or overturned, by the excessive use of violence (drive-by shooting).

One of the MO used to bring the AV to a standstill or overturn on the road is to ram it using high-end luxury sedans. This type of attack usually takes place on the road, usually freeways. The most popular make of vehicles used to ram AV to overturn and/or standstill are Mercedes-Benz or Bavarian Motor Works (BMW) sedans. These vehicles are usually hijacked or stolen vehicles. It became a common trend for the perpetrators to burn vehicles used to ram the CIT vehicle beyond recognition to destroy evidence.

c) Merchant Attack

This type of robbery occurs where the attacker targets the merchant. This include robbery cases in which the attacker targets a security guard who is in possession of assets (money) while executing a service for a retail client (SABRIC, 2023:7). The incident takes place inside the retail (merchant) premises or pay point.

d) Static AV Attack

According to SABRIC (2023:7), static AV attack includes robberies where the security vehicle is targeted whilst stationery and perpetrators gain access to the security vehicle using, amongst others, threatening of the guards or use of petrol, explosive devices, and extreme violence. It further makes provision for attempted attacks where the security guards are brought under the impression that access to the security vehicle by perpetrators is imminent, but owing to circumstances, the attack is not completed.

e) CIT Directed at the Banking Industry

This type of robbery occurred in instances in which the attacker targets the security guard when they are carrying cash and are providing a service inside a bank branch or ATMs (SABRIC, 2023:7). If the security guard was on the way to or from the branch or ATM (not inside), these incidents will then be classified as cross-pavement attacks or static AV attacks if the cash was intended for/from a bank premises or ATM site.

f) Own Premises/Depot Attack

The types of robbery or burglary comprise incidents committed at the CIT company premises (SABRIC, 2023:7). This type of robbery is also known as depot attack. It involves robbery directed at CIT company premises. Often, offenders pretend to be maintenance personnel to get access to CIT depot (SABRIC, 2023:7). They utilise explosives to target either cash vehicles or cash storage facilities. Evidence demonstrates that carrying out such an attack requires precise planning and preparation.

V. Conceptualising Modus Operandi

According to Gilbert (2010:10), Bartol and Bartol (2017:314), Hall and Bezuidenhout (2019:32), Klopper (2020:596), Turvey and Freeman (2023:578), MO

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derived from a Latin phrase which means a method of operating and it refers to the manner in which crime has been committed. Thobane (2014:159-179), a leading researcher on CIT robberies in South Africa, persuasively argues that the most common MO in CIT robberies in South Africa involves attacking AVs with commercial explosives in addition to the ramming of vehicles and use of a lethal arsenal of weapons.

Labuschagne (2015:278) elaborates that MO includes the following elements "time and day of the offence, venue, weapons used, method of gaining access and controlling victim, and method of escape". Furthermore, Thobane (2019:33) goes deeper in explanations of MO and submits that all perpetrators have a method according to which they commit their crimes, which includes habits, techniques, and behavioural characteristics. In repeated acts, the characteristic pattern of acts as evidenced in an MO can be used to identify perpetrators and predict possible escalation of perpetrating (Van der Watt, Van Graan & Labuschagne, 2014:61). However, Berning and Masiloane (2012:84) submit a more comprehensive description of the term MO as regarding the trademark actions that could be associated with the commission of a crime by certain perpetrators. The investigating officers use MO to identify perpetrators' related behaviour and their method of committing a crime. MO is a great technique to link criminal cases by law enforcement services to identify the responsible perpetrator (Labuschagne, 2015:278).

a) Modus Operandi as an Identification Technique

Identifying the MO of the criminal perpetrator is a tactic employed by investigators to solve a crime. According to Van Graan and Budhram (2015:54), determining the identification of the perpetrator or suspect of a criminal act is critical because detection and, by extension, classification of incident scenarios are nearly impossible without it. When investigating a crime, the investigating officer must use all available lawful resources, tactics, and procedures to uncover the truth. According to Van Rooyen (2012:18), when investigating officers have gathered, processed, and stored sufficient information regarding an offense, MO information can aid in identifying and apprehending the perpetrators.

Furthermore, Van Graan and Budhram (2015:55) emphasise that identifications might be made either directly or indirectly during the investigation. The term "direct method of identification" specifically refers to methods used to identify offenders, including voice identification, photography identification, identification parades, personal descriptions, sketches, and the offender's mode of operation. The evidence used to connect criminals to the crime scene, such as DNA, fingerprints, hairs, fibres, soil, footprints, palm prints, and shoeprints, is referred to as the "indirect method of identification".

However, as noted by Van der Watt *et al.* (2014:61), each crime and criminal has an MO that can aid an investigating officer in identifying the perpetrator. Nonetheless, Labuschagne (2015:61) points out that since every crime scene is different, the presence of MO is essential for the investigating officer to identify the offender. MO has long been regarded as a reliable source of information for the CIT robbery investigation.

b) The Purpose of Modus Operandi

The Crime Administration System (CAS) and the investigation journal (SAPS 05 form) include records of every crime reported to the SAPS. As a result, Function 8.1.1.1 is used to log all information, including dates, hours, locations, techniques employed, target groups, and criminals' MO into the CAS system. Van de Watt *et al.* (2014:64), Berning and Masiloane (2012:84), and Turvey and Freeman (2023:578) state that the goal of MO is searching, tracing, collection, storage, and examination of a criminal's MO. For the following reasons, MO has historically been relevant to investigations:

- Linking unsolved cold cases by MO;
- Unsolved case identification by comparing known criminal MO with the MO evident in unsolved cases;
- Routine comparison of arrestee MO with the MO evident in unsolved cases;
- Development of investigative leads or offender identity in unsolved cases by virtue of accumulating MO information;
- Prioritisation or elimination of perpetrators; and
- Clearing of unsolved cold cases.

In addition to connecting instances, MO provides information about an offender's inner traits and motivations that is useful for criminal investigative analysis and offender profiling. For this reason, MO is utilised to track down offenders. MO thus refers to the traits exhibited by an individual during the commission of a criminal act.

VI. Factors that Influence Modus Operandi of CIT Robbers

The behaviours of perpetrators and their MO are acquired and therefore adaptable. This is because MO behaviour is influenced by time and can change as the perpetrator gains or loses skills. Perpetrators may recognise that certain choices they make when committing a crime are more effective than others. They may then repeat these choices in future offenses, becoming more proficient and reinforcing their MO (Turvey & Freeman, 2023:580). Perpetrators may learn various ways to commit crimes more skilfully, avoid capture, and conceal their identity, among other factors.

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a) The Criminal Background of the Perpetrator

Perpetrators who are more active can acquire new and improved techniques for carrying out criminal acts and evading arrest (Labuschagne, 2015:280). Professional knowledge and experience gained legally can be used to commit a crime. Gilbert (2010:224) argues that criminal gangs have established fixed MO, and perpetrators often establish a set of procedures early in their criminal careers, which they seldom change. The experience gained during criminal activities can also influence a criminal's future behaviour. A single arrest can provide a perpetrator with crucial insights on how to evade discovery by law enforcement in the future (Turvey & Freeman, 2023:581).

b) Media and Literature

Labuschagne (2015:281) states that the media has a crucial influence on the behaviour of the MO of the perpetrators. When the media platforms provide reports on crime, perpetrators are also listening to, reading, and watching the news. Hence, when robbery perpetrators become aware that their MO may provide a tracing hint to uncover identity, the perpetrator will adapt the actions naturally established during initial robbery attempts (Gilbert, 2010:224).

In addition, Labuschagne (2015:281) also argues that MO can be dynamic and may change over time. Television programs and movies focusing on crime often showcase police strategies for preventing crime. As a result, perpetrators can learn what actions to take or avoid to evade detection or arrest. Information about police investigation methods and techniques is widely available in books, on the internet, in magazines, and on other media platforms, making it easily accessible to anyone (Thobane, 2019:33).

c) Ad-hoc Influence

During the execution of a CIT robbery, things may not alway go as planned. In such cases, the perpetrator may need to be resourceful and adapt their approach to ensure the success of the criminal act. Labuschagne (2015:281) provides an example where unexpected factors such as resistance from the victim, intervention by bystanders, or the perpetrator's change of heart could force the use of violence, which was not initially part of the plan, to ensure the success of the crime.

Thobane (2019:33) elaborates that the MO plays a crucial role in "criminal investigation, crime detection, and crime prevention" owing to its ability to connect a single perpetrator to multiple criminal activities. Furthermore, the MO aids law enforcement in effectively distributing resources. Investigating the MO primarily aims to uncover the perpetrator's identity. The process of identification begins at the crime scene and continues until the guilt of the suspect is established (Ramatsitsi, 2024:49).

VII. Theoretical Framework

Theoretical framework is considered as the cornerstone of this article. This study is guided by the Locard's Exchange Principle (LEP) that was pioneered in Lyon, France by a forensic scientist Dr. Edmond Locard in the early 20th century (Orthman & Hess, 2013: 123). The theory was adopted because of its relationship with the problem and its suits the context of the study. LEP is one of the cornerstones of forensic science and is regarded as the most prominent theory in both criminal and forensic investigation. LEP is based on the contact theory, which states that when two items come into contact, trace elements are transferred from one to the other, leaving evidence of the contact behind (Orthman & Hess, 2013:123; Lochner & Zinn, 2015:14; Klopper, 2020:596). In other words, when two items or persons touch, materials are transferred reciprocally, and evidence can be discovered from both elements.

In addition, LEP holds that "every contact leaves a trace" and an individual cannot behave or act without leaving a trace of their presence (Van Graan & Budhram, 2015: 45). As a result, Locard felt that anytime a perpetrator committed a crime at a crime scene, they would bring something into the scene, leave something there, and take something away from the scene (Gilbert, 2010:82). On the other hand, LEP assumes that no matter where a criminal travels or what a criminal does, coming into contact with items can leave trace evidence, including fingerprints, footprints, shoeprints, Deoxyribo-nucleic Acid (DNA), skin cells, hair, blood, body fluids, bits of clothes, fibres, and more.

Van Rooyen (2012:20) concurs that incriminating evidence is left behind anytime two items come into contact. A criminal cannot, then, behave without leaving traces of his actions. In examining CIT robbery cases, Loncher and Zinn (2015:40) agree that any object that criminals handle at the crime scene will have traces of evidence on it. According to this view, in case of CIT robberies trace evidence such as empty cartridges, projectiles (bullets), explosives substances and spikes are typically left behind at the scene of crime.

VIII. Research Methodology

A qualitative research approach was adopted in this study, underpinned by interpretivist research paradigm. This approach was deemed suitable to address the main objectives of this article. This approach used a case study research design, which allows the researcher to gain in-depth empirical data from a small group of individuals through interviews and a detailed understating of the participants' experiences and perspectives on the use of MO to combat CIT robbery in Limpopo Province, South Africa. Omodan (2022:277) considers an interpretivist research paradigm is a way of understanding the world that emphasises the

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role of interpretation in sympathetic reality. According to Creswell and Creswell (2023:283), interpretivism encourages, individuals to construct personal meanings of their experiences, which are focused on specific objects. Therefore, the interpretive paradigm was appropriate for this study as the researcher sought to collect qualitative data to obtain a deeper understanding of the area under investigation.

Furthermore, data was collected using semi-structured interviews (face-to-face) one-on-one with 15 investigating officers. The data for this study was collected in three settings in the Limpopo Province, namely: Musina SOCIU, Phalaborwa SOCIU, and Polokwane SOCIU. In terms of statistics, these three SOCIU were selected since they were reported to have experienced high crime rates of CIT robbery cases in the Limpopo Province (See Table 1.1 above). The purposive or judgemental sampling is considered a non-probability sampling technique and was utilised in this study to select participants. According to Ramatsitsi (2024:59), alludes that purposive sampling technique allowed the researcher to use his judgement in selecting suitable participant. Therefore, participants was selected purposefully because of their experience relating to the phenomenon under investigation.

Ethical considerations is of paramount importance for every study. An ethical clearance certificate was received from the University of South Africa, Ethic Review Committee (Ref: #1415) and the external gatekeepers SAPS DPCI (Ref: 3/34/2), prior data was collected. Permission to conduct the study was further granted by the National Head of the DPCI. The participants were informed about the purpose of the study, and that they are allowed to withdraw from the study when they felt unconfutable with the interview proceedings. Prior to the commencement of the interview, the study participants were requested to sign informed consent forms freely, voluntarily, and without undue influence. The right to confidentiality, privacy, and anonymity was ensured by utilising pseudonyms ranging from participant 1 to 15. Semi-structured interviews were conducted during business hours and the open-ended questions that were posed to the participants were not offensive. Therefore, this was done to ensure or to avoid the participants would not be harmed psychologically, physically, and emotionally.

The data analysis of this study was guided by the following Creswell and Poth's (2018:186) five-spiral data analysis process:

- The first step is managing and organising data where files and units will be prepared.
- The second step includes perusing and memoing the emergent ideas, where memos lead to code development, thus reflecting and summarising the field notes.
- The core of this data analysis was the third step, which entails describing and classifying codes into themes where initial codes were named and assigned under categories.
- The fourth step is developing and accessing interpretations where contextual understanding is achieved by relating classifications, themes, and families, thus connecting to the systematic framework in the literature.
- The final step is representing and visualising data, where a perspective is created by showing and reporting the data.

Trustworthiness of this study determined by four distinct aspects, namely credibility, conformability, transferability, and dependability, and it is these four aspects that indicate validity and reliability of the study (Du Plooy-Cilliers, David, & Bezuidenhout, 2014:258). Creswell (2014:201) emphasises that credibility entails activities that enhance the probability that credible findings will be produced. To ensure credibility, in this study analysed data obtained from the participants and the relevant literature collected, as well as drawing researcher experience on the matter to separate relevant data from irrelevant data. Bless, Higson-Smith and Sithole (2015:237) note that transferability refers to the extent to which the findings of the study applied to other contexts or with similar situations. The researcher ensured transferability by using a purposive sampling technique with the intention to maximise the diversity of specific information that could be acquired from and about the phenomena under investigation. Dependability is the alternative to reliability and is used to standardise whether the research procedures will be logical, well audible, and well documented (Bryman, Bell, Hirschsohn, Dos Santos, Du Toit, Masenge, Van Aardt, & Wagner, 2014:376). To ensure dependability, the researcher presented data in an honest manner, as it was delivered by the participants. Lastly, confirmability refers as to how well the data obtained supports the researcher's interpretation and findings (Du Plooy-Cilliers *et al.,* 2014:259). In this study, the *verbatim* responses of the participants' were taken as truthful.

IX. Demographic Information

In this article, 15 participants' were interviewed with respect and in line with ethical principles. Participants from Musina SOCIU were participants 1-5, while participants from Phalaborwa SOCIU were participants 6-10 and lastly, participants from Polokwane SOCIU were participants 11-15. The demographic information of participants who participated in this study are presented in Table 1.2 hereunder.

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Table 1.2: Participants' Demographic Information n (n=15)

Participant Number	Gender/ Sex	SOCIU	Rank/Title	Highest Educational Qualification(s)	Years in CIT robbery investigation
1	Female	Musina	Captain	Grade 12	33
2	Female	Musina	Captain	Degree	05
3	Male	Musina	Lieutenant-Colonel	National Diploma	05
4	Male	Musina	Sergeant	Grade 12	05
5	Male	Musina	Captain	B-Tech degree	15
6	Male	Phalaborwa	Lieutenant-Colonel	National Diploma	30
7	Male	Phalaborwa	Warrant Officer	Grade 12	05
8	Male	Phalaborwa	Captain	National Diploma	25
9	Male	Phalaborwa	Warrant Officer	Grade 12	15
10	Male	Phalaborwa	Lieutenant-Colonel	Grade 12	21
11	Female	Polokwane	Warrant Officer	BA Honours	05
12	Male	Polokwane	Lieutenant-Colonel	Grade 12	13
13	Male	Polokwane	Captain	Grade 12	16
14	Male	Polokwane	Sergeant	Grade 12	05
15	Male	Polokwane	Captain	B-Tech degree	05

Source: Researcher's own illustration

The participants were asked about their demographic information on gender, place of employment, rank, years of service in the investigation of CIT robbery cases and highest qualification. Accordingly, to ensure anonymity, participants were assigned with pseudonyms ranging from participant 1 to 15 (real names were not used). The focus of the study was not on the gender, highest educational qualifications and/or participants' area of employment. However, empirical data was collected and presented to provide the readers with a broader picture of the sample employed to generate data. Table 1.2 above further shows that the majority of participants were males (n=12), and fewer (n=3) females. The ranks of participants were six (06) Captains, four (04) Lieutenant-Colonels, three (03) Warrant Officers, and two (02) Sergeants. Table 1.2 displays that eight (08) participants' highest qualification was Grade 12, three (03) a National Diploma, two (02) a B-Tech degree, one (01) a BA degree and one (01) had a BA Honours degree. Lastly, Table 1.2 shows that the number of years in the investigation of CIT robbery cases in this study ranged from 05 to 33 years. In response to question, the following responses were provided by participants during this study, namely.

X. Discussion of the Findings

This section presents findings through precise themes, which were generated from the participants' response towards the phenomena of CIT robberies in the Limpopo Province of South Africa. The purpose of establishing themes was to capture the relevant features of data in connection with the research purpose and objectives represent the level of patterned response or meaning from the collected data to achieve the study aim. The data collected from the investigating officers and generated into themes. The identified themes represent the findings of this study and are supplemented by the participants' *verbatim* responses from the transcribed interviews.

a) Theme 1: Cash-In-Transit Robbery

The following question was posed to the participants to ascertain and assess SOCIU members' understanding of CIT robbery: "What is your understanding of the concept of CIT robbery"? This question received multiple responses from some of the participants, with their answers quoted *verbatim* as follows:

> *"These types of robberies occur when security officers are robbed while carrying cash from armoured cash vehicles to a business or vice versa"* (Participant 1).
>
> *"Unlawful and intentionally taking or stealing of cash (in a violent manner) which is transported or taken to a certain destination"* (Participant 2).
>
> *"It is the process of moving money on the national roads by means of vehicles to different institutions of business"* (Participant 3).
>
> *"Robbery of money; Taking of money; Shooting of security personnel"* (Participant 4).
>
> *"Cash-In-Transit Robbery may be described as the violent seizing of cash unlawfully and occurs while cash is under the supervision or control of security companies such as Fidelity Cash Solutions, G4S Cash Solutions, SBV Cash Solutions, etc. and can take place inside the bank, outside bank"* (Participant 5).

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"Cash in Transit is an offence committed by a group of people using high calibre and handgun firearms committing an offence in aggravating circumstances against vehicles which carry money" (Participant 6).

"To rob the motor vehicle transporting money from point A to point B" (Participant 7).

"Robbery during the transportation of money from banks to banks or from clients to banks, mostly by security personnel, and where serious violence is involved to rob the cash" (Participant 8).

"It occurs during when the armoured vehicle is being robbed while transporting cash from one part to another" (Participant 9).

"…When motor vehicles on the road deliver the money back to shops and vice-versa" (Participant 10).

"Robbery of cash or valuable items being transported by armoured vehicles" (Participant 11).

"The suspects use violence, are fully armed with automatic rifles, explosives, and shoot randomly with the purpose of taking all the money inside the cash van" (Participant 12).

"Robbery from the vehicle transporting money" (Participant 13).

"Is the armed robbery planned by multiple offenders with firearms with the aim of gains" (Participant 14).

"Robbery committed against security company by forcefully depriving them of cash which is under their custody from an armoured vehicle whilst on the way to deliver it" (Participant 15).

From the above, it emerged that the CIT robbery was understood by most of the participants. SABRIC (2019:222) concurs with Klopper and Bezuidenhout (2020:222) and defines CIT robbery as the intentional, unlawful, and violent removal and appropriation of cash while it is in-transit or under the supervision of CIT security company personnel. The participants' responses varied, yet each was relevant. Some participants held some viewpoint as the literature consulted.

b) *Theme 2: Different Types of CIT Robberies and Modus Operandi*

There are different types of CIT robberies manifestations, which are determined by the action taken by the perpetrator during the commission of crime. When the participants asked: "What are the different types of CIT robberies that you come across during your years of experience"? The participants' *verbatim* responses were as follows:

"Pavement robberies, Cash-in-transit robbery" (Participant 1 & 4).

"Cross-pavement robbery, Robbery inside bank or store, Robbery at pay point, Robbery from vehicle in motion" (Participant 2).

"Vehicle was shot at, then explosives used to blow open the safe. Stopped and forced to open the safe at gun point" (Participant 3).

"Vault attacks, cross pavement, ATM attacks and Bank robberies" (Participant 5).

"Cross pavement; Bomb of armoured vehicle transporting money" (Participant 7 & 14).

"Pavement robbery; Robbery during cash transportation on the road by security armoured vehicles; Banks; Vaults" (Participant 8).

"Pavement robbery; Vehicle on road" (Participant 9, 11 & 15).

"Cash-In-Transit (Vehicle on the road); Pavement Robbery (Vehicle is at standstill, security guard taking money from m/v to the shop vice-versa); Bank Robbery (Inside the bank)" (Participant 10).

"Pavement robbery, merchandise, vehicle on road, Robbery in premises, static robbery and robbery at Depo, Vault attack" (Participant 12).

"When the money is taken from the vehicle to the bank before it reaches the bank [Pavement robbery]; AV attached in the road; AV attack; Merchant premises Robbery" (Participant 13).

All the participants answered the question. The data is in line with Burger (2018:1), Klopper and Bezuidenhout (2020:319), and SAPS (2023:31) that confirms that CIT robbery can be divided into five main types: vehicle on road attack, cross-pavement attack, static armoured vehicle attack, merchant retail or pay point as well as own premises or depot attack. Many participants' responses were in line with the viewpoints of the authors; other participants mentioned CIT robbery again, while others mentioned the types of CIT robberies. However, there is a requirement for further training in this regard.

c) *Theme 3: Modus Operandi of Perpetrators in CIT Robbery Cases in Limpopo Province*

The following questions was asked during the interview: "What is the *modus operandi* of perpetrators in CIT robbery cases in Limpopo Province?" Please elaborate?" The participants provided the following *verbatim* responses to this open-ended question:

"They operate in groups of plus/minus 10 people wearing balaclavas in order to hide their facial identification. They use bakkies M/V as a getaway shooting randomly while leaving the scene" (Participant 2).

"Colliding with AV, shooting with rifles, distractions with explosives" (Participant 3).

"They rob the vehicle conveying money in most cases they block the road from the front and the back, shooting the vehicle in the tyres, force opened the door, blast the vehicle and left the driver alight from the car or vehicle" (Participant 4).

"In Limpopo, perpetrators took much time to plan and to prepare for the Cash-In-Transit Robbery. They planned for their targets, firearms and vehicles including explosives to be used. They also plan for the armoured Vehicle [AV] trucks. They also plan to choose the gang members and getaway cars. The planning may take about a week to two months,

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and this depends on the difficulty of the job to be carried out. The timing of time, place or area to carry or commit the cash-in-transit robbery to avoid being seen or identified by witnesses or being interrupted or arrested by the police not forgetting being killed by police and members of the community. They also evaluate members of the guards and also check if the robbery may be successful or not" (Participant 5).

"The perpetrators used to block the van, carry money and start to shoot it with high calibre firearms. After that they burn the van carrying money in order to avoid fingerprints being traced. Sometimes perpetrators stopped the G4S or Fidelity van carrying money by means of shooting at them and later they blast the aforesaid vehicles by means of detonators in order to remove the canopy thereafter they take money. During cash-in-transit robbery the other perpetrators guard both sides of the road to avoid disturbance" (Participant 6).

"Most of the perpetrators use stolen cars to bump the armoured vehicle in order to lose control" (Participant 7).

"Ram and or shooting the armoured vehicle to standstill, thereafter, bomb the same with explosives to force the safes open in order to access cash" (Participant 8).

"They use a Mercedes Benz which they robbed from other victims specified for committing robbery. They collide with the vehicle which will be transporting cash and shoot the front tyre. They use high calibre rifles. They preferred to use stolen vehicles during robbery, AK47, R5, 775, R1" (Participant 9).

"They use stolen motor vehicles, High powered vehicles, using rifles to commit the crime, groups of more than 10 perpetrators" (Participant 10).

*"The use of [Old BMW or Mecedes Ben] to hit the cash van head on for distraction; They use explosives to bomb the cash van to access the safe; They use white Ford bakkies as their vehicles" (*Participant 11).

"They attack the cash van by shooting the wheels until it stands still and take out the security guards and bomb the vehicle and take the cash and burn it to destroy evidence" (Participant 12).

"Firstly, there is an organiser who will bring tools like vehicles, firearms, explosives, cellphones for communications, drivers of getaway cars, warehouse and also the insider who gives the suspects the job and also". The root which the cash-in-transit vehicle is going. The warehouse before and after the commission of crime. The shooter during and after the cash-in-transit. The largest numbers during my work experience, plus/minus 15 suspects armed with Pistols and Rifles" (Participant 13).

"Bombing the armoured vehicle and burning the vehicle used to transport the offender" (Participant 14).

"Criminals are mostly above 12 in number, they will use a high-powered motor vehicle in most cases SUV to ram into an armoured vehicle, when it stops either they will shoot at security officers with high calibre firearms or instruct security officers to alight from armoured vehicle, plant explosives and blast it open then take the money and flee from the scene" (Participant 15).

The above *verbatim* responses of participants revealed that they are familiar with the MO of perpetrators in CIT robbery cases in Limpopo Province, South Africa. However, their responses are not the same. The MO of CIT robbers is characterised by brazenness, brutality and military precision.

d) Theme 4: Factors that Influence Modus Operandi in CIT Robbery

According to Labuschagne (2015:280) identifies factors that influence MO as follows: perpetrators criminal background, literature and media, and ad hoc influences. When asked the question: "Based on your experience, what are some of the factors that influence "*modus operandi"* in CIT robbery?" The participants gave the following *verbatim* responses:

"Media, operational area, when the security is not tight, they take opportunity and rob" (Participant 1).

"Environment they operate, types of weapons they used, security measures, route and timing" (Participant 2).

"Vehicle travel without escort vehicle. Few security personnel in the vehicle e.g. CIT. Type of CIT AV" (Participant 3).

"Poverty, lack of work, lifestyle" (Participant 4).

"Crews will often enlist the cooperation of employee from the banks and cash-in-transit company. This will help or assist in ensuring the success of the planned robbery. This happens because perpetrators are being fed inside information which provides perpetrators with more or added advantages to win the robbery or to be successful" (Participant 5).

"Greed. To be seen as the rich people and due to unemployment in the country" (Participant 6).

"Some of them they are watching some movies to adopt the style" (Participant 7).

"To access cash easily and fast; Unemployment rate; Greediness" (Participant 8).

"They need cash; Influence by other criminals; They need firearms and cars; To impress their friends" (Participant 9).

"Greedy and selfish" (Participant 10).

"They always succeed on the same modus operandi and they continue on it even the same M/V were used" (Participant 12).

"Watching movies of Mafias in the TV. The videos [videos] from the tiktaks [TikTok] showing people having photos carrying bulk of money and also unemployment" (Participant 13).

"Unemployment; Peer pressure; Substance abuse" (Participant 14).

"Date and time crime was committed; Methods and equipment; Types of companies targeted" (Participant 15).

Considering the above responses, participants demonstrated that they comprehend the question, and their responses are unique from one another but respond to the question asked. This study confirms the findings as stated by Gilbert (2010:224), Labuschagne (2015:281) and Thobane (2019:330) who emphasise that media plays an imperative role in the shaping and modifying of perpetrators MO. However, there is a requirement for further training in this regards.

The responses of the participants and the findings of the study indicated that in terms of the above

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Theme 1 to Theme 4, the investigating officers of CIT robberies in the Limpopo Province need further training to improve their knowledge regarding the investigation of CIT robberies. One would expect that experience investigators would have already possess this knowledge, but the findings display opposite.

XI. Recommendation

It is of paramount importance for the researcher to proffer recommendations to set out alternative actions that could be implemented based on the findings of this study. The recommendations emanating from reviewed literature and findings of this study are deliberated hereunder.

a) Recommendation 1: Specialised Training

The DPCI - SOCIU investigating officers should be taken for regular training for them to be able to properly investigate the cases of CIT robbery. By doing so, investigators will be informed of the latest techniques to solve CIT robbery cases by locating, linking, identifying, and arresting perpetrators through the utilisation of MO. Therefore, the training of the SAPS DPCI officials on these CIT robbery crimes is recommended as a matter of urgency.

b) Recommendation 2: Modus Operandi Database

Collected MO information of CIT robbery perpetrators should be updated and stored until required. Therefore, it is recommended that the MO information be recorded on the SAPS - CAS system and Investigation Case Docket Management System (ICDMS) include a compulsory case docket annexure consisting of MO information of the perpetrators. The MO information databases should be used to identify CIT robbery criminal syndicates and arrest repeat perpetrators. In addition, the MO information database should also be utilised as a reference for comparing the MO of well-known CIT robbery perpetrators. The SAPS should be fully aware of the MO utilised in committing CIT robbery crimes. The understanding of MO would give detailed information and results in successful strategies in dealing with this crime effectively. It is further recommended that suggested MO databases of the SAPS should be monitored to ensure sufficient and accurate MO information.

c) Recommendation 3: Provision of sufficient resources

It is essential that the SOCIU units within the DPCI focusing on the investigation of CIT robberies should be capacitated, with armoured vehicles and helicopters to respond to the CIT robberies. The SOCIU units should be capacitated, decentralised, and adequately supported in terms of human resource and financial backing/funding. This study recommends that the SAPS DPCI should be capacitated with resources and skills to enable them to be able to investigate CIT robbery. The members from Forensic Science Laboratory (FSL), National Prosecuting Authority (NPA), CITASA, SABRIC and intelligence agency should be incorporated (integrated multidisciplinary approach) under this unit and CIT robbery should only be their main functions and/or priority.

XII. Recommendation for Future Study

Future research studies should be conducted to prevent and combat CIT robbery in the selected Limpopo Province areas, across the Republic of South Africa and elsewhere. There is a need to conduct a comparative study to explore the effectiveness between the MO used to identify perpetrators in CIT robberies against the MO used to identify perpetrators in other crimes mentioned in this study. Future research should utilise more instruments in data collection and data gathered through interviews, to create more validity and reliability in the findings.

XIII. Conclusion

In conclusion, this study discovered both positive and negative research findings relating to the phenomena under investigation. Therefore, negative findings of this study have highlighted an uninspiring interpretation of the subject matter under investigation. The aim of this study sought to explore the use of MO as an identification technique in investigating CIT robberies. The research findings indicate that CIT robbery is a challenging issue in the Limpopo Province, South Africa. This study made empirical and significant contributions by exploring and describing the MO used by perpetrators in the commission of CIT robberies. Therefore, should the SAPS and other relevant stakeholders consider the implementation of the recommendations discussed in this study, it would greatly curb CIT robberies. In addition, the MO of CIT robbers could be established, and case linkage could be made, re-opening of undetected case dockets could be made and increased arrests could be effected. As a result, the community members and CIT companies will have more trust of the police if the cases are sufficiently investigated and result in the successful prosecution of the perpetrators. The importance of the utilisation of MO in the investigation of CIT robbery cases is of paramount importance when it comes to addressing serious and violent crimes such as CIT robberies. In addition, MO has been successfully utilised internationally as perpetrators' identification technique to link multiple cases and identify responsible perpetrators for committing crimes.

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The Influence of Sports on Executive Functions in Para-Athletes: A Pilot Study

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Abstract- Sports practice can enhance both the physical and psychological abilities of individuals, including executive functions, which may influence other daily activities. This study aims to explore the correlation between sports and executive functions, considering the heterogeneity of results found in existing literature. The present pilot study focused on professional parasports athletes and used the Five-Digit Test (FDT) to measure and compare cognitive performance. This is a cross-sectional study conducted with ten (10) participants, five (5) of whom were elite athletes and five (5) from a sedentary population with disabilities. The results revealed a significant difference in performance between the two groups, particularly in the controlled processes of choice and task-switching. This statistical variation may suggest a potential enhancement in higher-order cognitive functions among the athlete group.

Keywords: *para-athletes, executive functions, decision-making, cognitive flexibility.*

GJHSS-A Classification: *LCC Code: GV709.2*



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The Influence of Sports on Executive Functions in Para-Athletes: A Pilot Study

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Abstract- Sports practice can enhance both the physical and psychological abilities of individuals, including executive functions, which may influence other daily activities. This study aims to explore the correlation between sports and executive functions, considering the heterogeneity of results found in existing literature. The present pilot study focused on professional parasports athletes and used the Five-Digit Test (FDT) to measure and compare cognitive performance. This is a cross-sectional study conducted with ten (10) participants, five (5) of whom were elite athletes and five (5) from a sedentary population with disabilities. The results revealed a significant difference in performance between the two groups, particularly in the controlled processes of choice and task-switching. This statistical variation may suggest a potential enhancement in higher-order cognitive functions among the athlete group.

Keywords: para-athletes, executive functions, decision-making, cognitive flexibility.

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I. Introduction

Sports encompass various aspects, with each category exhibiting a range of characteristics that define them, allowing classification into open-skill and closed-skill sports. Open-skill sports are characterized by low or no predictability, presenting diverse environments and distinct situations in each match. Conversely, closed-skill sports exhibit a high degree of predictability, with consistent movements across most competitions, reflecting a certain constancy during practice (Heilmann, Weinberg & Wollny, 2022). Furthermore, sports influence the development of various aspects of individuals who engage in them, with more significant evolution observed with prolonged exposure and practice time (Holfelder, Klotzbier, Eisele & Schott, 2020).

Malm, Jakobsson & Isaksson (2019) demonstrate in their meta-analysis the multiple benefits of sustained sports practice in areas such as aerobic exercises or weight training for sedentary individuals undergoing routine changes or elderly individuals in similar practice scenarios. Examples of such benefits include reduced incidence of type 2 diabetes, cardiovascular diseases, depression, dementia, and obesity. The authors also highlight improvements in sleep quality, muscle mass gain, and bone density acquisition.

Cognitive aspects are also modified as sports exposure occurs. Kopp & Jekauc (2018) show in their study the importance of emotions in generating environmental assessments, activating physiological aspects required during matches, and influencing decision-making. This suggests a weak association between emotional intelligence and high performance in sports. In turn, Fontani, Lodi, Felici, Migliorini & Corradeschi (2006) present in their research that high-performance sports exhibit elevated results regarding response time, including divided and selective attention, demonstrating low inaccuracy during plays and indicating maturation of movements and attention concerning the sport.

Moreover, research indicates the influence of sports on language functions, such as verbal fluency and verbal memory, for high-performance athletes compared to retired athletes, with data pointing to a

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decline in such functions over time due to the lack of sports practice in retired athletes (Prien, Demont, Verhagen, Twisk & Junge, 2020).

Similarly, literature shows an increasing number of studies regarding the relationship between executive functions (EF) and sports, defining the former as higher-order cognitive functions unique to the human species. These can be divided into core executive functions, such as inhibitory control, working memory, and cognitive flexibility, and higher-level executive functions, such as reasoning and problem-solving. Thus, EFs are complex psychological processes aimed at identifying, understanding, formulating, and solving problems, as well as executing behavior in response to environmental stimuli (Xue, Yang & Huang, 2019; Doebel, 2020; Takacs & Kassai, 2019; Heilmann et al., 2022; Gilbert & Burgess, 2008).

Executive functions are examined in child athletes, showing indications of this relationship, where children and adolescents practicing sports, primarily open-skill sports, tend to score higher in areas such as inhibitory control compared to non-athlete peers of the same age (Xue et al., 2022; Holfelder et al., 2020). Similarly, according to Giordano, López & Alesi (2021) and Ishihara, Sugasawa, Matsuda & Mizuno (2017), closed-skill sports, like martial arts, favor the development of functions such as working memory and inhibitory control in young boxers compared to non-athletes. Training strategies can also supplement the development of executive function skills in youth, such as High-Intensity Interval Training, used by young athletes in weight training and aerobic exercises, showing positive results concerning EFs (Leahy et al., 2020).

In their work, Scharfen & Memmert (2019) indicate the effects of sports in three categories of athletes: low-performance, high-performance, and elite. Elite athletes are active professionals with a high weekly training load, and this category shows a significant moderate degree of benefits in executive functions without age discrimination among participants. Similarly, Koch & Krenn (2021) exhibit a statistical difference between elite athletes separated into open-skill and closed-skill groups. Even with a small sample studied, the first group mentioned earlier shows a significant property concerning EFs compared to control groups that do not habitually practice sports. Consistently, research by Lundgren, Hogman, Naslund & Parling (2016) indicates that professional league hockey players validate the aforementioned findings, where elite sports categories score higher on instruments like the Delis-Kaplan Executive Function System compared to the sedentary population studied.

Recent research also validates the benefits of physical training for senior individuals. Regardless of training time, intensity, and duration of practices, the effects were positive and slightly significant compared to the sedentary population of the same age (Chen, Etnier, Chan, Chiu, Hung & Chang, 2020). In studies like Tarumi et al. (2022), improvements in cognitive skills and their processing, including EFs, are noted, supported by the performance of physical activities, highlighting the relevance of physical exercise performance for the elderly.

The present research is justified by the need for in-depth studies on the subject due to its great value and importance, as well as the necessity to find therapeutic strategies that contribute in some way to people's quality of life, considering the benefits and influences that physical activity practice positively has on EFs. The focus of this work is the comparison of EFs between the sample of para-athletes and the control group. Since processing speed is a key factor for para-athletes, finding strategies to measure, evaluate, and improve EFs is paramount, considering that studies like Russo et al. (2010) expose the benefits of open-skill sports practice for the para-athlete population, making it essential to deepen the topic for the improvement of para-sports practice.

Therefore, sport is understood not only as a leisure activity or profession but also denotes benefits for multiple aspects of health. Thus, it is necessary to understand sports activity in para-athletes, aiming to expand knowledge regarding the executive functions of the desired audience. As Mangueira, Felisberti, Barboni, Costa & Grossklauss (2022) demonstrate a deficit in executive subfunctions such as working memory in patients with muscular dysfunction, the need for understanding grows for Individuals with muscular dysfunction often exhibit deficits in executive subfunctions, such as working memory. This underscores the growing need for scientific understanding regarding the nature of such dysfunctions and the potential benefits of sports participation.

The present study aimed to compare the influence of athletic practice on executive functions in elite para-athletes with muscular dystrophy engaged in boccia and table tennis, focusing specifically on core executive functions (EFs). To this end, a cross-sectional study was conducted with two groups diagnosed with Becker Muscular Dystrophy (BMD): one composed of athletes and the other of sedentary individuals. The comparison was carried out using the Five Digits Test (FDT), based on the hypothesis that elite athletes would perform better on tasks involving decision-making, task-switching, inhibition, and cognitive flexibility than their sedentary counterparts.

BMD is a subtype of muscular dystrophy within the spectrum of degenerative muscular diseases. It is inherited in an X-linked recessive pattern and leads to partial or complete loss of control over the musculoskeletal system. This results in a gradual decline in the functionality of both upper and lower

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limbs, and the condition is more prevalent in males (Salari et al., 2022).

II. Methodology

a) Study Design

This research employed a quantitative, exploratory, and cross-sectional design. The methodology was chosen in accordance with the research objectives, taking into consideration the limited sample size available and the high demand for studies in this field. Ethical guidelines for psychological research established by the American Psychological Association (APA, 2017) were followed throughout the study.

b) Participants

Participants were selected through convenience sampling, and the sample met the following inclusion criteria: aged between 20 and 65 years; engagement in closed-skill sports such as boccia and table tennis at least three times a week for a minimum of six months; diagnosed with muscular dystrophy; of either sex; and fluent in Portuguese.

For the control group, inclusion criteria were similar: aged between 20 and 65 years; of either sex; diagnosed with muscular dystrophy; and fluent in Portuguese.

The final sample comprised five (5) native Brazilian individuals engaged in sports such as boccia and table tennis, participating in training at least three times per week, and aged between thirty (30) and sixty-five (65) years. The control group also consisted of five (5) native Brazilians within the same age range, selected from a center for individuals with physical and intellectual disabilities in the city of Curitiba.

c) Ethical Considerations

The project was submitted to and approved by a Research Ethics Committee, under protocol number CAAE: 68541123.2.0000.8040. Data collection was conducted only after obtaining the required ethical clearance.

d) Procedures

All participants and, when necessary, their legal guardians were contacted, informed about the research, and signed an informed consent form in accordance with national ethical guidelines for research involving human subjects (Brazilian Ministry of Health, Resolution 466/2012). Additionally, the administrators of the parasport institution provided a signed declaration of infrastructure availability, allowing the study to be conducted on their premises.

The data collection took place in a private room within the institution, previously prepared for the administration of the research instruments. After complete data collection, responses were tabulated using Microsoft Excel. The data were subsequently analyzed using the quantitative analysis software Jamovi (version 2.3.26).

Regarding data integrity, no missing values were identified, and all responses exceeding the study average were retained, as their inclusion did not compromise the analysis. On the contrary, excluding such data could lead to misinterpretation of the findings. Data were matched and analyzed using Jamovi (version 2.3.26).

e) Instruments

The interviews lasted between ten (10) and twenty-five (25) minutes, beginning with a socio-demographic questionnaire to familiarize participants with the research process and to collect relevant data, including information on age, nationality, education level, and involvement in closed-skill sports. Specific questions addressed the frequency of sports participation, number of years as a sports practitioner, and years of formal education (Pereira et al., 2018).

Following this, the *Five Digits Test* was administered to assess processing speed, executive attention, cognitive flexibility, and reading and counting processes. This instrument is particularly suitable for individuals with low educational backgrounds, a factor relevant to the scope of the current study (Campos et al., 2016).

The initial hypothesis proposed a significant effect in comparing the performance of adults with muscular dystrophy who engage in sports to those who are sedentary, particularly in their results on the Five Digits Test.

III. Results Analysis

The mean age of participants in the control group was 48.4 years, whereas the mean age in the experimental group was 38.8 years. The average duration of participation in closed-skill sports among the experimental group was 14.6 years, with a standard deviation of 1.44 years. Participants in this group reported engaging in their respective sports between four (4) and five (5) times per week, with an average of 4.2 days (Table 1).

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Table 1: Sociodemographic Data of the Experimental and Control Groups

Group	Age	Years of Formal Education	Frequency of Practice (Days)	Years of Sports Practice
Experimental	38.8 (7.26)	9.20 (1.64)	4.20 (0.447)	14.6 (3.21)
Control	48.4 (12.9)	7.60 (3.51)	0.00 (0.00)	0.00 (0.00)

Data were entered into Jamovi software for analysis. A pairwise comparison method was used to compare the means between groups, calculating p-values with a 95% confidence interval. Subdomains of executive function that showed statistical significance included both automatic processes (e.g., counting) and controlled processes (e.g., decision-making and cognitive flexibility), with strong correlations based on Spearman's rank correlation coefficient (Table 2).

Table 2: Spearman's Rank Correlation Coefficient

Variable	Spearman's ρ	*p*-value
Years of Sports Practice × Counting Time	0.913	0.030
Sports Practice × Choice Time	-0.289	0.638
Sports Practice × Alternation Time	-0.289	0.638
Sports Practice × Flexibility Time	-0.577	0.308

A significant difference emerged at the beginning of the third task, which marked the transition from automatic to controlled functions. This task required greater attentional demand, focusing on quantity-based counting rather than numerical symbols. The performance gap widened with increasing task complexity. Para-athletes not only made fewer errors but also showed superior abilities in tasks assessing cognitive flexibility and decision-making compared to the control group.

Table 3: Wilcoxon-Mann-Whitney Mean Comparison

Variable	Statistic	*p*-value
Sports Practice × Reading Time	Wilcoxon W = 0.00	0.058
Sports Practice × Choice Time	Wilcoxon W = 0.00	0.058
Formal Education × Reading Time	Wilcoxon W = 0.00	0.063
Formal Education × Choice Time	Wilcoxon W = 0.00	0.063

Statistically significant correlations were observed between years of sports practice and formal education, particularly in the Spearman analysis (p = 0.030). These results suggest a relationship between athletic engagement and improved performance in controlled cognitive processes, a finding reinforced by the Wilcoxon-Mann-Whitney tests, which demonstrated notable effects in tasks involving reading and decision-making.

IV. Discussion: The Benefits of Closed-Skill Sports on Executive Functions in Para-Athletes

This study investigated the cognitive benefits associated with participation in closed-skill sports, such as table tennis and boccia, among individuals with disabilities. Findings indicated significant improvements in both automatic processes (e.g., counting) and controlled executive functions (e.g., decision-making and task switching), especially among participants with higher levels of education and prolonged engagement in sport practice. These results align with the hypothesis that structured, predictable sports environments offer an ideal context for enhancing executive functions in populations with cognitive vulnerabilities.

Previous research has yielded mixed findings regarding the cognitive outcomes of athletic involvement among individuals with disabilities. Studies by Di Russo et al. (2010) and Cutuli (2020) demonstrated enhanced decision-making and cognitive flexibility in para-athletes with intellectual disabilities. Conversely, Pinilla et al. (2016) observed lower cognitive performance among wheelchair basketball players compared to able-bodied peers. However, the present study aligns with more recent evidence from Wang, Wu, and Chen (2023), who found significant gains in working memory and inhibitory control following short-term engagement in closed-skill sports.

A consistent theme across the literature is the moderating role of educational background and cumulative athletic experience. Koch and Krenn (2021) emphasize that both the type of sport and the athlete's history of participation significantly influence cognitive outcomes. Our findings corroborate this, showing that athletes with more years of practice and higher

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educational attainment exhibited superior executive performance. These findings reinforce the need for inclusive educational and athletic policies that provide sustained access to structured physical activities.

From a theoretical standpoint, executive functions are understood as higher-order mental processes responsible for goal-directed behavior, adaptive planning, and cognitive regulation (Gilbert & Burgess, 2008). Doebel (2020) further asserts that executive functions are dynamic and context-dependent, shaped by individual goals, environmental structures, and social expectations. In this context, closed-skill sports provide a repetitive and stable framework that may facilitate the reinforcement of these cognitive skills over time.

The interplay between sport participation and academic outcomes has also been explored by Giordano, Gómez-López, and Alesi (2021), who reported positive associations between executive function development and school performance, particularly in children involved in structured physical activities. Their findings have important implications for youth and adults with disabilities, who often face systemic barriers to education and inclusion.

Heilmann, Weinberg, and Wollny (2022) synthesized these insights in a meta-analysis comparing open- and closed-skill sports. Their results demonstrated that closed-skill sports tend to elicit more consistent improvements in executive functioning, suggesting that environmental predictability and reduced cognitive load may play crucial roles in facilitating neural adaptation.

While the present study emphasizes the advantages of closed-skill sports, it is essential to contextualize these findings within the broader literature on athletic expertise and attentional performance. Fontani et al. (2006) showed that athletes in open-skill sports develop heightened attentional readiness, though they also acknowledged that expertise level, regardless of sport type, contributes substantially to cognitive performance. This supports our conclusion that extended sport involvement is a key determinant of cognitive development.

Lundgren et al. (2016) provided further evidence from elite ice hockey players, demonstrating improvements in executive functions attributable to high-performance environments. However, Holfelder et al. (2020) introduced a distinction between "hot" and "cool" executive functions, suggesting that sport-specific cognitive benefits may vary depending on emotional and motivational demands. This differentiation is vital for interpreting sport-related cognitive outcomes in both elite and recreational athletes.

Moreover, Ishihara et al. (2017) found that participation in tennis—a semi-open skill sport—was positively associated with executive functioning in youth populations. Their findings indicate that even sports with moderate environmental variability can promote executive development, underscoring the role of task complexity and adaptability.

Collectively, the literature affirms that while the cognitive benefits of sport are well-established, their magnitude and nature are influenced by multiple factors, including sport typology, expertise level, duration of engagement, and individual developmental profiles. This underscores the importance of adopting a context-sensitive and multi-dimensional approach to researching executive functions in athletic settings.

Although the sample size in the current study was limited, the data suggest that closed-skill sports can foster executive function development to a degree that may equal or even exceed that of non-disabled populations. Contributing factors may include the cognitive demands of skill refinement, consistency of training routines, and the motivational climate of inclusive sports programs.

In summary, the findings advocate for the expansion of structured physical activity programs tailored to individuals with disabilities. Given the observed improvements in working memory, inhibitory control, and cognitive flexibility, integrating closed-skill sports into educational, clinical, and community frameworks appears both evidence-based and ethically imperative. Continued interdisciplinary research will be essential to refine our understanding of how specific sport characteristics interact with cognitive development across diverse populations.

V. Conclusion

The findings of the present study suggest that para-athletes engaged in closed-skill sports demonstrate superior performance in controlled executive functions, such as decision-making, task switching, and cognitive flexibility, when compared to sedentary individuals with disabilities. However, such differences were only observed in more complex tasks, particularly those requiring inhibitory control and cognitive flexibility, possibly indicating greater adaptive capacities in the athletic group.

One methodological limitation of the study was the relatively small sample size, which may have led to overestimated effects and potential false negatives. Future studies with larger samples could help clarify the relationship between cognitive processes and sports participation in athletes with disabilities, providing more statistically robust results and enhancing predictive validity.

It is recommended that future research adopt longitudinal designs and larger samples to better understand the long-term cognitive benefits of sports participation in this population and assess the sustainability of these effects over time.

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We typeset manuscripts using advanced typesetting tools like Adobe In Design, CorelDraw, TeXnicCenter, and TeXStudio. We usually recommend authors submit their research using any standard format they are comfortable with, and let Global Journals do the rest.

Alternatively, you can download our basic template from https://globaljournals.org/Template.zip

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Acknowledgments

Contributors to the research other than authors credited should be mentioned in Acknowledgments. The source of funding for the research can be included. Suppliers of resources may be mentioned along with their addresses.

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Authors can submit papers and articles in an acceptable file format: MS Word (doc, docx), LaTeX (.tex, .zip or .rar including all of your files), Adobe PDF (.pdf), rich text format (.rtf), simple text document (.txt), Open Document Text (.odt), and Apple Pages (.pages). Our professional layout editors will format the entire paper according to our official guidelines. This is one of the highlights of publishing with Global Journals—authors should not be concerned about the formatting of their paper. Global Journals accepts articles and manuscripts in every major language, be it Spanish, Chinese, Japanese, Portuguese, Russian, French, German, Dutch, Italian, Greek, or any other national language, but the title, subtitle, and abstract should be in English. This will facilitate indexing and the pre-peer review process.

The following is the official style and template developed for publication of a research paper. Authors are not required to follow this style during the submission of the paper. It is just for reference purposes.

Manuscript Style Instruction (Optional)

- Microsoft Word Document Setting Instructions.
- Font type of all text should be Swis721 Lt BT.
- Page size: 8.27" x 11'", left margin: 0.65, right margin: 0.65, bottom margin: 0.75.
- Paper title should be in one column of font size 24.
- Author name in font size of 11 in one column.
- Abstract: font size 9 with the word "Abstract" in bold italics.
- Main text: font size 10 with two justified columns.
- Two columns with equal column width of 3.38 and spacing of 0.2.
- First character must be three lines drop-capped.
- The paragraph before spacing of 1 pt and after of 0 pt.
- Line spacing of 1 pt.
- Large images must be in one column.
- The names of first main headings (Heading 1) must be in Roman font, capital letters, and font size of 10.
- The names of second main headings (Heading 2) must not include numbers and must be in italics with a font size of 10.

Structure and Format of Manuscript

The recommended size of an original research paper is under 15,000 words and review papers under 7,000 words. Research articles should be less than 10,000 words. Research papers are usually longer than review papers. Review papers are reports of significant research (typically less than 7,000 words, including tables, figures, and references)

A research paper must include:

a) A title which should be relevant to the theme of the paper.
b) A summary, known as an abstract (less than 150 words), containing the major results and conclusions.
c) Up to 10 keywords that precisely identify the paper's subject, purpose, and focus.
d) An introduction, giving fundamental background objectives.
e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition, sources of information must be given, and numerical methods must be specified by reference.
f) Results which should be presented concisely by well-designed tables and figures.
g) Suitable statistical data should also be given.
h) All data must have been gathered with attention to numerical detail in the planning stage.

Design has been recognized to be essential to experiments for a considerable time, and the editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned unrefereed.

i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and suggestions to improve brevity.

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It is necessary that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

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Author details

The full postal address of any related author(s) must be specified.

Abstract

The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

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A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

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Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

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Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.



6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

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Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



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- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

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If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

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References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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