Introduction

As this book illustrates, there are a vast array of contemporary challenges in global criminal justice. This collection draws from academics from across the globe to proffer analysis of contemporary problems in a number of different jurisdictions and legal systems. Problems in England and Wales, New Zealand, Croatia, Spain, the Netherlands, Canada, and The Republic of North Macedonia are covered throughout this collection. Issues surrounding the use of the International Criminal Court are also examined. The book explores problems at the pre-arrest stage, the investigative stage, the trial and finally the post-conviction stage.

The book opens with Marsh's chapter on 'The Importance of Protecting Sex Workers from Harm.' The chapter outlines the risk of harm that sex workers are subjected to and will critically analyse whether they are adequately protected from such harm. There are an estimated 80,000 female sex workers in the UK, and selling sex means managing daily risks from clients and pimps. Those who work on the streets are significantly more susceptible to threats of physical, emotional and psychological violence than those who operate indoors. Policies lack an unrealistic approach due to their inherently punitive nature, criminalising already-vulnerable sex workers. Such criminalisation may consequently prevent sex workers from reporting violence from pimps and clients because of the barriers that exist between sex workers and police. It is apparent that policies are focused on removing the problem of prostitution, rather than finding wider solutions to tackle the issues. Drug addictions and violence from both pimps and clients are not a focus of such policies. The lack of regard for the safety of sex workers has forced them to adopt their own protection measures, such as working in a pre-determined location or an area with CCTV. Other means of protective measures include telling a fellow sex worker where they are going and taking note of a client's car registrations. However, with the rise in welfare agencies and police forces working together to criminalise violent pimps and clients, there is a shift towards prioritising the welfare of sex workers. Nonetheless, the issue of pushing prostitution further underground and leaving sex workers more vulnerable by criminalising the clients requires further addressing.

In the second chapter, Carr analyses 'The Impact of the Judicial Role on Treatment and Punishment in the New Zealand Alcohol & Other Drug Treatment Court' examines the impact of the judicial role on mandated treatment in New Zealand. Drawing from ethnographic research, the chapter illustrates how through a therapeutic mandate, the judicial role blurs the distinction between treatment and punishment. The wide discretion of judges and collaboration with community treatment providers, lauded by proponents of the Alcohol and Other Treatment Court (AODTC) as key to its therapeutic effectiveness, were found to create a number of harms for participants. The chapter suggests that the AODTC functions on legally mandated treatment involving overt expressions of judicial power, dubious decision-making practices and, judicial decision-making that favours unjustifiable punishments under the guise of the treatment. The AODTC threatens to undermine the legitimacy of the New Zealand judiciary through a foreign set of values and standards.

The book moves onto explore issues in policing. James and Hester's chapter examines the stop and search powers in England and Wales. The power is one of the police's most commonly used powers, with over a thousand stop and searches conducted every day in 2019. Within these stops, there is a high amount of racial disparity, with higher proportions of ethnic minority populations subject to the use of this power. Not only does this chapter examine the trends in racial disparity, it also considers the 'political interference' that has been happening with stop and search since the coalition government came to power in 2010. Such interference has seen

the introduction of the ‘Best Use of Stop and Search Scheme’ (BUSS), by the then Home Secretary Theresa May, only for police forces to be told by subsequent Home Secretaries to ignore aspects of this relating to section 60 ‘no suspicion’ searches. This chapter also examines the media portrayal of stop and search, with routine debates involving high ranking police officers and politicians disagreeing over the link between stop and search and an increase in knife crime. Finally, and arguably most importantly, these changes and how they are implemented by the police, are examined in terms of the impact stop and search has on the key foundations of the British policing models of police legitimacy and policing by consent.

The fourth chapter by Karas and Buric’s chapter adopts an international lens to issues in policing. Their chapter examines concerns in the interrogation stage of the police investigation in Croatia. In 2017, Croatian Criminal Procedure Act (CPA) underwent one of the biggest reforms of police conduct in relation to criminal proceedings in recent history, a significant change in the way police authorities interrogate a suspect. Now, the police interrogate the suspect in an analogous manner to that of a public prosecutor. This means there is mandatory audio-video recording of every interrogation and strict exclusionary rules should there be a breach of procedure. Prior to the reform, the law vaguely regulated the procedure of police interrogation (which was called “collecting of information”). Such procedure lacked any guarantees for the protection of the rights of the defence of the suspect and the arrested person. Lack of guarantees was compensated by ban to use the protocols of such interrogations as evidence before the court. However, this ban also led to lack of court’s oversight over police conduct with the suspect and the accused person in the earliest stages of the proceedings. At the same time, this regulation made Croatian police very efficient in resolving cases of most serious crimes. Fear of decline in the efficiency of the police work was one of the biggest obstacles in the introduction of the reform. The chapter presents a holistic overview of the arguments advanced in favour, as well as against the reform.

In Chapter 5, Mehzeb Chowdhury explores issues around automation in policing. The chapter suggests that the integration of technology into state security apparatuses has prompted questions about the risks of ‘big data’ and its effects on society. Examining the impact of mechanisation, this chapter extrapolates the possible futures of law enforcement in technological societies. Neoliberalism in modern policing, technological determinism, the risk society, abstract systems of trust and legitimacy, and the recent push towards evidence-based practice, is explored to underscore the possible drivers and consequences of modernity. The potential and scope of mechanisation, prominently artificial intelligence (AI) is critically evaluated with emphasis on its limitations and vulnerability to abuse by state actors, idealistic expectations surrounding its capacity to reduce or even eliminate human error, racism, sexism, and prejudice from the criminal justice system, as well as the dangers of such technologies augmenting historic and existing fallacies within the same.

Chapter 6 keeps with the theme of technology enhanced policing where Raquel Borges Blazquez asks if ‘Artificial Intelligence and the use of algorithms in the Criminal Judicial System, chimera or panacea?’ The chapter highlights how artificial intelligence offers countless advantages to our lives. On one hand the capacity of a computer to store and connect data is far superior to human capacity. On the other, its "intelligence" also involves deep ethical problems to which the law must respond. The chapter uses the term "intelligence" even though nowadays machines are not considered intelligent. Machines only use the input data that a human being has previously considered as true. This truth is relative and the data will have the same biases and prejudices as the human who programmed the machine. In other words, machines can be racist, sexist and classist if their programmers are. The United States have

been utilizing artificial intelligence for many years to attempt to prevent crime and and assist with recidivism forecasts. The chapter suggests we should carefully consider how, when, why and under what assumptions we can make use of artificial intelligence and especially who is going to program the machine.

Chapter 7 and 8 move onto an exploration of issues at the trial stage. Keane's chapter highlights the range of measures available to protect the vulnerable accused at trial. The chapter argues that the normative principle at the heart of the measures available, is the concept of effective participation. The author shows how the scope and requirements of the vulnerable accused's right to effective participation in Scots law is in some important respects, unclear, and that the lack of comprehensive, rational and authoritative legal guidance on the matter is potentially imperilling the system of legal protection that does exist, which appears badly over reliant on individual and institutional discretion in certain places. Ultimately, this chapter serves as a warning call that political attention requires to be given to the position of the vulnerable accused in Scotland, especially given ongoing changes wrought to criminal justice due to the Covid 19 pandemic.

Chapter 8 provides an account of jury trials in England and Wales. The chapter argues that much of the research carried out on juries and their decision making, has focused on certain psycho-social characteristics such as confidence, attractiveness, gender and ethnicity as well as jury size and decision rule. It has also focused on the individual juror rather than the more realistic jury as a group and on verdict outcomes, i.e. guilty or innocent, rather than the processes to reach this decision. This has meant that little is known or understood about the jury as a collective decision-making group. This is important to note, as many factors could influence these decision-making processes and ultimately whether someone receives a fair trial. This chapter will briefly discuss the history of the jury in England and Wales, and then explore the role of the jury to discuss the importance of examining the jury as a group alongside their decision-making processes in order to ensure, as far as possible, a fair, informed trial.

Doughty's chapter analyses victim and witness participation across international courts and tribunals. This is still relatively novel in practice. The International Criminal Court has enshrined victim and witness participation within its Rome Statute and Rules of Procedure and Evidence, and created a dedicated Victims and Witnesses Unit. Despite also ruling upon international atrocities, the European Court of Human Rights and its attached convention do not permit any kind of victim or witness participation. This is particularly unusual given many of the European Court's member states have domestic provisions providing a right for victim standing. The right to participation for impacted victim-witnesses is vital in achieving a just outcome for all parties involved. Should the International Criminal Court's system be viewed as the gold standard for the remaining exclusionary international court systems? Would the European Court benefit from a Victims and Witnesses Unit of its own, and is this feasible? This chapter will respond to these queries through an exploration of international victim participation alterations made as the International Court developed insight through cases, and by examining how the European Court could improve justiciability for victims by learning from the International Criminal Court's experience.

The final chapters of the book examines issues at the post-conviction stage. In chapter 10, Pivaty examines the use of out-of-court disposals in the Netherlands. This Chapter describes the history and the nature of this phenomenon in the Netherlands. It observes that in the

Netherlands the main relevant trend in the last years has been not the growth of out-of-court disposals as such, as the proportion of criminal cases dealt with out of court has remained relatively stable. Rather, in the Netherlands, there has been a shift towards more coercive use of out-of-court disposals. This trend manifested itself mainly in the introduction of a new, non-consent based, legal instrument, the so-called penal order (*strafbeschikking*). The Chapter reviews the main criticisms of the current system of administrative out-of-court disposals in the Netherlands. Although this system is often criticised for its lack of compliance with fair trial rights, this Chapter argues that the fair trial rights framework might be ill-suited to assess whether administrative out-of-court disposals function fairly towards criminal suspects in practice. The Chapter concludes by calling for more empirical research into the practice of administrative out-of-court disposals rooted in the theoretical framework of procedural justice.

In chapter 11, Myles traverses the over-representation of Canada's Aboriginals in Canadian correctional facilities. These numbers have increased in recent years, as crime rates have fallen. In 1996, the Royal Commission on Aboriginal Peoples explained the over-representation through Aboriginals' high crime levels and discrimination against them within the criminal justice system. To alleviate the over-representation, the Commission proposed that Canadian Aboriginals administer their own criminal justice systems. This chapter explores the over-representation as a complex phenomenon reflecting multiple contributory circumstances. Nevertheless, the current growth in the over-representation correlates with the marked increase in the offences for which a mandatory minimum is handed down. While the Canadian Government has not relinquished control over the criminal justice system, changes expected to lessen the over-representation remain possible. Court processes emphasizing holistic healing of Aboriginal offenders over incarceration have helped to lower recidivism. Canadian courts have declared unconstitutional various mandatory minimum sentencing provisions. All participants in the court process would benefit from further education. Yet, a sustained commitment from the Canadian, provincial and territorial government is necessary to counter the over-representation. Whether such commitment emerges will depend on Euro-Canadian social attitudes.

The book closes with a chapter from Lažetić and Mujoska–Trpevska who chart issues with the penal system of the Republic of North Macedonia. The chapter offers a statistical overview of the structure of the prison population in the Republic of North Macedonia between 2007-2020. The chapter analyses 5 categories of offenders: women, juvenile prisoners, drug-addicted prisoners, violent prisoners and prisoners with mental illness. All the categories contribute to the overarching problem of overcrowding. The Republic of North Macedonia have lost several cases before the ECtHR because of breaches to the human rights of the prisoner. These violations include ill-treatment and brutality of prisoners. The chapter contains an overview of the most relevant cases regarding violations of Article 3 of the ECHR in North Macedonia. The chapter suggests points of reform for the prison system the rights of the prisoner.

We hope you enjoy this multi-national volume of concerns. The edition paints a bleak picture of the current state of criminal justice. This not just limited to one jurisdiction; the issues are very much global. Furthermore, there appears to a further danger on the horizon in terms of automation of police work and the use of artificial intelligence. We hope this edition goes some way to inspiring further work and exploration in these areas.

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