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We sincerely hope that the International Journal of New Horizons in The Social Sciences (JOSSCI) will be full of success in its publication life. At every step in the world of science, the support of our esteemed readers will carry us further and make our journal even more valuable. I wish that the International Journal of New Horizons in The Social Sciences will be full of success in its publication life.

Lecturer Mustafa OF

Kocaeli/Türkiye, January 2024

RESEARCH ARTICLES

CUMHURİYETİN 100. YILINDA ÂŞIK VEYSEL'İN CUMHURİYET VE ATATÜRK TEMALI ŞİİRLERİ HAKKINDA BİR DEĞERLENDİRME

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ÖZET: *Anadolu'nun zengin kültür mozaiğinin önemli bir göstergesi olan âşıklık geleneği; Yüzyılların süzgecinden geçmiş, şiir, müzik ve anlatımından oluşan çok katmanlı bir halk sanatı olarak karşımıza çıkmaktadır.. Âşık Veysel, âşıklık geleneğinin halk şiirini yaygınlaştıran, Cumhuriyet değerleriyle bezenmiş öncü bir halk ozanıdır. Veysel, Cumhuriyet'ten sonra başlayan "Türk'ün kendi özünü bulma" yolculuğunda, geleneğin yeniden icadı yoluyla kültürel ve sosyal iç zenginliklerin keşfedilmesinde türkülerinde yer verdiği konular sayesinde farkındalık meydana getirdi. Şiirlerindeki akıcı diline bakıldığında Cumhuriyet, Vatan ve Atatürk ile ilgili dörtlüklerinde Atatürk sevgisi, Cumhuriyet ışığı ve vatan sevgisinin coşkusu açıkça görülmektedir. Şöhreti Türk Dünyası'na ve Türklük algısına dayanan, Cumhuriyet ve Atatürk değerlerine bağlılığı ve vatan sevgisiyle öne çıkan Âşık Veysel, o günden bu güne tüm Türkiye'de ve dünyada sevilmektedir. Sivas Aşıklar Günü'nde tanındı, herkesin belleğine yerleşti, felsefesi bütün insanlığa ulaştı. Değerleriyle kabul edilen bir filozoftur. Hem müziğinin hem de sözlerinin bütünlüğü onu her kuşaktan bir halk aşığı haline getirirken, vatanına, milletine ve Atatürk sevgisi ve Türklük şerefine verdiği önem Veysel'i diğer halk şairlerinden farklılaştırmıştır. Hayatın her dönemini Veysel'in gözünden anlamak, onun felsefesini özümsemek ve ondan öğüt almak gibi görünse de, hayatı ve anlamını anlattığı berrak dil sayesinde Veysel'in dünyasının tüm kapıları bize açılmaktadır. Hayatın ona sunduğu zor koşullardan hem kendisi hem de çevresi için her zaman deneyim ve alınacak öğütler sunan şiirleriyle üzerinde çokça düşünülmeyi hak eden birçok eser bırakmıştır arkasında. Cumhuriyet Dönemi'nin en büyük şairi ve "aşıklık geleneğinin" temsilcisi olarak kabul edilen Veysel, toplumu ilgilendiren her türlü konuda şiirler söylemiştir. Cumhuriyet şairi Veysel'in fikir dünyasına katkı sağlayan kuruluşlar arasında Halkevleri ve Köy Enstitüleri'nin önemi açıktır. Halkevleri Âşık Veysel'in müzikal yönünün gelişmesine, Köy Enstitüleri ise onun şiirindeki birlik, çalışma, ülkeye hizmet gibi temaların gelişmesine katkıda bulunmuştur.*

Anahtar Kelimeler: *Âşık Veysel, Atatürk, Cumhuriyet, Halk Ozanı*

AN EVALUATION OF ÂŞIK VEYSEL'S POEMS WITH THE THEMES OF THE REPUBLIC AND ATATURK ON THE 100TH ANNIVERSARY OF THE REPUBLIC

ABSTRACT: *Minstrelsy tradition, which is an important indicator of Anatolia's rich cultural mosaic; It emerges as a multi-layered folk art consisting of poetry, music and narrative, filtered through centuries. Âşık Veysel is a pioneer folk minstrel, embellished with Republican values, who made the folk poetry of the minstrelsy tradition popular. Veysel raised awareness, thanks to the subjects he included in his folk songs, in his journey of "finding the Turks' own essence", which started after the Republic, and in discovering the cultural and social inner richness through the reinvention of tradition. When we look at the fluent language of his poems, the love for Atatürk, the light of the Republic and the enthusiasm of the love of the Homeland are evident in his quatrains about the Republic, the Homeland and Atatürk. Âşık Veysel, whose fame is based on the Turkish World and the perception of Turkishness, who stands out with his devotion to the values of the Republic and Atatürk and his love of the homeland, has been loved all over Turkey and the world since the day he was recognized on the Sivas Lovers' Day, has reached everyone's life, and his philosophy has reached humanity today. He is a philosopher who is accepted for his values. The integrity of both his music and his lyrics made him a folk lover of all generations, and his love for his homeland, nation and Atatürk and the importance he gave to the honor of being Turkish differentiated Veysel from the subjects of other folk poets. Although understanding every period of life through Veysel's eyes seems to be a matter of understanding his philosophy and taking advice from him, all the doors of Veysel's world are opened to us, thanks to the clear language in which he describes life and its meaning. He has left behind a body of work that deserves much consideration, with his poems that always provide an experience and advice to be taken for himself and those around him from the difficult conditions that life has presented him. Veysel, who was accepted as the greatest poet and representative of the "minstrel tradition" during the Republican Era, sang poems on all kinds of topics related to society. The importance of Community Centers and Village Institutes is obvious among the organizations that contributed to the intellectual world of the Republic poet Veysel. Community*

Centers contributed to the development of Âşık Veysel's musical direction, and Village Institutes contributed to the development of his poetry's themes such as unity, work, and service to the country.

KEYWORDS: *Âşık Veysel, Atatürk, Republic, Folk Minstrel*

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1. GİRİŞ

Anadolu'nun zengin kültürel mozaiğinin önemli bir belirteci olan Âşıklık geleneği; yüzyılların süzgecinden geçerek şiir, müzik ve anlatıdan oluşmuş, çok katmanlı bir halk sanatı olarak karşımıza çıkar. Âşıkların yaşadığı dönemdeki toplumunun yaşam şeklini ve hayata bakış tarzını içeren toplumsal değerleri geniş halk kitlelerine aktarmaları, Âşıklık geleneğinin en önemli niteliğidir. Âşık, kendi deyişlerini ya da "usta malı" diye adlandırılan kendinden önceki başka aşıkların deyişlerini, yöresinin orijinal melodileriyle sazı eşliğinde icra eder. Anadolu insanının dünya görüşü ve hayat felsefesi âşıkların şiirlerinde bu şekilde gönülden söze dökülür.[1] Âşıklık geleneği deyince akla gelen en önemli isim şüphesiz ki Âşık Veysel'dir. Veysel'deki düşünce yapısının arılığı, duyguların anlatımındaki yalınlık, günü ve günceli damıtarak damla damla süzebilen ve aktaran anlatım onun öz farkıdır, kendiliğidir. Belki de çileli yaşam hikayesi Veysel'in hayatı bu kadar saf ve damıtılmış olarak anlamasında ve anlatmasında etkili olmuştur. Âşık Veysel, saz icrasındaki ve türkü söyleyişindeki özgün tavrı ve doğal yorumuyla öncü olmuş ve kendinden sonrakilere yol göstermiştir. Yaşadığı hayatın her dönemini Veysel'in gözünden anlamak, onun felsefesini anlamaktan ve ondan el almaktan geçer gibi gözükse de hayatı ve hayatın anlamlandırılmasını anlattığı duru dili sayesinde Veysel'in dünyasının tüm kapıları bize açılır. Hayatın ona sunduğu zor koşullardan her daim kendine ve çevresine bir yaşanmışlık ve alınacak öğüt çıkaran şiirleriyle, üzerinde oldukça fazla düşünülmesi gereken bir külliyat bırakmıştır. Çocukluk döneminin erken denecek bir evresinde kaybettiği görme yetisi ona babasının eğlenmesi için aldığı saz ile müzik yetisi olarak bir anlamda geri döner. Veysel'in bu yeteneği ona aşıklık yolunu açar. Görme duyusundan yoksun oluşu Veysel'i işitme duyusunu beslemeye yöneltir. Bu durum, şiir dünyasının temelinin oluşumunu dinlemek ve duymak üzerine kurgulamasına neden olur. İşiterek öğrendiği Karacaoğlan'ı, Yunus'u, Emrah'ı, Dertli'yi benimseyerek sevdiğini söyleyen Veysel, bu dört ozanın düşünsel birliğinden oluşan kendine oluşturduğu bir bütünlükten beslenir, böylece gelenekten geleceğe çağdaş bir devinim elde eder (Özdemir, 2010, s.114-115). 1894-1973 yılları arasına sığan bir ömürde kara bahtını sazının can yoldaşlığı ile aşar ve Türkiye'de 20.yy'ın en büyük halk şairi ünvanını alır. Şüphesiz babasının desteği Veysel'in saz ile çıktığı yolculukta önemlidir. Önceleri pek ümit vermez ama sonra Camşıhlı Ali Ağa ile çalışmaya başlar. Aşık Veysel bu döneme ilişkin anısını ;

> …" Bizim köye Camşıhlı Ali Ağa diye bir zat geldi. Babam Ali Ağa ile iyi anlaşmıştı.Ali Ağa'ya bizim evde kalması için ısrar etti.Ali Ağa babamı kırmayarak bizim evde senelerce kaldı. Artık ustam Ali Ağa oldu. Ali Ağa'nın bağlaması Hüsniye idi. Hüsniye bağlamanın sesi beni etkiler oldu. Ali Ağa bana bildiği türkü ve deyişleri öğretmeye başladı. İlk öğrendiğim deyiş Kul Abdal'ındır. Devamlı çalarken onu hatırlarım." (Alptekin, 2011, s.22) şeklinde aktarır.

Nitekim böylece anne ve babasının gözleri görmeyen çocuklarına saz çalarak bir geçim yolu açabilme, karanlık dünyasında bir çıkış yolu bulma düşüncesi de hayata geçmiş olur. Denilebilir ki Veysel'in hayatı yoksul ve çile çekmekle geçmiş bir ömürdür. Köyünden ilk kez 1931 yılında düzenlenen Sivas Âşıklar Bayramı'na katılmak için çıkar. Bu bayrama yönelik Veysel'in anıları şöyledir:

> "Bayram üç gün devam etti. Üç gün çaldık- çağırdık. Sonra serbestledik. Ahmet Kutsi bey, işte o geceden sonra "Halk Şairi" olduğumuza dair kağıt verdi. O tarihe kadar köyden çıkmış değildim. Gidemiyordum. "Halk Şairi" belgesini alınca Adana'ya Mersin'e gittim geldim. …"

[1] ÂŞIKLIK GELENEĞİ | Kültür Portalı (kulturportali.gov.tr) Erişim Tarihi: 07.09.2023

(Bakiler 1989, s.9). O zamanın zihniyeti dolayısıyla elimizde sazla bir kasabaya gidemiyorduk. Hem ayıp hem günah sayılıyordu. Ancak köylerde dolaşıyorduk. Düğün ve eğlence olduğu zaman bizi alır götürürlerdi. Ayağımızın bağını Ahmet Kutsi bey çözdü.Elimize verdiği kağıtla serbestçe dolaşma imkanına sahip olduk (Alptekin; 2011, s.25).

I.Sivas Halk Şairleri Bayramında Veysel Ulu (Şatıroğlu), Revanî, Suzanî, Aşık Süleyman, Karslı Mehmet, Hikayeci Ali Dayı, Aşık Müştak, Yarım Ali, Talibî (Coşkun), Yusuf, Sanatî ve Âşık Ali yer alır (Alptekin, 2011, s.25). Âşık Veysel'in ailesi 1934'te Soyadı Kanunu ile birlikte ilk olarak Ulu soyadını alır ancak, sonra aile lakapları olan Şatıroğlu bu soyadın yerini alır ve Ulu yerine aile Şatıroğlu olur. [2] Esasen Sivas Halk Şairleri Bayramı, Cumhuriyet aydınlanmasının âşıklık açısından yetişecek yeni kuşaklara nasıl ışık tutacağını gösterirken aynı zamanda bu aydınlanmanın içinde onların da yer alacağını belirtmesi bakımından oldukça önemlidir. Bu bayram sayesinde halkın kendi öz kültüründen ve varlığından beslenen halk şairliği, ilk kez değer kazanır, bir mertebeye ulaştırılır ve bir meslek olarak görülür. Dolayısıyla halk şairleri de bu mesleği icra eden meslek erbabı olarak kabul edilir. 1931 yılında Sivas Maarif Müdürü olan Ahmet Kutsi Tecer bu bağlamda Cumhuriyet aydınlanmasının köylere kadar gidecek ışığının ilk kıvılcımlarını ortaya koyan girişimiyle Sivas Âşıklar Bayramı'nın taşlarını Cumhuriyet Aydınlanması'na giden yol olarak döşer. Âşıklar 1931 yılına kadar Türk Ocakları, 1932 yılından sonra da Halkevlerinin önem verdikleri sanatçılar olurlar. Cumhuriyetin erdemlerini, Atatürk Devrimlerini şiirleri yoluyla halka anlattılar. Âşık Veysel'in ülke çapında tanınması Ahmet Kutsi Tecer sayesinde olur. Âşık Veysel Şatıroğlu'nun şiirlerinde halk ozanlandan en çok Karacaoğlan, Yunus, Emrah, Dertli'den etkilendiği ve onları sevdiği görülür ancak günümüz ozanları arasında Ahmet Kutsi Tecer'in ise Veysel'deki yeri tarifsiz ve apayrıdır (Oğuzcan, 1991, s.7).

2. ÂŞIK VEYSEL'İN VATAN CUMHURİYET VE ATATÜRK KONULU ŞİİRLERİNE DAİR

Cumhuriyet Dönemi'nde, "âşıklık geleneği"nin en büyük ozanı ve temsilcisi olarak kabul gören Veysel, toplumla ilgili her tür konuya yönelik şiir söylemiştir. Bu konular kimi zaman tasavvuf, kimi zaman din, siyaset ve toplumsal olaylarla ilgili eleştiriler olarak Veysel şiirinde yer bulmuş, o ise şiirleriyle bu konularda farkındalık oluşturmaya çalışmıştır[3].

Âşık müziğinin şiirleri çoğu kez toplum için uyarılar, öğütler ve doğru yolu bulma konusuna göndermeler şeklinde karşımıza çıkar. Âşık Veysel bir ülkenin yeniden var oluş mücadelesine giden yolun çizilmeye başlandığı Osmanlı'nın son zamanlarında doğmuş, bir devirden diğerine geçiş için her alanda verilen mücadelenin zorluklarına tanıklık yapmıştır. Veysel'de vatan sevgisini destekleyen olaylar örüntüsünü Milli Mücadele yıllarının başlangıcı şekillendirir. Milli Mücadele Dönemi Türk ulusunun varlık mücadelesi olarak tarihte yerini almış bu durum doğal olarak Veysel'in düşünsel dünyasında vatan ve vatan sevgisi imgelerini güçlendirmiş, gönülden dile dökmesini sağlamıştır. Esasen Aşık Veysel'in şiirlerinde karşımıza çıkan vatan, vatan sevgisi ve vatana duyulan sadakat, birlik ve beraberlik içinde yardımlaşma, çalışkan olma gibi konular onun toplumsal olguları aktarım yaparken düşünsel bir örüntüyü takip ettiğini görmemizi sağlar. Türkçeyi en sade ve güçlü haliyle kullanan Âşık Veysel, şiirleri aracılığı ile Türk milletine her zaman birlik ve beraberlik çağrısı yapar.[4]

Âşık Veysel'in 39 yaşında yazdığı ve sazıyla çalıp söylediği ilk şiirinin adı Atatürk olur (Bakiler, 1989, s.10). Bu ilk şiiri, Cumhuriyet'in 10. yıl dönümüne denk gelir ve aslında bu şiir Atatürk için söylediği bir destandır. Veysel için şiirlerinde Atatürk ayrı bir önem taşır. Atatürk'ü Türklüğün hamisi

[2] Âşık Veysel Şatıroğlu (1894-1973) - Atatürk Ansiklopedisi (ataturkansiklopedisi.gov.tr) Erişim Tarihi: 03.09.2023

[3] CUMHURİYET DÖNEMİ HALK ŞİİRİ – İskele Edebiyat (iskeleedebiyat.com) Erişim Tarihi: 02.09.2023

[4] Karanlık dünyasından günümüze ışık tutan halk ozanı: Aşık Veysel (cumhuriyet.com.tr). Erişim Tarihi: 02.09.2023

olarak niteleyen Veysel, her ortamda bunu şiirleriyle anlatır. Şiirlerinde Türk ve Türklük unsurlarının yoğun şekilde ele alınışı dikkat çekicidir (Alptekin, 2011, s.67).

Âşık Veysel, Cumhuriyetin onuncu yıl dönümü olan 1933 yılına dek, başka ozanların şiirlerini yani "usta malı" çalıp söyleyerek kendini ifade eder. Kendi deyişlerini söylemekten utanır, çekinir. Âşık Veysel, şairliğinin keşfedilmesinde ve gelişmesinde Ahmet Kutsi Tecer'in payının büyüklüğünü her zaman belirtir. Veysel'in tanınan ilk şiiri Gazi Mustafa Kemal Paşa için söylediği : «Türkiye'nin İhyası Hazreti Gazi» dizesiyle başlayan şiirdir. Bu şiir başlangıç olur ve bunun ardından bütün yazdıklarını çalıp söyler hale gelir [5]. Bütünü ondört dörtlük olan bu şiirde Âşık Veysel, Kurtuluş Savaşı'ndan Cumhuriyetin ilk yıllarına kadar olan dönemdeki Atatürk ve Türk kahramanlığından, Türkiye'yi yeniden canlandıran Atatürk'ün bu işi vatanı düşmanlardan kurtararak başardığından, Kurtuluş Savaşı'nın bir ulusun yeniden canlanmasının ilk aşaması olduğundan, kaderine hatta bir anlamda ölüme terkedilen ülkenin yeniden can bulduğundan ve bu uğurda pek çok şehit verildiğinden, ülkenin uğrunda öleceğimiz kutsalımız olduğundan söz eder (Bahşi, 1997, s.62). Aşağıda bu şiirin kısa bir kesiti görülmektedir.

Cumhuriyet Destanı

"*Atatürk'tür Türkiye'nin ihyası*
Kurtardı vatanı düşmanımızdan
Canını bu yolda eyledi feda
Biz dahi geçelim öz canımızdan

Sinesini hedef etti düşmana
Ölmüşken vatanı getirdi cana
Çekti kılıcını çıktı meydana
Gören ibret aldı meydanımızdan"

Bir halk şairi olarak Veysel, Atatürk döneminde yaşadığından esasen tam anlamıyla cumhuriyet şairidir. Cumhuriyetin kurulmasına dek ve sonrası dönemde toplumun kazanımları, verilen savaşlar ile kurtarılan vatan toprağının kıymeti ve kutsallığı, Atatürk' e duyduğu derin sevgi ve saygı onu bu nedenlerden ötürü güçlü bir şekilde "Cumhuriyetin Halk Şairi" tanımını hak eder hale getirir. Atatürk'ün kurduğu Cumhuriyet ile halkına işaret ettiği hedef, aşılamak istediği ruh elbette her vatansever gibi Âşık Veysel'i de derinden etkiler, yüreğinin sesi dile gelir ve saza dökülür. Âşık Veysel tam da bu minvalde milli birlik ve vatanın bütünlüğü üzerine şiirler yazar, türküler yakar (Bakiler, 2011, s.3). Bunlardan biri olan "19 Mayıs'ta Parlayan Zafer" başlıklı şiirinin bir bölümü şöyledir:

19 Mayısta parlayan zafer

İptida Samsun'a bastı ayağı
Ne mutlu Samsun'a zafer kapısı
Her an için hatırlarız bu çağı
Samsunda parladı zafer güneşi
Öyle bir zafer ki bulunmaz eşi
Gerdi kanatlarını bir devlet kuşu
Şeneldi Türklerin kadim ocağı" (Alptekin, 2011, s.199).

Âşık Veysel'de Atatürk sevgisi oldukça fazladır. Onun görüşlerine oldukça fazla değer verir. Öyle ki Atatürk'ün yurtta barış dünyada barış sözünü kendine baş tacı ederek, Atatürk'ün barış hakkındaki

[5] Şatıroğlu, A.V.(1970). Dostlar Beni Hatırlasın -Bütün Şiirleri (Kitap ve kapak düzeni: Ümit Yaşar Oğuzcan). TİSA Matbaacılık Sanayi Limited Şti. Ankara.

görüşünü yücelterek şiirlerinde işler (Özkan, 2014, s.577). "Ağlayalım Atatürk'e" dizesi ile başlayan şiirinden bazı dörtlükler aşağıda verilmiştir.

"Ağlayalım Atatürk'e
Bütün dünya kan ağladı
Başbuğ olmuştu mülke
Geldi ecel can ağladı

...

Atatürk'ün eserleri
Söylenecek bundan geri
Bütün dünyanın her yeri
Ah çekti vatan ağladı (Alptekin, 2011, s.154-155).

Cumhuriyetin kuruluş sürecini heyecanla yaşayan Veysel, o yılların ulusal birlik düşüncesi ve ideolojisi kapsamında, cumhuriyetçilik, devrimcilik, halkçılık gibi Atatürk ilkelerine şiirlerinde sıklıkla yer verir. Şiirleriyle cumhuriyete, yapılan devrimlere sahip çıkar ve topluma olan duyarlılığını ortaya koyar. Günümüzde de hala güncel olan yararlı öğütler verir. Toplumsal konulu ya da öğretici nitelik taşıyan bu şiirler, Veysel'in bilgelik düzeyini açıkça ortaya çıkaran şiirleridir (Bakiler, 2011, s.64). Bakiler (2011), Veysel ile ilgili toplumsal duyarlılık konusunu;

"Memleketin ana davalarını bir bir sayıp döktüğü şiirlerinde akla, mantığa, ilme, uygun çareler sıralamıştır. Toplumun zonklayan yaralarına ilim irfan erbabının cesaretiyle ve merhametiyle parmak basar, sonra söylediklerinin tamamen doğru olduğuna inanarak adeta meydan okur" biçiminde aktarır (Bakiler, 2011, s.67).

Memleketin refahına bireysel olarak nasıl katkı sağlanabileceğine dair toplumsal duyarlılığa vurgu yaptığı "Vatan Sevgisini İçten Duyanlar.." dizeleriyle başlayan şiirinden bazı kesitler ise şöyledir:

"Vatan sevgisini içten duyanlar
Sıtkı ile çalışır benimseyerek
Milletine ulusuna uyanlar
Demez neme lâzım, neyime gerek

...

Vatan bizim, ülke bizim, el bizim
Emin ol ki her çalışan kol bizim
Ay yıldızlı bayrak bizim, mal bizim
Söyle Veysel öğünerek, överek." (Alptekin, 2011, s. 210).

3. CUMHURİYET IŞIĞI KÖY ENSTİTÜLERİ ve KÖY ENSTİTÜSÜ'NDE BİR "USTA ÖĞRETİCİ" ÖĞRETMEN ÂŞIK VEYSEL

Cumhuriyet şairi Veysel'in düşünsel dünyasına katkıda bulunan kuruluşlar içinde Halkevlerinin ve Köy Enstitülerinin önemi açıktır. Halkevleri Âşık Veysel'in müzik yönünün gelişmesine, Köy Enstitüleri ise şiirinin birlik, çalışmak, vatana hizmet gibi temalarının gelişimine katkı sağlamıştır. 1941 yılına dek Veysel'in şiiri gelenekçi yapısını sürdürür. Sonrasında şiirlerinin biçimsel anlamda geleneksel olmaya devam ettiği ancak konu olarak geleneksel halk şiirinden ayrıştığı görülür. Her ne kadar Âşık Veysel'i tanıtan Ahmet Kutsi Tecer olsa da; onun ülke çapında bilinmesini bir anlamda ulusallaşmasını sağlayan kurumsal yapılarıyla Köy Enstitüleri olmuştur (Elçi, 2009, s.196).

Köy enstitüsünde birlikte olduğu aydın çevreden ve ortamdan etkilenen Veysel, Cumhuriyet düşüncesi ile ilgili bilgi edinmiştir. Âşık Veysel 20.yy'da yaşayan bir Türk Halk Ozanı olarak Türk toplumunun hızlı değişimler ve geçiş evreleri yaşadığı dönemlerde aşık sanatını icra etmiştir. Toplum yaşamında, kamuda, devlet işlerinde, kültürde devrimler birbiri ardı sıra yapılmaktaydı. Âşık Veysel şiirleriyle bu değişim ve dönüşümün sözcülüğünü yapmıştır. Savunduğu çağdaş ve uygar düşüncenin yer aldığı şiirleri dolayısıyla her daim ve her dönemi yansıttığı bir yapı içinde olmuştur (Özdemir, 2010, s.117).

Âşık Veysel, Köy Enstitülerinde bir süre saz öğretmenligi de yapar. Dönemin Sivas Milli Eğitim Müdürü Ahmet Kutsi Tecer, 1941 yılında Âşık Veysel'in Kocaeli Arifiye Köy Enstitüsüne saz öğretmeni olarak atanmasını sağlar. Hayatının en içli ve en güzel şiirlerini bu dönemde söyleyip yazdıran âşıkSırayla Arifiye, Hasanoğlan, Çifteler, Kastamonu, Yıldızeli, Akpınar Köy Enstitülerinde saz öğretmenliği yapar. 1952 senesinde Âşık Veysel'e İstanbul'da büyük bir jübilesi yapılır. 1965 yılında Türkiye Büyük Millet Meclisi, «Anadilimize ve Milli Birliğimize yaptığı hizmetlerden dolayı» çıkarılan özel bir kanunla vatanî hizmet tertibinden aylık bağlar (Oğuzcan, 1991, s.7).

Sabahattin Eyüboğlu'nun yönlendirmesi ve İsmail Hakkı Tonguç'un görevlendirmesi ile 22 Ocak 1942 günü Aşık Veysel ve Küçük Veysel usta öğretici kimliği ile Kocaeli Arifiye Köy Enstitüsü'nde göreve başlar. Bu tarih Veysel'in enstitülerdeki usta öğreticiliğinin de başlangıç günüdür (Aydoğan, 2019, s.351). Veysel her sınıfta çok sayıda türkü öğretir. Öğretmenlerle çok iyi ilişkiler kurar. Arifiye'de altı ay kadar kalan Veysel buradan çok etkilenir ve kimi şiirlerini burada yazar (Aydoğan, 2019, s.351). Enstitü'de Veysel tarafından öğretilen türküler Hoş Bilezik, Değmen Bana (Gevheri'den Âşık Veysel öğretmiş), Çiğdem der ki ben alayım, Sazıma, Mecnunum Leylamı gördüm (Ali İzzet'ten Âşık Veysel derste öğretmiş), Kapı kitli cüzdan cepte para yok" şeklinde öne çıkmıştır (Aydoğan, 2019, s.363).

Âşık Veysel'in Köy Enstitülerine ilişkin yazdığı "Enstitü Bir Kovan Misalidir" başlıklı şiiri, yapılan eğitime dair çok açık anlatımlar içermekte ve bu okulların işlevlerini sıralayarak bir nevi halka bilgilendirme sunmaktadır.

"Enstitü bir kovan misalidir
Her türlü çiçekten alır bal yapar
Yurdumuz içinde doğru bir yoldur
Memlekete kanat takar, kol yapar
...
İresim yaparlar, plan çizerler,
Çözülmedik düğümleri çözerler
Bir kısmı şairdir şiir yazar
Kimi saz düzenler, kimi tel yapar" (Alptekin, 2011, s.237).

Halk kültüründen beslenen ve halk kültürü materyallerinin derlenmesi ve yayınlanmasında katkısı büyük olan Halkevlerine Âşık Veysel hakettikleri önemi vermiş ve onlarla ilgili iki şiir söylemiştir. Bu şiirlerde Atatürk tarafından kurulan ve halkın ortak malı olduğu belirtilen halkevlerinin adeta ilim irfan yuvası olduklarından söz eder (Alptekin, 2011, s. 61).

"Sarsılmaz Halkevi sağlam temeli
Işık tutar halka yorulmaz eli
Halka hizmet kuruluşu emeli
Atatürk sesi var Halkevlerinde

...

Halkevleri ilim irfan yuvası
Atatürk'ün sesi milletin sesi
Eşitlik hürriyet ve demokrasi
Atatürk sözü var Halkevlerinde"

Diğer bir Halkevi şiirinde ise Veysel, Halkevi şubelerinden ve faaliyetlerinden söz eder. Halkevi şubelerinin Teknik Araştırma Kolu, Spor Temsiller Kolu, Edebiyat Kolu, Güzel Sanatlar Mimari Kolu, Resim, Heykel gibi alanlardan söz eder. Aşağıda bu şiirden bazı dörtlükler verilmiştir.

"...

Halkevinin dokuz kolu
Bir kökü var binbir dalı
Yaprak dahi köke bağlı
Halkın evi Hakkın evi

Teknik Araştırma Kolu
Spor temsiller dopdolu
Güzel sanatlar mimari
Halkın evi Hakkın evi..." (Alptekin, 2011, s.163-164).

Âşık Veysel'i, kendisinden önceki halk şairlerinden farklı kılan şey bir Cumhuriyet şairi olarak vatan millet ve devlet için hala canlı duran şiirler yazmış olmasıdır. Âşık Veysel'in milliyetçilik duygusuyla yazdığı şiirlerinde Türklük övünç kaynağıdır. Türk olmakla övünen Âşık Veysel, Türk'ün manevîyatını, tarihini, sanatını, gelenek ve göreneklerini yüreğinin derinliklerinde hisseden bu hissiyatını da topluma yazdığı şiirleriyle aktaran aydın bir kişiliktir (Bakiler,1989, s.62). Aşağıda "Türk Adı Babamdan Mirastır" başlıklı şiirinden kesitler görülmektedir:

"Aleme yâr olsam yâr bana küser
Yârim bir tanedir yadı neyleyim
Kalbimde kadimdir aşk ile eser
Ateşi kâfidir od'u neyleyim
...
Muhabbetin canda haslardan hastır
Avutur Veysel'i bir şen piyestir
Türk adı babamdan bana mirastır
Daha Bundan Başka Adı Neyleyim" (Alptekin, 2011, s.226).

Âşık Veysel'in aynı konu ile ilgili kaleme aldığı bir diğer şiiri ise aşağıda bazı dörtlükleri bulunan "Türküz Türkü Çağırırız" başlıklı şiiridir:

"Dünya Dolsa Şarkıyılan
Türküz Türkü Çağırırız
Yola Gitmek Korkuyulan
Türküz Türkü Çağırırız
...
Toplantıda Yığınlarda
Bayramlarda Düğünlerde
Sıkılınca Dar Günlerde
Türküz Türkü Çağırırız" (Alptekin, 2011, s. 186-187).

4. YÖNTEM

Bu çalışmada alandaki literatür taramasından faydalanılmış ve konuya ilişkin bilgilerin yer aldığı kaynaklar üzerinden betimsel yöntem bağlamında bir değerlendirme yapılarak bulguların değerlendirildiği bir yöntem izlenmiştir.

5. SONUÇ

Âşık Veysel, âşıklık geleneğinin halk şiirini sevdiren cumhuriıyet değerleriyle bezeli öncül bir halk âşığıdır. Veysel, cumhuriyetten sonra başlayan "Türk'ün kendi özünü bulma" yolculuğunda, geleneğin yeniden icadı ile kültürel ve toplumsal iç zenginliğini keşfetmesinde türkülerinde yer verdiği konular sayesinde farkındalık oluşturmuştur. Âşık Veysel'in eserleri, bu gün de sıklıkla seslendirilmekte ve böylece tanınırlığı sürmektedir. Örneğin pop müzik sanatçısı Tarkan'ın seslendirdiği "Uzun ince bir yoldayım" ve klasik müzik bestecisi Fazıl Say'ın tematik olarak yeniden yorumlayıp bestelediği "Kara Toprak" farklı müzik türlerini dinleyen kesimlerin de Veysel'le buluştuğunu gösteren önemli örneklerdir. Bu durum Veysel'in sadece yaşadığı döneme ait değil, kuşaklar arası köprü olarak günümüze de ulaşan bir halk şairi olduğunu göstermektedir. Şiirlerindeki akıcı dile bakıldığında bu dil bize, Veysel'in Cumhuriyet, Vatan ve Atatürk içerikli dörtlüklerinin karanlık dünyasının nasıl Atatürk sevgisi, cumhuriyet ışığı ve vatan sevgisinin coşkusu ile aydınlandığını gösterir. Bu bağlamda Veysel kuşaklar arası olmakla beraber ünü Türk Dünyasına ve Türklük algısına dayanan bir zeminle ulusal bilinç için söylemiş ve çalmış bir bilge ozan olarak gönüllerde yer alır. Cumhuriyet değerlerine ve Atatürk'e olan bağlılığı, bu duygu ve düşüncelerle perçinlediği vatan sevgisi ile Âşık Veysel, 1931 yılında tanındığı o günden bu güne değin tüm Türkiye'de ve dünyada sevilmiş, herkesin dünyasına girmeyi başarmış, sevilen ve felsefesi bugün insanlık değerleri üzerinde kabul gören bir filozoftur. Gerek müziği gerek sözlerinin anlatımsal bütünlüğü onu tüm kuşakların halk âşığı yapmış, vatanına, milletine ve Atatürk'e duyduğu sevgi ve Türklük onuruna verdiği önem, Veysel'i diğer halk ozanlarının konularından farklılaştırmıştır. Bu bağlamda Âşık Veysel, bu özellikleriyle farkını ortaya koyan gönül gözüyle gören zamansız bir bilge ozan olarak halk kültürümüzde mihenk taşı olarak değer bulmuştur ve bulmaya da devam edecektir.

6. ÖNERİLER

Aşıklık geleneği Türkiye'nin önemli bir somut olmayan kültürel mirasıdır. Bu mirasın XX. Yüzyıldaki en önemli temsilcilerinden olan Âşık Veysel'e 2022 yılında vefa bağlamında Cumhurbaşkanlığı Kültür ve Sanat Büyük Ödülü verilmiştir. Bu büyük halk ozanımızın gerek yurt içinde gerekse yurt dışında tanınırlığını arttırmak ve anılmasını sağlamak amacıyla 2023 yılının Âşık Veysel yılı olarak ilan edilmesi UNESCO somut olmayan kültürel miras alanına kabul edilen Âşıklık Geleneği'miz açısından bir kültürel olgu olması vesilesiyle önem arz etmektedir. Âşık Veysel başta olmak üzere Âşıklık Geleneğine gönül vermiş, geçmişten günümüze şiirleri ve ezgileriyle hayatın her alanında katkı sağlamış diğer halk ozanlarımıza da aynı önem verilmeli ve kültürel mirasa sahip çıkılmalıdır. Bu bağlamda konuyla ilgili eğitim kurumlarının her seviyesinde tanıtıcı konferansalar, kongre, sempozyum ve konserler düzenlenmesi bu mirtasın kalıcılığının sağlanması ve gelecek kuşaklara aktarılması açısından gereklidir. Başlangıcından günümüze tüm âşıklık geleneği içinde tarihsel süreçte yer alan âşıkların eserleri böylece günümüze ışık tutacak bir veri haline gelebilir ve kalıcılıkları ve koruma altına alınmaları sağlanabilir.

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THE INFLUENCE OF COMMUNICATION ON BRAND SELECTION IN INSURANCE COMPANIES IN ALBANIA

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***ABSTRACT**: At the stage where society is today, including rapid technological and environmental developments, the consumer is becoming increasingly intelligent and is being equipped with abundant information through various digital or online platforms, having the possibility of choosing his favourite brands. Even in the Insurance Industry everywhere, including Albania, this type of approach is increasingly used by consumers of insurance companies who seek to choose the products they need by getting information through the Internet or even through other traditional forms of communication such as publicity direct marketing. It is known that the experience of consumers with the organization, the intermediaries, and the consumers' opinions are known as elements of communication that influence the selection of the brand/company where the consumer wants to buy the products. Regarding the price of insurance products in Albania, consumers need help to differentiate between specific companies; we analyzed the communication elements in this study to understand the influence of these elements in selecting the insurance company brand. A questionnaire was structured and distributed, which contained variables that gave us information about the objectives and research questions in the study, and from the analysis of the collected data, we reached conclusions about the study. The results of this study will allow insurance companies to understand the forms of communication that influence brand selection.*

***KEYWORDS:** Communication Elements, Brand, Products, Insurance, Albania*

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1. INTRODUCTION

The Brand and its elements have taken on a particular importance nowadays. Consumers are faced with many choices, and the variety of available products needs to be clarified for consumer choices. The Brand's name plays a crucial role in facilitating the decision to choose products. The products that create the correct perception in the minds of consumers through differentiated characteristics are the ones that attract the attention of consumers and encourage the desire to buy. Companies providing different services or products today are evaluating the possibility of communicating their products through integrated marketing communication and mainly digital marketing. The consumer's experience with the products creates ease in choosing their favourite Brand. Also, the people who deal with the Company's marketing, advertising, and other digital communication influence the choice of the favourite Brand in all companies. Include here also insurance companies. Insurance products are products that, in addition to their importance and role in guaranteeing security related to benefits in case of need due to unforeseen events, are necessary to promote, which is best done through marketing activities and excellent marketing communication.

2. LITERATURE REVIEW

Cultural resources influence the destination brand equity efficacy on main brand aspects. Brand equity influences consumer choice through design, style, packaging, communication, customer experience, personality and perceived connection to the destination. A functional positioning brand acts better when visual appearance through marketing communication impacts structured consumer perceptions. On the other side, unstructured perceptions are affected by hedonic positioning brands and perform better by the visual design of marketing communications (Afonso & Janiszewski, 2023). Brand Identity and Corporate Social Responsibility (CSR) are closely related to Marketing Communication and Brand Equity. In other words, we can accept that Corporate Responsibility affects brand equity based on the customer, with the undisputed role of IMC and brand identity. (Alakkas et al., 2022). The elements of Integrated Marketing Communication, brand elements supporters of brand identity, service characteristics, public relations, and country of origin positively influence brand awareness, image and Brand reputation. (Foroudi et al. ., 2017) The budget available for advertising, the attitude towards it, and promotions of different types through expensive or less expensive elements of communication greatly influence the consumer for brand identification (Kim et al., S. A. (2019)

In their study, Kushwaha et al., 2020) stated that contemporary forms of Integrated Marketing communication are more efficient than traditional communication. Digital marketing is essential for building a good brand image in consumers' minds, therefore increasing consumer satisfaction. This leads to the consumer's connection with the Brand and maintains the customer's loyalty. (Mullatahiri & Ukaj, 2019. The elements of digital marketing through various applications lead to an increase in consumer trust, the consumer's relationship with him and consequently the increase in satisfaction and the realization of loyalty to the Brand, contributing to the growth of its capital (Nirmalasari L. et al. (2022).

The elements in integrated marketing communication influence the formation and development of brand equity. However, each of these elements partially has implications for forming brand equity depending on the context of the Company, region, time, and target consumer. (Theodora, N.-. (2021)

When planning the elements of marketing communication for brand promotion, there is the possibility of choosing an influencer who is an expert in the field beyond a famous influencer or attractive figure (Trivedi et al., R. (2020) c (Trivedi et al., R. (2020)

The importance of Integrated Marketing Communications in branding

The elements of integrated marketing communication are:

1- advertising - a paid form of communication; 2- Public relations- media relations, press, and events, which include community. Three direct marketing- email, personalized messages and other forms of communications; 4 sales promotions - discounts, lottery, and concourses; 5- Digital Marketing-Social media, SEO, Content marketing

The consumer displays beliefs or feelings related to the Brand that contribute to the creation of brand equity, and these beliefs or feelings are greatly influenced by integrated marketing communication. In other words, brand equity is the totality of consumer knowledge about the Brand, which affects consumer behaviour. Brand equity can be positive or negative. The role of marketing communication affects the creation of positive brand equity. Not only the capital of the Brand but also its performance is significant since performance as a concept is more complicated and measures the results related to the values and feelings towards the Brand. It is the marketing communication campaigns that influence the increase in brand performance. In these conditions, IMC is essential regarding its role in brand communication.

3. MATERIAL AND METHOD

3.1 Research question

- **Do communication tools influence the choice of insurance product brands?**
- **Which of the communication elements influences more the choice of insurance product brands**

3.2 Research Design

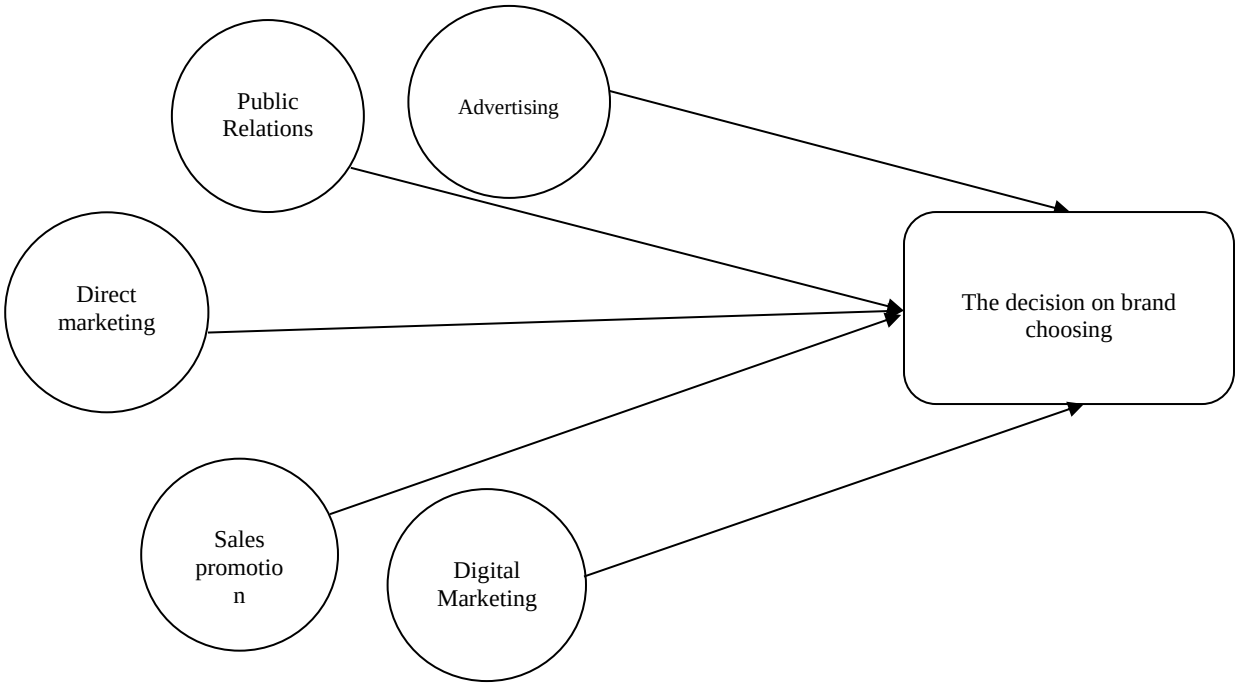

Figure 1: Research Design

3.3 Objectives of the study

This study aims to determine how communication tools influence the choice of insurance product brands and which communication elements influence the choice of insurance product brands.

Objectives:

- **To understand if communication tools influence the choice of insurance product brands?**
- **To understand which of the communication elements influences the choice of insurance product brands**

Research Methodology

This paper uses the SPSS statistical data processing program. Out of 140 interviewed, 97 or 69.3% are women, and the rest, 43 people, or 30.7%, are men.
Sample Size: 200 customers were targeted to collect responses; only 140 were valuable for analysis.
Sampling Technique-Simple Random sampling technique was used while selecting the target group. The sample is random because each respondent has an equal chance of being chosen.

Descriptive Statistics

Population and sample size

The population is the totality of insurance company customers in Albania, while the sample is an adjusted sample where 140 customers were interviewed and expressed their opinions regarding the questions raised.

Data analysis

The analysis used in this study is mainly descriptive, which gives us sufficient information to understand customers' approaches regarding the elements of communications they evaluate more when making buying decisions. The sample chosen for this study consisted of 200 questionnaires, but only 140 were valid for analysis. Of the 140 customers interviewed, 43 were men (30.7%) and 97 were women (69.3%). On the other hand, all the interviewees have a constant internet presence, which makes it possible and easy for them to choose (table below):

Table 1
Source: *Data from authors*

Gender					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	43	30.7	30.7	30.7
	Female	97	69.3	69.3	100.0
	Total	140	100.0	100.0	

Table 2
Source: *Data from authors*

	Strongly disagree	Disagree	Indifferent	Agree	Strongly agree
I was influenced by people who do marketing	0%	2.6%	14.5%	64.9%	18%
Social media influenced me	1%	3%	24%	42%	30%
The Company's digital communication approach	1.7%	1.7%	22.2%	62.5%	12.5%
Friends/colleagues or relatives are satisfied with this Company	0%	2.6%	29.9%	54.7%	12.8%
The website of the Company influenced me to choose the insurance company	10%	14%	16.7%	44.7%	14.6%
Video marketing influenced me to choose the insurance company	1.3%	12.7%	21%	50.3%	14.7%
Email marketing influenced me to choose the insurance company.	1%	15.3%	18%	49.7%	16%
The number of followers on social media	9.5%	12.5%	20.7%	40.2%	17.1%

influenced me to choose an insurance company					
The positive reviews influenced me to choose the insurance company	14.2%	13.6%	19.3%	48.9%	4%

Other communication instruments were also identified, but those that had more influence on the decision-making for choosing the insurance company mainly belonged to digital marketing. From Table No. 2, it is easy to understand the approach of consumers from these communication elements in the selection of the Brand.

Limitations of the study:
The sample size represents one of the study's limitations, and the questionnaire's distribution is only in one of the largest cities of Albania and only in some of Albania, which is another limitation.

3. CONCLUSION

Creating the brand identity and memorizing it in the consumer's mind, thus creating its image through robust, favourable and unique associations, is as tricky as it is challenging. For this reason, integrated marketing communication is becoming increasingly important every day because of its role in the Brand's recognition by prospects and their persuasion to buy and recommend it. Communication is vital in creating customer-based brand equity, a concept Kevin Keller covers in his publications. Brand equity has attracted the attention of all companies which offer products and services, including insurance companies. Creating a brand identity is not easy since all elements such as name, logo, packaging, and colour contribute to its creation, as well as all primary and secondary associations related to a product create the image in the mind of the consumer brands to be positioned in the mind of the consumer by being "ranked" according to the importance that the consumer gives them referring to these associations. The higher the Brand's awareness, the easier it is for the consumer to choose it. Consumers are moving more and more from the offline approach to the online approach, making the role of integrated marketing communication irreplaceable. However, companies must know how to use IMC efficiently and its instruments to be successful. As for online access, insurance companies must take extra care to familiarize their customers with the products and their importance, especially today when the risks that threaten people's lives have increased. Natural phenomena increasing daily, such as earthquakes, fires or floods, are consequences of global warming; minimizing their consequences is necessary, which is best achieved by purchasing insurance products.

This study revealed that the instruments used by integrated marketing communication influence the consumers' decision to choose the Brand. The consumer uses the information from the communication to compare insurance products and select the best Company according to the conviction he creates. Technological developments are positively affecting consumer decision-making.

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THE ROLE OF TOURISM IN THE ECONOMY OF ALBANIA AND TURKEY

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ABSTRACT: *Tourism is known as one of the most critical sectors of the economy. Tourism is among the most dynamic and influential industries in terms of economic impact. The economic effects of tourism have strengthened this sector day by day. Investments made and allocations from the budget emphasize the importance of tourism in economic activities. Tourism is a primary sector for the two countries studied, Albania and Turkey. The number of foreign citizens who entered the Albanian territory only for October 2023 is 691,680. This number has increased by 89.4% compared to October 2022. During the ten months of 2023, the number of foreign citizens who entered the Albanian territory was 8,986,280 persons. This number has increased by 32.3% compared to the same period in 2022. Physical-climatic features, monumental archaeological-historical heritage, rich cultural traditions (crafts, songs, dances, delicious dishes, etc.), and the beautiful Mediterranean beaches are the reasons why tens of millions of tourists visit Turkey every year, ranking it in sixth place in the most popular destinations.*
This paper aims to take new essential measures for the growth of the country's economy from the tourism sector. The study period is 2010-2020 and 2022 (post covid). The data are obtained from The World Bank and INSTAT (Institute of Statistics of Albania). The ten years studied showed that 2019 was the year with the most significant economic growth from tourism for Albania, while for Turkey, it was 2018. The year 2022 (post-COVID) resulted in both countries with relatively high economic growth, whereas for Albania, the change was 1.45 billion USD more income compared to 2019. Comparing the two countries analyzed, the period 2018-2019 resulted in a decrease in tourism income for Turkey, while the opposite happened for Albania during the same period; unlike Turkey, we had a significant increase in tourism income. The year 2020 has been the worst year for the tourism economy of both countries, and this is due to the COVID-19 Pandemic, which had a negative effect not only on tourism, but on all branches of the economy. At the end of this paper, our country, even with the measures taken until now, needs new strategies related to tourism, which will help not only in further economic growth from tourism but will also affect the further development of Albania.

KEYWORDS: *Tourism, Economy, Innovation, Hospitality, Collaborative Consumption*

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1. INTRODUCTION

Tourism is a dynamic force that creates a tapestry of experiences that cuts beyond national boundaries. Apart from its innate capacity to foster connections between cultures and individuals, tourism is crucial in determining a country's economic environment, leaving a lasting impression on its Gross Domestic Product (GDP). This booming sector is a force for local development, job creation, and economic progress, as well as discovering new places. Setting out to find the strong effects of tourism on GDP reveals a story in which economic prosperity and wanderlust dance together to benefit countries and promote global interconnectedness. (Britannica). Albania, being a developing country, has undergone radical changes in the tourism sector, starting from the system of a closed economy to being based on contemporary modern economies. Absences in the tourism sector, such as accommodation, infrastructure, technology, or external factors such as political stability, are reflected

in tourists' choices to spend their vacations every year. Due to taking the appropriate steps towards the development of the factors mentioned above, we have presented the results that have brought these changes in our paper. Turkey, a country with a more consolidated economy than Albania, has focused on adapting modern technologies, infrastructure, and political stability. (Balkan Insight).

The purpose of this study is to evaluate the effect of tourism on the economy of Albania and Turkey in the period 2010-2020; to assess the situation of economic changes from tourism in the period 2022 post-pandemic (Covid-19); to describe the characteristics of The Rise of Collaborative Consumption; to explain the changes caused by tourism in the economy as well as the frequency and innovative methods applied in our country; drawing up recommendations and conclusions that can affect the improvement of the quality of tourism in general, as well as defining the fundamental guiding principles for an excellent approach to tourism, by the experience of foreign countries.

This study aims to take new essential measures for the further growth of the country's economy from tourism. It also adds a temporal dimension, which helps reveal the evolution of innovation research and practice in the tourism sector.

2. METHODOLOGY

The study was conducted from 2010-2020, and 2022 (post-COVID-19), and these data were obtained from The World Bank and INSTAT (Institute of Statistics of Albania).
A total of 10 years has been studied for Albania compared to Turkey regarding the economic growth of tourism in these two countries. We analyzed the data statistically and drew relevant conclusions.

3. DISCUSSIONS

The number of employed in tourism sector is grown up year after year in Albania. Tourism also has a significant contribution to employment, with a weight of around 20% of total employment. According to some INSTAT projections (2018), in 2025 employees in this sector will reach 220 thousand or about 20.4% of total employment, with an average increase of 2% per year. In fact, tourism accounted for about 250 thousand jobs in 2022, from 244 thousand jobs in 2019 before the pandemic (Source: WTTC).

The Albanian government has announced tourism as one of the priority areas for economic development and one of the priority branches of university studies because, in recent years, the interest of businesses in operating in the field of tourism has increased, which has led to a significant increase in investments in this field. On the other hand, the Albanian government has taken a series of measures to create facilities that promote and support tourism, such as the exemption from profit tax for all 4–5-star hotels, VAT reduction to 6% for all services provided in 5-star hotels; reduction of VAT to 6% for the entire accommodation sector; exemption from infrastructure impact tax for 4-5-star hotels, holders of an internationally recognized trademark (Open Data Albania, 2023). Despite the significant development of this sector, much still needs to be done to assess tourism's contribution to the economy.

4. FINDINGS

From the study of the data used, we deduce the effect that tourism has on the economy. We have tried to implement new strategies based on the research and comparisons we made for Albania and Turkey regarding the economic changes from tourism for the years 2010-2020 and also for the year 2022 (post-COVID situation) (Table 1). From the ten years taken in the study 2010-2020, it turned out that for Albania, the year 2019 is the year with the most significant economic growth from tourism, while for Turkey, it is the year 2018 with the most remarkable economic boost from tourism (Figure 1). But also, in the comparison made between the years 2018-2019 for both countries, we see that from 2018 to 2019 in Turkey, there was a decrease in income from tourism (graph 1), while for Albania, the opposite happened for the years 2018-2019, unlike Turkey, we had a significant increase in income from tourism (Figure 2). The years 2010-2011 showed a substantial increase in the economy of Albania from tourism, but the situation changed to a decrease in the following year, 2011-2012, while for

Turkey, for the above two years, there was a decrease in economic development from tourism. So, in the year 2011-2012, we see that 2011-2012 had an economic decline for both countries. (Figure 2).

For 2022 (Post Covid), according to the World Bank and IFC (International Finance Corporation) data, there was even higher economic growth for both countries. Thus, for Albania in 2022, 1.45 billion USD was realized, which is more income than in 2019 (Figure 4). As for the most significant economic decrease from tourism for Albania and Turkey, the year 2020 (Covid-19) results (Figure 1). A noticeable difference in economic growth from tourism was observed in both countries for the years 2010-2012, just like the entire world economy.

The years 2014-2018 show a different picture of the impact of tourism on the economy of both countries. Albania experienced a decrease in the economy from tourism for the years 2014-2017 and an increase for the following year, 2018, while Turkey, for the entire period 2014-2018, only saw a rise in the economy from tourism (Figure 3).

Table 1: *Income from tourism in years for the period 2010-2020 for Albania and Turkey (in billion USD)*

YEAR	ALBANIA	TURKEY
2010	1.452	5.817
2011	1.677	5.372
2012	1.374	4.585
2013	1.567	5.017
2014	1.689	5.331
2015	1.311	5.635
2016	1.338	5.698
2017	1.473	5.865
2018	1.75	6.068
2019	1.852	5.354
2020	0.805	1.639

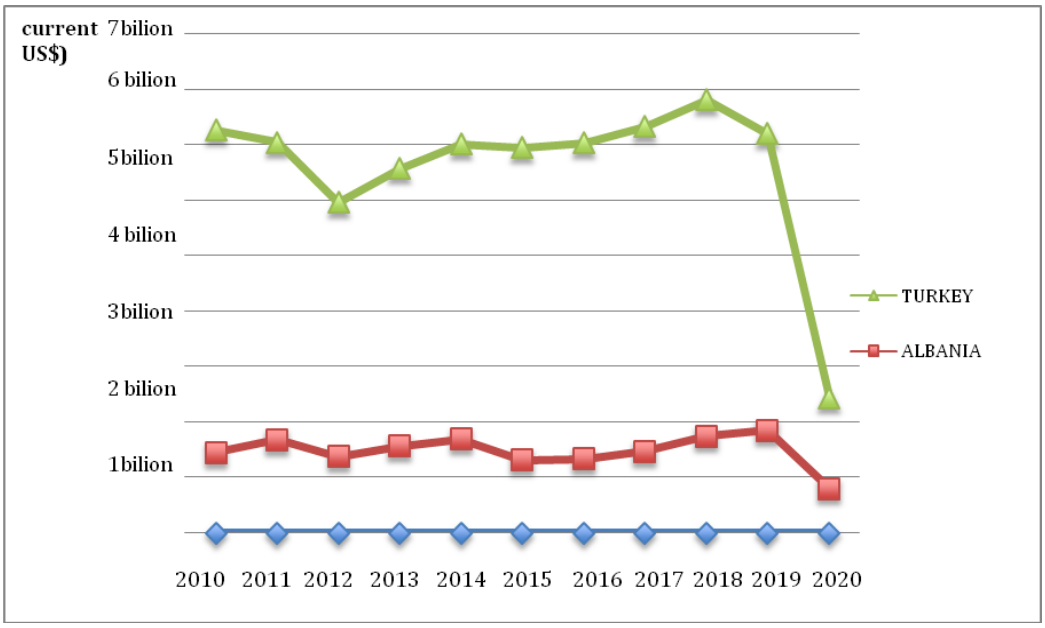

Figure 1*: Comparison between the two countries Albania and Turkey, Years 2010-2020*
Source: The World Bank

The graph shows that for both countries from 2010 to 2012, there is a decrease in income from tourism; we also have similarities for both countries in the growth of the economy from tourism from 2012-2014. From 2014 to 2017, we see a difference between the two countries. Thus, in Turkey, there is an increase in the economy from tourism from year to year, while in Albania, this increase did not happen. On the contrary, is shown an economic decrease from tourism compared to 2014, and has continued to decline until 2017. Again, is shown an economic growth from tourism from 2017-2018 for both countries. In 2018-2019, is a difference between the two countries. If, for Albania, we there is an increase in the economy, the opposite has happened for Turkey. We see a decrease in the economy, which has continued for 2020 (which also coincides with Covid 19). For both countries, has been a contraction.

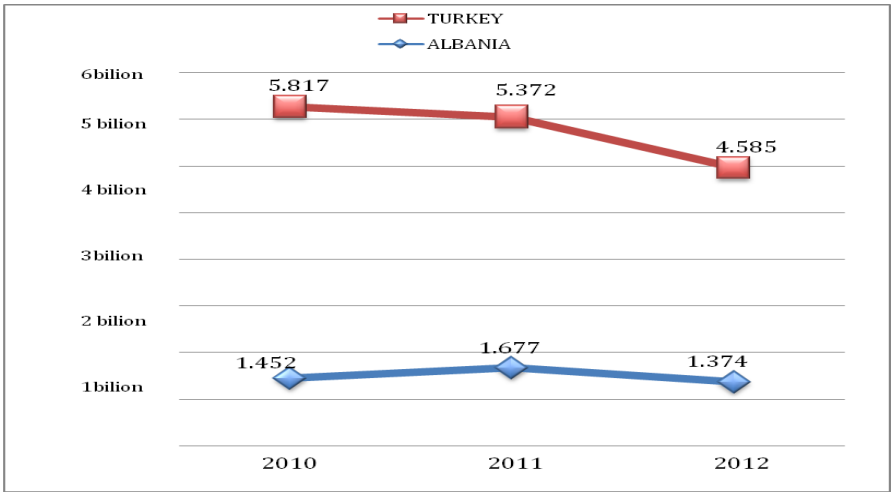

Figure 2: *Comparison between the two countries Albania and Turkey, Years 2010-2012*
Source: The World Bank

The figure above shows a noticeable difference in economic growth from tourism between the two countries for 2010-2012. Thus, for Albania, we can say that there was an increase in the economy from tourism in 2010-2011 and a decrease in 2011-2012, while for Turkey, there was an economic reduction from tourism for the years 2010-2011 and 2011-2012. So, for both countries, 2011 and 2012 had an economic decrease.

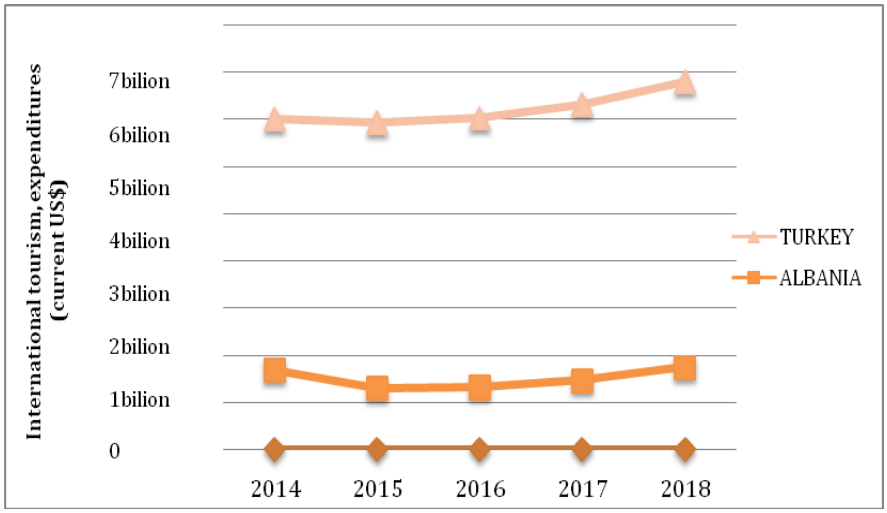

Figure 3: *Comparison between the two countries Albania and Turkey, Years 2014-2018*
Source: The World Bank

According to this figure, there was a very perceivable difference regarding the economic growth from tourism for both countries for 2014-2018. Thus, for Albania, there was a decrease in the economy from tourism from 2014-2017, and growth was observed again only in 2018, while for Turkey, the situation is favorable for this entire period.

Next two figures show the change in income in the economy (in %), for Albania and Turkey, according to data taken by World Bank.

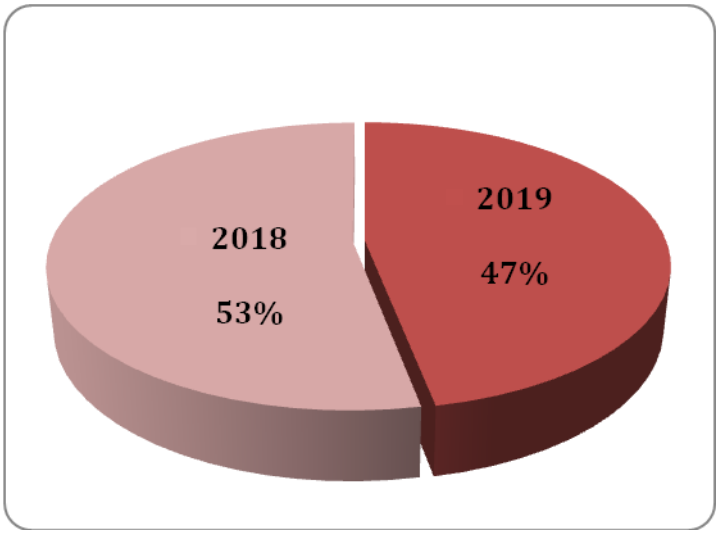

Figure 4: *Comparison between Years 2018 and 2019, for the change in income in the economy from tourism in Turkey*
Source: The World Bank

The same comparison for these two years was made for Albania, but the result in % is the opposite. Albania is getting more and more promoted in the world for tourism. Every year, it attracts more tourists from Europe and more widely, without forgetting that Albanians who have emigrated also choose Albania to spend their holidays.

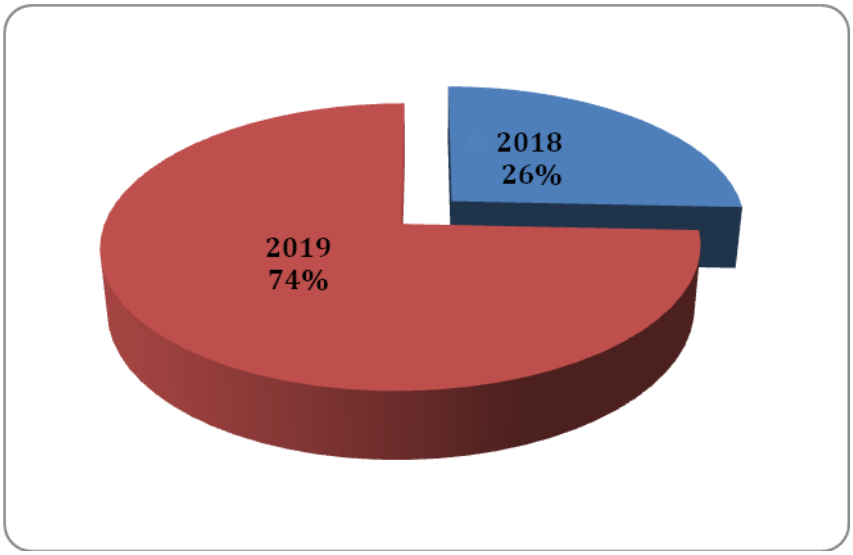

Figure 5: *Comparison between Years 2018 and 2019, for the change in income in the economy from tourism in Albania*
Source: The World Bank

Figure 6: *Comparison between the Year 2019 and 2022 Albania International tourism, expenditures (current US$)*
Source: The World Bank

According to this graph, there is a very recognizable change in economic growth from tourism between 2019 and 2022. Albania has also had a significant increase of 1.45 billion USD, with more tourism income than 2019. We made this comparison by removing the COVID-19 years, which had a very substantial impact on the economy of the whole world. (The World Bank).

5. CONCLUSIONS

From the analysis of the tourism situation in Albania, it turned out that our country has made significant improvements in terms of perfect conditions for hospitality, accommodation, and the development of technology for tourism and infrastructure, which, for example, in the years 2010-2012 represented a marked lack reflected in the number of tourists who visited Albania in those years, compared to recent years, as the data for 2022 also showed. Related to the above-mentioned, Albania has advanced in several sectors related to tourism services, as Rachel Botsman and Roo Rogers mention, who coined the term "collaborative consumption" in their 2010 book What is Mine Is Yours: The Rise of Collaborative Consumption. This economic model has found and continues to find a wide application in tourism services in different countries, including transportation (e.g., Uber), accommodation (e.g., Airbnb), food (e.g., EatWith), entertainment (e.g., WillCall), and even finance (e.g., LendingClub) (Wirtz et al., 2019).

Hospitality and tourism represent a favorable ground for these types of innovations for our country as well, where we have managed to use some of the services mentioned above, such as Airbnb (for accommodation), Baboon (for food), or IuteCredit (as a financing program for individuals). Collaborative Consumption (creating online marketplaces to match supply and demand) has produced disintermediated industries worldwide, allowing people to make direct transactions by connecting them in unprecedented ways (Caldieraro et al., 2018). This new form of economic activity aims to create value by matching two or more groups of actors – usually buyers and providers of a product, service, or other resource- thus enabling appropriate interactions and transactions (Xu et al., 2021). These categories of services are also present in Turkey. However, Turkey's competitive prices, hospitality, accommodation, and favorable conditions offered to tourists have always kept it a competitive country in the tourism sector. While Collaborative Consumption has recently attracted considerable attention from academia and industry, the COVID-19 pandemic negatively affected Albania's global hospitality and tourism sector. The tourism industry is among the most affected (Ashikul et al., 2020). According to the UNWTO

(2021), international tourist movements fell by 83% in the first quarter of 2021 due to travel restrictions that remained worldwide throughout 2020-2021.

On the other hand, the pandemic offered new research opportunities, serving as a light of hope in an otherwise gloomy situation. (In English- Conversely, the pandemic offered new research opportunities as a beacon of hope in an otherwise bleak situation.) Conversely, a sustainable tourism system may offer few topics that generate knowledge since innovation comes from disasters (Bausch et al., 2021).

Song et al. (2023) focused on shared accommodation to investigate trust in collaborative consumption. An analysis of 172 newspaper articles published between 2011 and 2021 identified vital stakeholders, antecedents, and outcomes of faith. The findings revealed that building trust involves many stakeholders, including consumers, hosts, platforms, residents, and governments. In the future, researchers in Albania should adopt even more favorable theories and integrated methodologies to increase the economic growth from tourism even further. Song et al. (2023) focused on shared accommodation to investigate trust in collaborative consumption. An analysis of 172 newspaper articles published between 2011 and 2021 identified the main stakeholders, antecedents, and outcomes of faith. The findings revealed that building trust involves many stakeholders, including consumers, hosts, platforms, residents, and governments. In the future, researchers in Albania should adopt even more favorable theories and integrated methodologies to increase the economic growth from tourism and identify the topics of innovative research in the hospitality and tourism sector for our country. To explore common and diverse areas of interest across academia and the tourism industry; to examine trends in research on innovation topics during this period to suggest future research directions; to build a sustainable platform for continuous tourism controls; raising awareness and sensitizing clients on the importance of tourism in improving the local economy, as well as training the staff of the relevant institutions. The local and central government is responsible for sustainable tourism in all countries.

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CONSTITUTIONALITY REVIEW IN LATIN AMERICA AND ALBANIA REGARDING THE INDIVIDUAL RECOURSE AT THE CONSTITUTIONAL COURT

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ABSTRACT: *The term "supremacy of the constitution" refers to the constitution's supreme character, evaluating it as "Rule of Law" with the necessity for all laws and norms to be subservient to the Constitution.*

The supremacy of constitutional norms is material, and their content is dogmatic and programmatic, which compels all legal norms, as well as all leaders or officials and citizens, to be subservient to the constitution. Supremacy is also formal in the sense that all legal norms must follow the procedures outlined in the Constitution.

To clarify the preceding, it may be stated that the constitutionality review of rules requires the existence of a written and rigid constitution that includes particular, sophisticated processes for its revision.

Otherwise, the review would be merely material, affecting only activities that are neither constitutional or legislative-parliamentary in nature. The constitutionality review exercised by constitutional or ordinary judges is exclusively legal, not political.

KEYWORDS: *Constitution, Constitutionality Review, Supremacy, Albania*

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1. INTRODUCTION

Constitutional review processes and individual appeals to the Constitutional Court stand as critical cornerstones in the legal architectures of nations worldwide. They embody the ongoing quest for a delicate equilibrium between state authority and the protection of fundamental rights. This article embarks on an in-depth exploration of the nuanced dynamics surrounding individual appeals to the Constitutional Courts of Costa Rica and Albania, aiming to dissect the legal, procedural, and cultural intricacies that shape these mechanisms.

The significance of constitutional review lies in its role as the guardian of a nation's foundational principles. Whether conducted by the Sala Constitutional in Costa Rica or the Constitutional Court in Albania, constitutional review ensures that laws and government actions align with the bedrock principles enshrined in the respective constitutions. This process becomes even more pivotal when it opens its doors to individuals seeking redress for perceived violations of their constitutional rights.

Individual appeals form the heartbeat of constitutional justice. They empower citizens to directly engage with the legal system, asserting their rights and holding institutions accountable. In this narrative, the journey through the procedural intricacies of individual appeals becomes a narrative of empowerment, where citizens actively contribute to the ongoing evolution of constitutional norms.

Costa Rica's legal landscape is characterized by the Sala Constitutional, a judicial body with the dual responsibility of preventive constitutional review and adjudicating individual appeals. The "amparo" process, as a vehicle for individual appeals, embodies the accessibility and responsiveness of the Costa Rican legal system to citizens seeking justice for constitutional transgressions.

On the other side of the comparative spectrum, Albania's Constitutional Court assumes a pivotal role in ensuring the conformity of laws with the constitution. The constitutional appeal system and the instance

of fundamental rights protection collectively create a legal framework that invites citizens to seek redress for alleged constitutional violations.

As we delve into a comparative analysis, we navigate the legal waters where preventive review mechanisms, the scope of court authority, and procedural variations take center stage. Understanding these legal intricacies not only sheds light on the distinct paths each nation has taken but also prompts reflections on the broader implications for constitutional justice and the protection of individual rights.

Beyond legal frameworks, cultural significance and societal dynamics contribute vital layers to this exploration. The perceptions of the role of Constitutional Courts, societal attitudes toward constitutional rights, and the willingness of citizens to engage in legal processes all converge to shape the effectiveness of individual appeal mechanisms.

2. METHODOLOGY

The scientific methods used in the given study are: historical, qualitative, analytical, comparative methods, as well as the data collection method, which are intertwined in the issues addressed in the given paper.

Historical method: This method was used to reflect the evolutionary development of respect and constitutional guarantees for the protection of personal data in different legal systems, especially in Latin American countries and Albania.

Qualitative method: The use of this method is based on data that will be obtained from various texts and the constitutions of the countries studied, that is, from primary and secondary sources.

Comparative method: Through the use of this method, it is intended to make an interpretation of the data that will be obtained in order to compare between the constitutions taken into consideration, highlighting the similarities and differences between them.

3. THE CONSTITUTIONAL COURT IN COSTA RICA

The legal infrastructure of Costa Rica is fortified by the presence of the Sala Constitucional, commonly known as the Constitutional Court. This judicial entity, nestled within the Supreme Court of Justice, assumes a pivotal role in upholding the constitutional fabric of the nation. Understanding the intricacies and functions of the Sala Constitucional provides valuable insights into the unique nature of constitutional review in Costa Rica.

Established in the early 1980s, the Sala Constitucional was a response to a growing need for a specialized body that could navigate the complexities of constitutional matters. Its creation marked a significant stride in Costa Rica's commitment to reinforcing the rule of law and ensuring the protection of fundamental rights. One distinctive feature of the Sala Constitucional is its dual mandate. Firstly, it serves as a preventive reviewer, examining the constitutionality of laws and governmental actions before they come into effect. This proactive stance positions the Constitutional Court as a bulwark against potential constitutional violations, contributing to the country's legal stability.

Secondly, and perhaps more prominently, the Sala Constitucional is the arena where citizens can directly engage with the legal system through individual appeals, most notably through the mechanism known as "amparo." This mechanism empowers individuals to seek redress for alleged violations of their constitutional rights, positioning the Sala Constitucional as a beacon of accessibility to justice for Costa Rican citizens.

The procedures for individual appeals, particularly through "amparo," showcase the meticulous approach of the Sala Constitucional. The filing of an appeal initiates a multi-step process involving a preliminary examination, notification to relevant parties, possible oral hearings, and, finally, a

comprehensive decision by the Court. This intricate process ensures a thorough and fair evaluation of citizens' claims, emphasizing the commitment to upholding constitutional rights.

4. AMPARO: MORE THAN A LEGAL MECHANISM

Beyond its legal implications, "amparo" embodies a broader ethos of social justice. It reflects Costa Rica's dedication to promptly addressing and rectifying constitutional transgressions, fostering a culture of accountability and protection of individual rights. The Sala Constitucional, through "amparo," (Eduardo Rozo Acuna e Paola Maffei (2006), Le Costituzioni dell'America Latina) becomes a conduit for citizens to actively participate in the preservation and evolution of the constitutional order.

The presence of the Sala Constitucional has a profound impact on the legal landscape of Costa Rica. It ensures that the principles enshrined in the constitution are not merely theoretical but translate into tangible protections for every citizen. This dynamic interplay between the Court and the citizenry contributes to the robustness and adaptability of the country's legal framework.

While the Sala Constitucional has been a stalwart guardian of constitutional principles, it is not immune to challenges. The growing caseload, evolving societal dynamics, and the need for continuous adaptation to emerging legal issues pose ongoing considerations for the Court. Addressing these challenges requires a delicate balance between preserving constitutional integrity and ensuring the accessibility and efficiency of the legal system.

In essence, the Sala Constitucional stands as a testament to Costa Rica's commitment to constitutional governance and the protection of individual rights. Its multifaceted role as a preventive reviewer and a platform for individual appeals underscores the integral role that constitutional courts play in shaping a nation's legal identity. As Costa Rica continues to navigate the complex terrain of constitutional justice (Eduardo Rozo Acuna (2012), Il Costituzionalismo in vigore nei Paesi dell'America Latina), the Sala Constitucional remains a cornerstone in this ongoing journey towards a more just and equitable society.

As this exploration unfolds, it illuminates potential avenues for future research. Understanding the impact of these constitutional review mechanisms on citizens' access to justice, their responsiveness to societal changes, and the intricate interplay of legal, cultural, and social factors invites a deeper dive into the evolving landscape of constitutional justice.

In essence, this article serves as an invitation to embark on a journey through the constitutional landscapes of Costa Rica and Albania, a journey that goes beyond legal frameworks and procedural details to delve into the very essence of constitutional justice—how it resonates with citizens, adapts to cultural nuances, and paves the way for a dynamic and inclusive legal system.

Both nations allow citizens to file individual appeals for alleged violations of their fundamental rights. However, while in Costa Rica, the process is characterized by "amparo," in Albania, it involves both the constitutional appeal system and the instance of fundamental rights protection. This suggests significant procedural differences that can impact the timeliness and effectiveness of legal responses.

The Sala Constitucional in Costa Rica and the Constitutional Court in Albania share the responsibility of ensuring the protection of constitutional rights. However, the Sala also has the power of preventive review, while the Albanian Court exclusively focuses on the conformity of existing laws. This can influence the scope of constitutional review in response to individual appeals.

Costa Rica stands out for its procedural flexibility, with "amparo" offering a swift means to address violations. In Albania, the constitutional appeal system might follow more formal procedures. This flexibility can have implications for the timeliness of responses and the ease of access to justice.

Cultural and social differences between Costa Rica and Albania may be reflected in the perception of the role of the Constitutional Court and the willingness of citizens to file appeals. These aspects influence the overall dynamics of constitutional review.

5. CONCLUSION

In conclusion, the comparison between Costa Rica and Albania revealed through the analysis of procedures for individual appeals highlights a diversity of approaches in their respective legal systems. While both nations share the common goal of protecting constitutional rights through individual appeals, it is crucial to understand the procedural and cultural nuances shaping each country's practice. Ongoing exploration of these dynamics can contribute to enhancing the effectiveness of constitutional review and promoting a fair and accessible legal system for all citizens.

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Albanian Constitutional Court

FREE MOVEMENT IN THE COUNTRIES OF THE ANDEAN COMMUNITY

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***ABSTRACT**: The Andean Community has concentrated its efforts on strengthening commercial and economic integration, leaving both the social and human rights aspects in the background, until recently. The road to the creation of a common Andean market has allowed us to make progress in the sector of the development of certain rights and freedoms; in particular those relating to migration, starting from the principle of the free movement of people.*
At the origin of Andean integration, the free movement of people is linked to the objective of creating a common Latin American market, based on the four fundamental freedoms of movement: goods; services; capital; people. The free movement of people, both internally and externally, was not addressed as a topic until recently, when the 1st Andean Forum on Migration was held in 2008.
The Cartagena Agreement, the Treaty establishing Andean integration, does not make direct reference to the free movement of people, in any of its capacities: workers, tourists or students. The first community rules, which promote the right to free movement, in particular of workers, date back to the first decade of Andean integration.

***KEYWORDS**: Andean Community, Freedom, Movement, Treaty, Cartagena*

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1. INTRODUCTION

The maximum expression of the combination of the free movement of people and human rights is contained in the Andean Charter for the Promotion and Safeguarding of Human Rights, which contains a specific section dedicated to the "Human Rights of migrants and their families"[1].

The Andean Labor Migration Instrument (SAML) contained the essence of the principle of free movement of people in establishing that in Andean integration there was no discrimination in the employment of migrant workers due to sex, race or religion. or nationality. Consequently, they will have the same rights as workers from the country of immigration, including the implementation of collective agreements, and will receive the same treatment with regards to the exercise of trade union rights, subject to opposition to the legislation of the country of immigration.[2]. From the need to promote the goal of forming a common Andean market in 2005, there was a complete remodeling of the SAML in 2003.

This modification in a certain sense was very apt, as it directly facilitated the free movement of people in the Andean Community. The use of identification documents responds to a need aimed at facilitating the free movement of people throughout the territory of the State.

Beyond the right of admission and entry with one's national identity documents, the amendment made to the SAML contains a provision of greater legal significance in the field of Community citizenship

[1] Apartado E, arts. 50 y 51.
[2] Art. 8 SAML

rights. It establishes that national tourists from one of the member countries must enjoy the same rights as citizens of the state they entered, without prejudice to national internal provisions on immigration, internal public order, security and health.

The right of EU citizenship relating to the right to free movement of people also extends to citizens of third countries, for the sole reason of having identification documents issued by one of the member states of the Andean Community.

A particularly favorable sector for the development of actions aimed at facilitating and strengthening the free movement of people is cross-border cooperation, through community work in various subjects such as: infrastructure, customs, migration and harmonization of the rules and laws of the member countries.

CAN has sought to adopt a global approach to the free movement of people in the context of a community citizenship statute that allows the enjoyment of rights within and beyond borders on the principle of identity of the Andean Community. The Andean community structure regarding free movement is completed with a rule intended to protect migrants outside the Andean Community, in the territory of a third state.

2. METHODOLOGY

In this study, the methodology of work will be qualitative, so it is based on data recovery from different texts, i.e secondary sources. We will do an interpretation of the literature, by comparing the research with the theoretical knowledge, creating a picture regarding the selection of the right methodology. To achieve the objectives of the paper, the collection of secondary information was done by dividing the literature into theoretical and empirical, literature which was obtained from the Library of Urbino University “Carlo Bò”, in the Faculty of Law.

Another important source for collection information has been electronic addresses of various international institutions and scientific journals.

3. DISCUSSION

The theme of free circulation is also addressed in the Constitution of Venezuela. Article 50 mentions: “Everyone can move freely within the national territory, change domicile or residence, leave the Republic or return to it, bring their goods home or take them out, with the limitations established by law. Venezuelans can return to their homeland without requiring any authorization. No act of public authority can impose expatriation to the detriment of Venezuelan citizens”.

The wording of the article is quite complete, as it presents some elements regarding the right to free movement, which are not found in other regulatory texts. To ensure the most effective exercise possible of the right to free movement, it establishes that in the case of a concession, the law will establish the necessary conditions in which its use is guaranteed in an alternative way.

For an in-depth analysis of Article 24 of the Colombian Constitution it must be stated that the latter was very much inspired by the German Constitution, which in Article 11 states: "All Germans enjoy freedom of movement throughout the federal territory”[3].
The influence of German jurisprudence and doctrines are evident, but one cannot speak in any way of "copy" or "imitation". The orientation towards European constitutionalism, and in particular towards

[3] The right to free movement affirmed by Article 11 of the German Constitution can only be limited by law or on the basis of a law, and only in cases in which, due to the lack of sufficient means of subsistence, practical burdens for the community would arise, or in cases where this is necessary to avert an impending danger to the existence or to the fundamental liberal and democratic order of the Bund or a Land, or to combat dangers arising from epidemics, natural catastrophes or disasters particularly serious, or to protect youth from lack of assistance or in order to prevent criminal actions.

the German model, has not led to a loss of the identity of the 1991 Political Constitution[4]. The right of movement includes both the right of Colombians to move throughout the national territory and to enter and exit the country whenever they deem it necessary.

Foreigners also have the first right, i.e. that of moving freely within Colombian territory, but their entry or abandonment is subject to international treaties and immigration and forestry regulations. However, in any case, the foreigner who is in a country legally cannot be expelled except by virtue of a law or a sentence issued by the competent authority. The right to free movement has the character of a legal reserve, and consequently can only be modified by provisions of the same rank. This right allows partial restrictions in relation to certain places and times, means of transport, such as those resulting from the need to guarantee the safety of certain State officials or officers; it can also be subject to limitation during states of exception without however harming its essential core and other fundamental rights.
The authorities have the right to require the presentation of a residence permit and also to force certain people to prematurely favor their place of residence, to allow greater security of the community and the physical integrity of people.

Article 24 of the Colombian Constitution also recognizes the right of Colombian citizens to be able to freely leave the country without the need for permits that indirectly violate this right. Another fixed point from which the Colombian Constitution took inspiration on the subject of free movement is the American Convention on Human Rights of 1969[5].

Article 22 of the Convention states the "Freedom of movement and residence" in its various points:
1. Every person legally present in the territory of a State Party has the right to move within it and reside there, within the limits of the law. As we can see, also from what was stated previously, a person's freedom of movement constitutes a fundamental right, which can only be limited in the presence of a law, sentence or for reasons of national security; but even in this situation it must be kept in mind that this cannot in any way harm the dignity of a person.
2. Everyone has the right to freely leave any country, including their own.
This second point of the Convention establishes the right of any person to be able to freely choose whether to avail themselves of the right to travel outside their country of origin or not.
3. The exercise of the rights set out above may be limited only by law and to the extent necessary in a democratic society to prevent crime or to protect national security, public safety and order, public morals, public health or the rights or freedoms of others.
4. The exercise of the rights recognized in paragraph 1 may be restricted by law in certain areas for reasons of public interest.
5. No one will be expelled from the territory of the State of which he is a citizen or deprived of the right to access it.
6. A foreigner legally present in the territory of a State Party to this Convention may be expelled only following a decision adopted pursuant to a law.
7. Every person has the right to request and obtain asylum in a foreign territory, in accordance with internal laws and international conventions, if he or she is prosecuted for political crimes or related common crimes.
8. Under no circumstances can a foreigner be expelled or returned to a country, whether it is his country of origin or not, if in that country his right to life or his personal freedom risks being violated for reasons of race, religion, social condition or political opinions.
9. Collective expulsions of foreigners are prohibited.
In the American Convention the right of all people to move freely is once again affirmed. The ability to use, or rather exploit, this right does not necessarily have to be the consequence of a particular reason, as it is a necessary condition for the development of the person.

[4] "Jurisdiccion Constitucional y Derechos Fundamentales en Alemania y Colombia" Christian H. Werkmeister

[5] International treaty on human rights, also known as the "San Jose Pact". It was adopted by the Nations of the Americas in San Jose, Costa Rica in 1969. It came into force after the eleventh ratification (that of Grenada) which was deposited on July 18, 1978.

A violation of Article 22 of the Convention occurred in two very particular cases, in which the victims and their families suffered deprotection resulting from internal displacement, resulting in turn from the incursion of paramilitary groups, acting with the acquiescence of the state.

In the case of the Mapiripan Massacre, the paramilitaries who made the incursion through the action and omission of state agents, established themselves from 15 to 20 July 1997, a period during which they impeded the right to free movement of the citizens of this country, and not only that, as during this period of time massacres and slaughters of approximately 49 people were committed. The massacre committed in Mapiripan, together with the fear that such actions could be repeated by the paramilitaries, led to the internal displacement of all families for the citizens of this country. The displacement of Mapiripan families has its origins in the lack of protection due during the commission of the massacres, resulting in the denial of the physical and moral integrity of the people. With Judgment C No. 134 the Court declared that Colombia violated Article 22 of the Convention, as the latter affirms the right of people not to be forcibly deported from their country, contrary to what happened in Mapiripan.

Another situation in which there has been a limitation of the right to free movement concerns the Ituango Massacre Case. In June 1996 and starting from October 1997, in the rural areas of El Aro y La Granja, both located in the municipality of Ituango, paramilitary groups perpetrated successive armed incursions, killing 19 helpless civilians. In the case of the La Granja massacre, 31 family members of one of the murdered people were forced to move to other municipalities in Antioqua.

In the El Aro massacre, however, the paramilitaries, before retreating, destroyed and set fire to approximately 80% of the citizens' homes and supplies, and forced approximately 681 people to abandon their homes and their jobs. However, these numbers are very approximate, as the number of people forced to move due to lack of an identification document is not known with certainty.

For the Court, the massacres that occurred in this area, in addition to the fear that they could be repeated or in any case the destruction of most of the homes and properties, meant that many families moved to other nearby municipalities. In this case the Inter-American Court of Human Rights ordered the Colombian state to answer for these massacres. The sentence states that the State is responsible for the violation of the right to life, the forced displacement of farmers and the humiliation suffered by them. The Court also urges the State to publicly ask for forgiveness for what happened.

Article 24 of the Political Constitution was modified by article 2 of Legislative Act 2 of 2003[6]. This Legislative Act was declared UNCONSTITUTIONAL by the Constitutional Court through Sentence C-816 of 2004, due to procedural defects, of the Sala Piena. The initial wording of this article which stated the possibility of the National Government establishing the obligation to show a certificate of residence to inhabitants in the national territory, in accordance with the statutory law issued for this purpose, has been modified, and more precisely cancelled. The modification deriving from this Legislative Act to article 24 of the Political Constitution, and not only, are a consequence of the fight against terrorism.
In previous legislation, Article 24 of the Political Constitution was mentioned:

"El artículo 24 de la Constitución Política quedará así:
Artículo 24. Todo colombiano, con las limitaciones que establezca la ley, tiene derecho a circular libremente por el territorio nacional, a entrar y salir de él, y a permanecer y residenciarse en Colombia. El Gobierno Nacional podrá establecer la obligación de llevar un informe de residencia de los habitantes del territorio nacional, de conformidad con la ley estatutaria que se expida para el efecto."
An important modification to Article 24 of the Political Constitution also derives from Law 137 of 1994. In Article 28 the law establishes the Limitations on freedom of movement and residence: "With the aim of protecting the lives of the inhabitants and facilitating war operations, the Government may limit the movement or residence of people within the national territory. Just as it will be able to establish special circulation and residence zones, to ensure the protection of the population that could be affected by the actions of armed conflict. No one may be forcibly taken to special areas and forced to reside there."

[6] Published in the Official Duary No. 45.406, on December 19, 2003.

4. CONCLUSIONS

The right to free movement affirmed by article 24 of the Political Constitution was also a topic of discussion in Sentence C-292/08. The ruling has as its object the declaration of unconstitutionality of article 821[7] of the Tax Statute, as the latter violates articles 1, 13, 24, 28, 83 and 100 of the Political Constitution. We note the right of the tax authorities to prevent the exit from the country of people who have pending tax obligations.

The Constitutional Court recognized that article 821 of Decree 624 of 1989 disregards citizens' right to free movement. It is stated that although Article 24 of the Political Constitution refers to Colombian citizens, this does not imply that foreigners do not have the guarantee of being able to move freely. In accordance with the various international treaties ratified by Colombia, foreigners who legally enter the territory of the State have the right to have their freedom of movement respected, and in case of limitations of this freedom, these must be justified and not implemented arbitrarily. None of the limitations indicated by international treaties such as national security, public interest, health, etc. are applicable to the specific case. For these reasons the contested provision is declared unconstitutional. The reasons indicated by the Court regarding the sentence, regarding the argument of free movement, concern the fact that any fact or act cannot be invoked to limit the right to free movement. The Court states that the Political Constitution considers the right to free movement to be a fundamental right of the individual. Even if article 24 refers only to Colombian citizens, article 100 of the Constitution also extends this right to foreigners and allows different behavior only for reasons of public order and national security, which, analyzed in concrete terms, demonstrate sufficient relevance so that the aforementioned right is limited.

With regard to what was stated by the Human Rights Committee, regarding the situation of foreigners who have entered the State legally, it is noted that once the State itself has allowed the entry of foreigners into its territory, they possess all the rights listed by the International Covenant of civil and political rights, including the right to move freely and to choose one's residence, as well as the right to leave the State itself.

The **Constitution of Ecuador**[8] it distances itself significantly from the exclusive recognition of the right to free movement to national citizens only. Thus, in article 23 it is stated that "foreigners also have the right to enjoy this freedom as provided by law". Exiting the country will be prohibited only by a decision of the competent judge, in accordance with the law.

The right to free movement is also recognized in other constitutions, such as that of Panama, referred to in the article27[9] this right is affirmed, and the limitations provided for by law are also established. The Constitution of Peru also presents a very similar formulation. The article 2.11[10] it affirms not only the right to free movement but also establishes the limitations placed for health reasons, judicial limits or foreign laws.

Like other constitutional norms, article 21.7 of the Bolivian Constitution mentions: "Bolivians have the following rights: ..... to freedom of residence, permanence and movement throughout the

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[7]Article 821:“La Dirección General de Impuestos y Aduanas Nacionales podrá solicitar a los organismos de seguridad, se impida la salida del país de aquellos extranjeros que hayan obtenido ingresos de fuente nacional, mientras no cancelen el valor de los impuestos.”

[8] Independent since 1830, it has been a republic since 1832, after having been a Spanish colony for a long time and after having been part, for some years, of Greater Colombia, founded by Simon Bolivar.

[9] Article 27: “All people can move freely within the national territory and change their residence or domicile without limitations, other than those imposed by law or by tax, health and immigration transit regulations”.

[10] Article 2. 11: "every individual has the right: to elect his own residence, move within the national territory, and exit and enter it, except for limitations for health reasons, a judicial sentence, or by virtue of a foreign law".

Bolivian territory, including entry and exit from the country". As happens in the Argentine Constitution, the Bolivian Constitution also seems to recognize this right only to its citizens and furthermore also recognizes all the distinctive elements of the right to free movement.

In a conference held in Bogota on the theme of free movement for the member countries of the Andean Community, a rejection was established towards discrimination against foreigners, racism, xenophobia and all unilateral laws that penalize or discriminate against 'immigrant.

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ITALIAN CONSTITUTION FOR INTERNET

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ABSTRACT: *This comprehensive scientific article meticulously examines the multifaceted constitutional framework underpinning internet governance in Italy. Navigating through the intricate intersection of constitutional principles, legal statutes, and regulatory mechanisms, the study offers a nuanced exploration of the nation's commitment to fostering a digital landscape that upholds fundamental rights, addresses emerging challenges, and adapts to the dynamic evolution of the digital age.*

Beginning with a historical contextualization of the internet's evolution in Italy, the analysis pivots towards an in-depth examination of constitutional foundations. Notably, Article 21, guaranteeing freedom of expression, and Article 13, safeguarding personal freedom, emerge as pivotal elements shaping the digital legal landscape. The study investigates how these constitutional provisions impact online rights, including the delicate balance between preserving freedom of expression and curbing potential abuses in the online sphere.

As the article concludes, it emphasizes the dynamic nature of Italy's constitutional framework for internet governance. Recommendations for future research underscore the need for ongoing examination of evolving legal landscapes, potential constitutional amendments, and international collaborations. The article ultimately positions Italy's approach as a dynamic and adaptive model that balances individual rights with the collective responsibility of navigating the digital future.

KEYWORDS: *Constitution, Italy, Cyber, Data Protection*

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1. INTRODUCTION

Italy, with its rich constitutional heritage dating back to 1947 (Constitution of the Republic of Italy), stands at the crossroads of tradition and innovation. As we venture into the digital era, the constitutional framework of the Italian Republic becomes a critical cornerstone for addressing the complex challenges posed by the digitalization of society. This article embarks on a journey to unravel the layers of Italy's constitutional principles and their dynamic interaction with contemporary data protection laws, acknowledging the profound implications of the digital revolution.

Legislation affecting internet governance, particularly data protection and privacy laws, is scrutinized in alignment with Italy's commitment to the General Data Protection Regulation (GDPR). The role of the Data Protection Authority and the Electronic Communications Code are explored, illustrating Italy's dedication to ensuring robust protection of personal data and secure electronic communications.

The Constitutional Court's role as a key interpreter of constitutional principles, especially in the context of internet-related matters, is thoroughly examined. Highlighting notable cases and their implications on constitutional interpretation, the study sheds light on the evolving legal landscape shaped by the Constitutional Court's decisions.

Cybersecurity imperatives form another critical facet of the analysis, emphasizing Italy's legal measures to safeguard critical information infrastructure. The study delves into provisions addressing cybersecurity concerns, incident reporting mechanisms, and collaborative efforts with international partners.

2. METHODOLOGY

The scientific methods used in the given study are: historical, qualitative, analytical, comparative methods, as well as the data collection method, which are intertwined in the issues addressed in the given paper.

Historical method: This method was used to reflect the evolutionary development of respect and constitutional guarantees for the protection of personal data in different legal systems, especially in Italy.

Qualitative method: The use of this method is based on data that will be obtained from various texts and the constitutions of the countries studied, that is, from primary and secondary sources.

3. DATA PROTECTION IN ITALY

In the fast-evolving digital landscape, Italy's commitment to data protection is not merely a legal obligation but a reflection of its dedication to upholding individual privacy rights amidst the challenges of the 21st century. This section delves into the intricacies of Italy's data protection framework, examining key elements that define the nation's approach to safeguarding personal data.

Italy, as a member state of the European Union, operates within the parameters set by the General Data Protection Regulation (GDPR). This sub-section explores how Italy has seamlessly integrated GDPR principles into its national legal framework. The GDPR, a comprehensive regulatory regime, lays the foundation for Italy's commitment to transparency, fairness, and accountability in the processing of personal data.

Central to Italy's data protection laws is the emphasis on informed consent as a cornerstone for lawful data processing. This sub-section analyses how Italian legislation ensures that individuals have the right to be fully informed about the collection and use of their data, thereby empowering them to make conscious decisions regarding the handling of their personal information.

Italy places a strong emphasis on transparency in data processing practices. Citizens have the right to access their personal data, understand how it is processed, and rectify inaccuracies. This sub-section delves into the mechanisms through which Italy ensures transparency, fostering trust between data subjects and entities processing their information.

In the digital age, the inevitability of data breaches underscores the importance of swift and transparent responses. Italy's legal framework mandates the notification of data breaches to the relevant authorities and affected individuals. This sub-section explores Italy's approach to enforcing security measures and responding effectively to incidents that compromise the integrity of personal data.

Certain types of personal data, such as health information or religious beliefs, are deemed particularly sensitive. This sub-section examines how Italy addresses the processing of special categories of data, imposing heightened safeguards to protect individuals from potential discrimination or harm associated with the misuse of such information.

Italy embraces the concept of Data Protection Impact Assessments (DPIAs) as a proactive measure to identify and mitigate privacy risks in data processing activities. This sub-section explores how Italy promotes a culture of accountability, encouraging entities to demonstrate compliance with data protection principles and proactively address privacy risks.

The Constitutional Court emerges as a central protagonist in this narrative, wielding considerable influence over the interpretation and application of constitutional principles in the digital context. As a guardian of constitutional rights, the court's decisions not only reflect the legal pulse of the nation but also set precedents that reverberate through the evolving legal landscape.

As technology advances, so do the challenges in data protection. This sub-section examines the challenges posed by emerging technologies, such as artificial intelligence and big data analytics, and

how Italy adapts its legal framework to address these challenges. It also discusses Italy's role in shaping the evolving European and global data protection landscape.

Italy's approach to data protection is characterized by a harmonious integration of EU regulations, a commitment to individual empowerment, and a proactive stance in addressing emerging challenges. The following sections will explore Italy's engagement in international collaborations, the role of regulatory authorities, technological advancements, and ethical considerations that collectively contribute to a comprehensive and resilient data protection framework in Italy.

4. DATA PROTECTION AND PRIVACY IN THE EU

Italy's implementation of the GDPR involves the "Garante per la protezione dei dati personali" (Data Protection Authority), which oversees compliance with data protection regulations. The GDPR has had a profound impact on how businesses and individuals handle personal data online, influencing data processing practices and transparency requirements.

The Italian legal framework also includes the Electronic Communications Code, which regulates electronic communications networks and services. This code addresses issues related to internet service providers, network security, and user rights.

Italy adheres to the General Data Protection Regulation (GDPR), a European Union regulation that governs data protection and privacy. Additionally, Italy has implemented its national legislation to complement the GDPR, such as the "Codice in materia di protezione dei dati personali" (Code regarding the protection of personal data, 2003).

Italy has implemented legal measures to enhance cybersecurity, addressing threats to critical information infrastructure and ensuring the resilience of digital systems.

The legal framework includes provisions for reporting cybersecurity incidents (Ricolfi, L. (2017). Legal frameworks for cybersecurity: An Italian perspective. Computer Law & Security Review), establishing security standards, and collaborating with other nations to address cross-border cyber threats.

As technology advances, the Italian government may consider amendments to the constitution and existing laws to address emerging challenges and opportunities in the digital space.

The evolving nature of the internet and related technologies may necessitate a continuous reassessment of legal frameworks to ensure they remain relevant and effective.

This comprehensive exploration of the constitutional and legal foundations provides a nuanced understanding of how Italy addresses internet governance within its legal framework. Further research and analysis may uncover specific cases, ongoing legislative developments, and international collaborations that contribute to Italy's evolving approach to regulating the internet.

5. CONCLUSION

The constitutional and legal foundations shaping internet governance in Italy reflect the country's commitment to upholding fundamental rights, fostering digital inclusion, and addressing the complexities of the digital age.

Italy's constitutional framework, anchored in principles such as freedom of expression and personal freedom, underscores the importance of balancing individual rights with societal interests. The digital sphere presents challenges in determining the limits of freedom of expression, as evidenced by legal cases that navigate the delicate balance between protecting online speech and curbing harmful content. Italy's adoption and implementation of the General Data Protection Regulation (GDPR) signify a commitment to safeguarding individuals' privacy and personal data in the digital realm. The presence of the Data Protection Authority underscores the importance placed on ensuring compliance with data protection laws and regulations, contributing to a robust framework for handling personal information in online environments.

In conclusion, Italy's constitutional framework for internet governance reflects a commitment to fostering a digital environment that upholds fundamental rights, protects personal data, and addresses the challenges posed by the digital age. The journey towards effective and adaptive internet regulation is an ongoing process, and as Italy continues to navigate this terrain, a thoughtful and dynamic approach will be crucial to ensuring a resilient and rights-respecting digital future.

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EUROPEAN GENERAL DATA PROTECTION REGULATION VS HABEAS DATA

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ABSTRACT: *This paper contrasts two pivotal frameworks for data protection—Habeas Data and the European General Data Protection Regulation (GDPR). Originating in Latin American legal systems, Habeas Data focuses on individual access, correction, and control over personal data, exhibiting regional variations. In contrast, the GDPR, a global benchmark, provides a comprehensive, standardized approach within the European Union and beyond, influencing global data protection discourse. Examining the two frameworks reveals disparities in legal nature, development, principles, and global impact. While Habeas Data addresses regional needs, GDPR's extraterritorial reach and stringent enforcement establish a unified, internationally recognized standard. Key distinctions include the scope of rights, enforcement mechanisms, and the global influence each exerts.*

This exploration underscores the evolving landscape of data protection, highlighting the ongoing convergence of global standards and the necessity of balancing privacy rights with technological innovation. As countries worldwide navigate this complex terrain, future developments may witness increased harmonization, fostering a global approach to safeguarding individuals' data rights.

KEYWORDS: *Habeas Data, GDPR, Personal Data, Cyber, Data Protection*

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1. INTRODUCTION

In an era defined by the ubiquitous collection and utilization of personal data, the legal frameworks governing data protection play a pivotal role in safeguarding individual rights and privacy. This discourse navigates the intricacies of two significant frameworks—Habeas Data and the European General Data Protection Regulation (GDPR). Originating from Latin American legal traditions, Habeas Data encapsulates regional responses to the evolving landscape of data privacy, emphasizing individual control over personal information. On the other hand, the GDPR, established within the European Union, has emerged as a global benchmark, influencing data protection legislation and discussions worldwide. This exploration aims to elucidate the nuanced differences between Habeas Data and the GDPR, shedding light on their respective origins, principles, rights, and implications. By understanding the unique features of each framework, we gain insights into the diverse approaches countries adopt to address the complex challenges posed by data protection. As technology advances and globalization necessitates harmonized standards, this analysis provides a foundation for comprehending the evolving dynamics of data protection on both regional and global scales.

This examination seeks to unravel the intricacies that distinguish Habeas Data and the GDPR, offering insights into their historical foundations, principles, and practical implications. As nations grapple with crafting effective data protection mechanisms, understanding the nuanced interplay between these frameworks becomes crucial. Moreover, the analysis delves into the broader implications of these regulations, considering their impact on the global discourse around data protection, the convergence of standards, and the ongoing quest for a harmonized approach to safeguarding individual rights in the digital age.

2. METHODOLOGY

The scientific methods used in the given study are: historical, qualitative, analytical, comparative methods, as well as the data collection method, which are intertwined in the issues addressed in the given paper.

Historical method: This method was used to reflect the evolutionary development of respect and constitutional guarantees for the protection of personal data in different legal systems, especially in Italy.

Qualitative method: The use of this method is based on data that will be obtained from various texts and the constitutions of the countries studied, that is, from primary and secondary sources.

3. HABEAS DATA: ORIGINS AND HISTORICAL CONTEXT

Habeas Data has its roots in Latin American law and is often enshrined in the constitutions of many countries in the region as a mechanism to safeguard fundamental rights. It evolved as a response to the need for protecting privacy and individuals' rights in a context where governments or other institutions might collect and use personal data invasively. One key principle is the individual's right to access information pertaining to oneself. This implies the right to request and obtain a copy of personal data held by an organization or authority. Habeas Data also grants the right to correct any errors in personal data. Individuals have the right to ensure that information about them is accurate and up-to-date. Habeas Data aims to protect individuals' privacy by limiting unauthorized use and disclosure of their personal data.

Habeas Data is often used as a means to protect citizens from invasive state powers. For example, an individual might file a Habeas Data action to obtain information about what information the government has on them and ensure that such information is used lawfully.

Beyond the public sphere, Habeas Data can also be invoked against private companies processing personal data. People have the right to control how companies collect, use, and store their data.

Habeas Data differs from other privacy-related concepts, such as habeas corpus, which pertains to personal freedom against unjustified arrest or detention. Habeas Data specifically focuses on the protection of personal data.

While Habeas Data is originally a Latin American concept, the underlying principles are influencing global discussions on privacy. Many countries are adopting laws and regulations that similarly reflect the need to protect individuals' rights regarding their personal data. In summary, Habeas Data represents a set of legal principles and fundamental rights aimed at ensuring that individuals have control and access to their personal data, with the goal of protecting their privacy and dignity against potential abuses by public or private entities.

4. GENERAL DATA PROTECTION REGULATION (GDPR)

The GDPR is a comprehensive data protection framework that came into effect on May 25, 2018. It applies not only to European Union (EU) member states but also to organizations outside the EU that process the data of EU residents. One of the notable features of the GDPR is its extraterritorial reach. It applies to organizations based outside the EU if they offer goods or services to, or monitor the behaviour of, EU data subjects. Organizations must process personal data lawfully, fairly, and transparently. Individuals should be informed about the processing of their data. Data should be collected for specified, explicit, and legitimate purposes, and not further processed in a manner incompatible with those purposes. Organizations should only collect and process data that is necessary for the intended purpose. Individuals have the right to obtain confirmation of whether their personal data is being processed and access to that data. Data subjects can request the correction of inaccurate personal data. Individuals have the right to have their personal data erased under certain condition (right to be alone). Data subjects can receive their personal data and, if they choose, transmit it to another controller. Individuals can object to the processing of their data under certain circumstances. Some organizations are required to appoint a Data Protection Officer to ensure compliance with the GDPR. Organizations may need to conduct DPIAs for processing that is likely to result in high risks to individuals' rights and freedoms. Organizations must report certain types of data breaches to the relevant supervisory authority within 72 hours of becoming aware of the breach. In some cases, organizations must also communicate a data

breach to the affected data subjects without undue delay. Each EU member state has a supervisory authority responsible for monitoring the application of the GDPR within its jurisdiction. The GDPR promotes the concept of privacy by design and default, encouraging organizations to consider data protection from the outset of the design of systems, services, and products. The GDPR establishes mechanisms for the transfer of personal data outside the EU, ensuring that data subjects maintain a consistent level of protection even when their data is transferred internationally.

In summary, the GDPR is a comprehensive and robust legal framework that sets high standards for the protection of personal data. It emphasizes transparency, individual rights, accountability, and the need for organizations to integrate data protection into their operations. The regulation represents a significant step forward in the global efforts to safeguard the privacy and rights of individuals in the digital age.

5. CONCLUSION

In conclusion, the distinctions between Habeas Data and European Data Protection (GDPR) highlight the diversity in approaches to safeguarding individuals' privacy and data rights in different legal and cultural contexts.

Habeas Data is rooted in Latin American legal systems, Habeas Data reflects the specific needs and concerns of individual countries in the region. As Habeas Data is implemented independently in different jurisdictions, variations exist in its legal provisions, enforcement mechanisms, and the extent of its influence.

The GDPR has set a global standard for data protection, with its extraterritorial reach impacting organizations worldwide. It provides a comprehensive and harmonized framework across all EU member states, offering a consistent set of principles, rights, and obligations for organizations processing personal data.

Habeas Data remains primarily relevant within Latin American jurisdictions, contributing to the regional legal landscape. In contrast, the GDPR has broader implications globally, influencing legislative discussions and prompting other regions to enhance their data protection standards.

The global discourse on data protection is gradually converging, with countries around the world considering and adopting regulations that share common principles with both Habeas Data and the GDPR. Future developments may see a continued evolution of data protection laws, possibly leading to increased harmonization of principles and practices on a global scale.

In navigating the complex landscape of data protection, the unique features of Habeas Data and the GDPR underscore the importance of considering regional nuances, cultural contexts, and evolving global standards. As technology continues to advance and data becomes an increasingly valuable asset, the ongoing development and harmonization of data protection regulations will be crucial in ensuring a balance between individual rights and the responsible use of personal information.

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THE IMPACT OF THE ACTIVITIES OF THE COUNCIL OF EUROPE FOR THE PROMOTION OF GENDER EQUALITY

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ABSTRACT: *Women's rights are thoroughly examined in this work from the standpoint of international and European law. The examination of the legal framework for women's rights at the international, regional, and European levels—particularly as it relates to gender equality and associated issues—is particularly significant in this research prejudice. The article first examines international statutes, publications, and documents by various authors on this subject, as well as international standards pertaining to EU and EC law. It then discusses the law, court cases, regulations pertaining to women's rights, and documents that support gender equality and nondiscrimination. The notion of gender equality and discrimination in the European Union is dynamic, subject to interpretation based on individual circumstances, and is always bringing about new developments and adjustments.*

KEYWORDS: *Court, Institutional Environment, Directives, International Standards*

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1. INTRODUCTION

One of the main pillars of the nation's progress is gender equality. Although formal rights under fundamental human rights are now enshrined in international constitutions and laws, women are still underrepresented in national parliaments and other positions of leadership, management, and decision-making. Today, there is a strong emphasis on women's rights and the achievement of gender equality. This is because women make up half of society and their rights are regarded as essential components of human rights. The evolution of human rights law's history demonstrates how the growing participation of women in global affairs has brought attention to concerns pertaining to women. The United Nations Charter has included new, significant tangible provisions that are crucial for women. The United Nations was tasked with creating relief organizations and advancing social and economic development. Women's groups seized upon this chance. Their activism and professional work have made a major contribution to the acceptance of women's rights as human rights. The United Nations Commission on the Status of Women, which was established in 1947, was instrumental in this process. Among its many accomplishments was the drafting of the Convention on the Elimination of All Forms of Discrimination Against Women (KEFDG-CEDAW) and the inception of four international conferences for women, which were held in Beijing, Mexico, Copenhagen, and Nairobi. The majority of the UN member nations have signed the documents that came out of these sessions. Their articulation was acknowledged as a component of international human rights legislation for the first time. The inclusion of women's rights in the framework of international law and national, regional, and international human rights policies has been made easier by this acknowledgment. Many international and regional human rights instruments and policy agreements were adopted alongside the KEFDG, forcing governments to enact national policies targeted at the defense, realization, and application of women's rights. All types of violence against women are harm caused by compulsion or force, and they transcend repressive conduct and prejudice in general. They've been linked to practices that support and maintain gender inequality as well as disparities between men and women. As a symptom of the underlying inequality that exists between men and women, violence against them is a type of discrimination against them. The KEFDGs, although being the most significant international document pertaining to women, do not specifically address violence against women, in contrast to several other laws and regulations. Documents from the United Nations, as well as international and regional organizations, contend that gender discrimination based on violence is a unique type of discrimination that violates international human rights law. This fact was initially acknowledged in 1985 during the First World Conference on Women in Nairobi. The concluding paper, "Future Strategies, Nairobi," draws a connection between gender inequality and violence against women, asserting that the former impedes the latter. It was suggested that governments

should make more efforts to create or enhance programs that support victims of abuse by offering housing, counseling, and legal services. They should also raise public awareness of violence against women as a societal issue. The KEFDG Committee acknowledges domestic abuse and other forms of violence against women as forms of discrimination in its overall proposal. Violence against women is thus included in the definition of discrimination included in the KEFDG. This implies the KEFDG's specific provisions may have been violated by acts of violence against women. While violence is perpetrated in many spheres of society, gender-based violence, akin to domestic abuse, is mostly targeted at women with the intention of depriving them of certain rights and perpetuating their collective reliance. Women's human rights have come to be respected and acknowledged as essential components of all human rights, as well as a distinct legal entity over time. The inclusion of women's rights in the framework of international law and national, regional, and international human rights policies has been made easier by this acknowledgment. Many international and regional human rights instruments and policy agreements were adopted alongside the KEFDG, forcing governments to enact national policies targeted at the defense, realization, and application of women's rights.

2. METHODOLOGY

The text also includes the process, which is very significant because it was created using several techniques. It took a long time to prepare this document because there are numerous research documents on the subject based on EU and EC legislation, international statutes, and document publications by various authors. These references to local and national laws, case law, and established practice are also included. The document's use of the historical method is especially significant since it provides a broad overview of the history of gender equality and how it has expanded and solidified women's roles in society. The information in this article, which includes theories pertaining to women's rights and national, international, and European legislation protecting women, is examined in great detail, making the analytical technique all the more significant. A thorough analysis of European and regional jurisprudence on gender equality and discrimination concerns is also provided. The comparative approach is especially significant in this text since it addresses women's rights, gender equality, and nondiscrimination on a comparative basis. Particularly, the nations of the European Union are being compared.

3. COUNCIL OF EUROPE ACTIVITIES AIM TO PROMOTE GENDER EQUALITY

Up to 1979, the European Commission's (EC) efforts to promote gender equality, with a particular emphasis on women's employment and legal status, were mostly case-by-case in nature. In addition, studies are done on violence against women, equality, and the status of women in politics and education. The resolution includes certain rights not found in the European Social Charter, including general equality of treatment, equal opportunity, and treatment for workers of both sexes who have family obligations. The 1988 European Social Charter's Additional Protocol. Numerous specific promises are included in this Declaration, including involvement in and access to social services, professions, information, etc. at all levels. The European Community (EC) carried out a comprehensive study on gender equality in Europe in 1989, marking the institution's 14th anniversary. The study included an analysis of how international equality measures were incorporated into Member State legal frameworks and proactive measures taken in the event of reverse discrimination. The Observatory on Equality of Women and Men was founded by this Committee, which also planned several meetings and working conferences. The Commission also looked into how women in Central and Eastern European nations were treated precariously while their economies were changing. Positive discrimination, or positive processes, has been incorporated into personnel regulations at the Council of Europe Secretariat, providing underrepresented genders with priority. Every year, the European Council releases a report detailing the Secretariat's marketing efforts. The Commission acknowledged women's rights as human rights and concentrated on promoting equality and democracy, ending all forms of violence against women, and granting women the right to vote. Freedom in terms of lifestyle and reproduction. As a contribution to the Beijing Conference, the European Community (EC) hosted a conference on "Equality and Democracy" in 1995.One democratic element that is highlighted is the ability to choose to become a mother. Within this framework, it is understood that advocating for true gender equality entails advocating for human rights and pluralistic democracy.

3.1. The European Union, Women's Rights and Gender Equality

In actuality, the European Community has been developing policies on human rights in comparison to third countries since the 1980s. These policies are now represented in the so-called Copenhagen criteria. (February 2009, at 27) Consequently, the equal pay for equal labor concept was incorporated in the 1957 Treaty of Rome. The contemporary gender equality laws in Europe were made possible by this ruling. Following the Treaty of Amsterdam's 1999 coming into effect, one of the European Community's primary responsibilities is to advance gender equality (Article 2 EC). The decision to add a new article to the Treaty of Amsterdam prohibiting discrimination throughout Europe was made by all member states in unanimity. " This means that fight against discrimination was first expressly provided for. According to Anastasi, Mandro-Balili, Shkurti, and Bozo (2012), the lengthy fight against discrimination and inequality is the source of EU laws and practices.

3.1.1. The Founding and Revision Treaties of The European Union

The Treaties establishing the European Communities did not specifically include anti-discrimination provisions because their purpose was to regulate sectoral policies and strategies, and the fight against discrimination was not on the agenda at the outset of European integration. The Union Treaty, which established a unified Commission and Council for the three European Communities, was signed in Brussels in 1965. The Treaty of Amsterdam contained two general provisions, Article 119, which prohibited discrimination based on the State and stipulated that men and women should receive the same salary (Canaj, 2014, 20). However, there were no express provisions against discrimination. However, as the establishment of the Common Market and the economic growth of a unified Europe were at the core of it, both of these clauses were viewed as supplementary instruments for its formation. Ruda (2008), p. 12Discrimination was really considered a human rights issue up to the end of the 1980s and the beginning of the 1990s, and as such, it was "gladly" left to the Council of Europe and the Convention on Human Rights, rather than being tackled by the EU. Human rights. Nonetheless, there were attempts to enact legislation promoting gender equality, and in the 1990s, "issues of discrimination on other grounds" were added to the European agenda in addition to sexual discrimination. (Picari, 2008:14). This happened as a result of fresh societal issues that were acknowledged on a political level as issues in need of resolution. Racism's difficulties had become manifestly obvious, had evolved into a rather subtle but severe issue that needed to be addressed, and could therefore no longer be "ignored" by the EU, which had close ties to concerns pertaining to the labor market, immigration, and refugee policy. Effective lobbying by NGOs, the European Parliament, and certain interest groups has put pressure on EU institutions to support the integration of national minorities and to create and implement a more comprehensive legal framework for these minorities' employment without discrimination. a significant effect. Ruda (2008), p. 8. The proposal of creating an anti-discrimination directive was introduced and pushed by a coalition of NGOs, and it was well-received by civil society.

- New laws that support treating men and women equally have been introduced; Member States did, however, provide limited agreement, even if they did not wish to publicly oppose these anti-discrimination measures. This is evident in two aspects of the accepted text: first, it just lays out the legal foundation for action. There are no immediate repercussions from Article 13 and Member States are not required to outlaw discrimination. Second, because decisions must be made unanimously by the Council and Parliament only has advising authority, the process of making decisions can greatly impede the pace of advancement. The fact that not all Member States initially consented to implement the Maastricht Social Protocol or to sign the Agreement on Social Policy further illustrates how far away Member States were from freely adopting new advances in this field (Siofra O'Leary 2002, 86). This does not, however, lessen the significance of this act in the EU's battle against discrimination, and it also helps to explain why new law is developing in the EU so quickly.

3.1.2. Treaty of Lisbon

The implementation of the Lisbon Treaty, which reaffirmed significance of gender equality within the EU. In this sense, the Lisbon Treaty just alters the current treaties rather than abrogating them.It is important to emphasize that, in addition to the other actions that must be performed within the context of the development of European integration, the Treaty of Lisbon represents one of the new phases in the process of establishing an ever closer Union between the peoples of Europe. The fact that the amended Treaty retains the main innovations and modifications from the Constitutional Treaty, while

emphasizing them differently, is another reason for optimism. Since gender equality is one of the shared ideals upon which the European Union was built, it will, for example, be taken into consideration when determining whether a nation in Europe qualifies to become a member. Along with the duty to end inequality, one of the responsibilities of the European Union is the promotion of gender equality. Addressing the EU Charter of Fundamental Rights is another crucial issue. The Lisbon Treaty resolves all of the issues that have arisen and all of the challenges in establishing the legal value of the Charter by amending Article 6 and leaving it out of the Treaty owing to the objections of those States that feared being investigated by the Court of Justice in these specific areas.

Gender equality in the EU is also an essential component of this document. The 54-article Charter outlines fundamental rights related to citizenship, equality, dignity, freedom, and justice. It is based on international conventions, member state customs, and community treaties, such as the European Charter of Fundamental Rights and Freedoms (ECHR) Convention of 1950 and the European Social Charter of 1989. As a result, even though it was solemnly proclaimed to be an important document, its legal value was uncertain because it did not take the form of a binding document for the Member States, it did not fall under EU legislation, and the difficulty lay in its implementation. This indicates that the subject's subjective applicability is not restricted to those who are citizens of an EU member state alone. This is a very significant remark that comes from the way the Charter's provisions are written. The phrase "any individual" rather than "any citizen who holds the citizenship of one of the EU Member States" is one example of this. As a result, those who are nationals of non-EU nations—described previously as non-EU economic immigrants—also fall under the purview of the Charter (L. Manca, 2003). Some of the Charter's provisions, which refer to the individual as a human being in general, also apply to foreign nationals who are temporarily or permanently present in an EU Member State.

4. CONCLUSION

Not only do women make up half of society, but the contemporary notion of valuing their rights as an essential component of humanity means that women's rights, their fulfillment, and the advancement of gender equality are heavily stressed today. There is a shared human and human nature that transcends the distinctions between males and females. In the framework of a free and democratic society, it is precisely this human "essence" that makes and ought to make women genuine bearers of equal rights with men. Achieving this ideal is not a dream, as evidenced by mature democracies in civilized nations. The establishment of a society with equal possibilities for the sexes and via their interaction in all domains and realms of social organization is an essential instrument for the achievement of this aim.As part of the Common External Security Policy, the European Union has adopted human rights policies for both internal and external ties. The Council of the European Union publishes an annual human rights report that highlights the significance of these policies for the Union. In addition to its public pronouncements, the Council engages in human rights diplomacy based on cases. The EU, the greatest contributor in the world, is vital to the advancement of gender equality and the empowerment of women and girls. Gender equality and women's empowerment have received more attention thanks in large part to the Millennium Development Goals (MDGs). Since 2004, the EU's funding has also contributed to real progress being made. Still, there are a lot of holes, so this is insufficient. In addition to being significant principles and goals in and of themselves, gender equality, human rights, and the empowerment of women and girls are necessary preconditions for inclusive, equitable, and sustainable development. The European Union is now engaged in international talks over a new development agenda. The EU is persuaded that achieving gender equality and the empowerment of all women and girls requires a specific target on the post-2015 global development agenda. The EU, the greatest contributor in the world, is vital to the advancement of gender equality and the empowerment of women and girls. Gender equality and women's empowerment have received more attention thanks in large part to the Millennium Development Goals (MDGs). Since 2004, the EU's funding has also contributed to real progress being made. Still, there are a lot of holes, so this is insufficient. In addition to being significant principles and goals in and of themselves, gender equality, human rights, and the empowerment of women and girls are necessary preconditions for inclusive, equitable, and sustainable development. The European Union is now engaged in international talks over a new development agenda.

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THE RIGHT OF FREE MOVEMENT IN THE MERCOSUR COUNTRIES, CENTRAL AMERICA AND MEXICO

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***ABSTRACT**: Freedom of movement, also called freedom of movement, is the right of all people to move freely around the world, within or outside their own country. The right to free movement is closely connected with the rights of personal freedom and security, to the point that many authors have defined it as "a complement to physical freedom", differentiating itself from them due to its more limited meaning, as refers to the places where the citizen can move or reside.*
However, the right to free movement has gradually been emancipated as the right to personal freedom, as a consequence of important factors. First, because of the logical theoretical process of enunciation, which on the basis of personal freedom would necessarily be produced; and secondly, the need to guarantee through them what is considered an essential area for the development of the free personality of citizens, as well as the possibility of protecting them against the actions of political power.
The topic of free movement is broad, and concerns all states. For this reason I would also like to include other states in Central and North America in my theme, such as Costa Rica, El Salvador, Honduras and Mexico.

***KEYWORDS:** Free Movement, Central America, Mercosur, Declaration, Human Rights*

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1. INTRODUCTION

As an autonomous right, the freedom of movement of people falls within the group of freedom rights, i.e. those that prevent the conscious exercise of certain actions from being dissuaded, hindered, prohibited or punished.

This freedom is also recognized by the "Universal Declaration of Human Rights".[1]
The Declaration is founded on four fundamental pillars, and largely reflects the matrix of Western liberal democracies:
1) First of all, the rights of the person (right to equality; right to life, freedom and security, etc.).
2) Then there are the rights that belong to the individual in his relationships with the social groups in which he participates (right to privacy of family life and right to marry; freedom of movement within the national state or outside; right to have a nationality, right to property; right to religious freedom).
3) The third group is that of political rights which are exercised to contribute to the formation of state bodies or to participate in their activities (freedom of thought and assembly; freedom of active and passive electorate, right of access to government and public administration).

[1] Art. 13 "Universal Declaration of Human Rights": "Everyone has the right to freedom of movement and residence within the borders of any country, and has the right to leave and return to any country, including his own." Often referred to as the UDHR, it is a document on individual rights, signed in Paris on 10 December 1948. Its drafting was promoted by the United Nations so that it could be applied in all member states.

4) The fourth category is that of rights that are exercised in the economic and social field, i.e. in the sphere of work and production relations and in that of education (right to work and fair remuneration, right to rest, right to healthcare, etc.

2. METHODOLOGY

In this study, the methodology of work will be qualitative, so it is based on data recovery from different texts, i.e secondary sources. We will do an interpretation of the literature, by comparing the research with the theoretical knowledge, creating a picture regarding the selection of the right methodology. To achieve the objectives of the paper, the collection of secondary information was done by dividing the literature into theoretical and empirical, literature which was obtained from the Library of Urbino University "Carlo Bò", in the Faculty of Law. Another important source for collection information has been electronic addresses of various international institutions and scientific journals.

3. DISCUSSION

Although we find a similarity with the French Declaration of 1789, compared to the latter there are some distinctive features in the Declaration of 1948. In the Declaration of 1948 we find an innovation on the subject of human rights in article 13[2], which states that everyone has the right to freedom of movement and residence within the borders of any state, and has the right to leave any country, including his own, and to return to it.

The freedom of movement affirmed in article 13 of the 1948 Declaration concerns the fundamental right to inhabit "the Earth - the common home of all members of the human family". Freedom of movement is an indispensable condition for the free development of the person, understood both as tourism, for studies, for work and also for settling in a place other than that of origin and for returning there, subject to the rules of public order , safety, health, morality of the host country and respecting the rights and freedoms of others.

The political and bureaucratic barriers and obstructionism that states place in the way of exercising this right are infinite. The Declaration calls for a world in which human beings enjoy freedom of speech and belief, and freedom from fear and want; that is, he hopes for the realization of what is called the Doctrine of the four freedoms.[3]

In the Constitution of Argentina, article 14 states: "All inhabitants of the Nation enjoy the following rights in compliance with the laws that regulate their exercise, and in particular: the right to work and to exercise any lawful activity; the right to navigate and trade; to submit requests to the authorities; to enter, remain, transit and exit Argentine territory; to make one's ideas public through the press without being subjected to prior censorship; to use and dispose of their assets; to associate for beneficial purposes; to freely profess one's religion; to teach and learn." Although article 14 of the Argentine Constitution refers exclusively to the inhabitants of the nation, the holder of the right of free movement can be either an Argentine citizen or a foreigner; who is already a national inhabitant and wants to re-enter the State after leaving the latter; and finally those who want to enter the country without the intention of residing there. In the drafting of the Argentine law, the essential elements that constitute the right to free movement are collected:

- Entry into the country,
- The permanence in it,
- Freedom to move within the country
- And finally the expulsion of foreigners in the cases provided for by law.

In the case of Brazil, the political legislation introduces a different formulation compared to those previously exposed. Article 5 states: "All are equal before the law, without distinction of any kind, guaranteeing Brazilians and residents of the country the inviolable right to life, liberty, equality, security

[2] It is part of the rights of the individual and refers to a philosophical debate that goes from Plato to Hannah Arendt

[3] Franklin Delano Roosevelt's 1941 State of the Union Address. These freedoms have been indicated as the foundation of world society and as a necessary condition for lasting international peace.

and property as follows: ... First of all, the right to free movement and residence is relativised, a fact which expressly indicates that these freedoms will be fully recognized "in times of peace", just as otherwise they will encounter limitations if there are internal conflicts. Secondly, with greater fidelity to the various International Declarations, the right to free movement is recognized not only for Brazilian citizens but also for foreigners who enter it and decide to reside there.

A restriction indicated in article 37 of the Constitution of Uruguay, which cites the following "The entry of any person into the territory of the Republic, his permanence therein and his exit with his property is free, according to the observance of the law and without prejudice to third parties. Immigration must be regulated by law, but in no case will the immigrant suffer a physical, mental or moral defect that could prejudice society", is also recognized in the Chilean Constitution, which in the article19[4] states that "the individual's freedom of movement will be limited in those cases in which there is a concrete danger of prejudice towards third parties."

4. CONCLUSIONS

Despite having a very similar drafting to the two Constitutions mentioned above, the Constitution of Paraguay presents more concrete elements. Article 41 mentions: "All Paraguayan citizens have the right to reside in their own country. The inhabitants can move freely within the national territory, change domicile or residence, leave the Republic and re-enter it, as established by law, and with the observation of these rights incorporate their assets into the country or have them leave. Migrations will be regulated by law, with the observance of these rights. The entry of foreigners without permanent residence will be regulated by law, taking into account the relevant Conventions. Foreigners with perpetual residence in the country will not be forced to abandon it except by virtue of a sentence." The article specifically indicates the right of citizens to be able to incorporate or remove their assets from the country, and furthermore a specific regulation is indicated regarding foreigners, with or without permanent residence in the country.

Article 37 of the Constitution of Uruguay presents many elements similar to the precept previously exposed; it quotes: "The entry of any person into the territory of the Republic, his stay in it and his exit with his property is free, according to the observance of the law and without prejudice to third parties. Immigration must be regulated by law, but in no case will the immigrant suffer a physical, mental or moral defect that could prejudice society." Uruguayan legislation maintains a form of ownership extended to all people, even if it establishes more specific limits than other constitutional bodies.
Article 19 of the Constitution of Costa Rica recognizes equality of rights and obligations for both citizens and foreigners. However, however, the supreme law of the Republic of Costa Rica seems inclined to establish ownership of nationals, when it establishes that "all Costa Ricans can move or reside in any place in the Republic or outside it, whenever be free from any responsibility, and return when deemed necessary. Requirements that may prevent their entry into the country cannot be required of Costa Ricans." When it is stated that the citizen must be in a situation exempt from any responsibility, it means that he must not be subjected to restrictions or limitations on legitimate circulation or possibility of movement.

Along the same lines, and therefore in accordance with the international provisions regarding this topic, we find the wording of article 5 of the Constitution of El Salvador: "Every person is free to enter and remain in the territory of the Republic, and to leave it, provided subject to the limitations established by law. No one can be forced to change his domicile or residence, except by virtue of an order from the judicial authority in the cases and with the requirements established by the special law. No citizen of El Salvador may be expatriated, nor may he be prohibited from entering the territory of the Republic, or denied a passport for his return or other identification documents. He shall not be denied leave from the

[4]Vedi articolo 19, punto 7a:" La Constitución asegura a todas las personas:7. El derecho a la libertad personal y a la seguridad individual. En consecuencia: ...a. Toda persona tiene derecho de residir y permanecer en cualquier lugar de la República, trasladarse de uno a otro y entrar y salir de su territorio, a condición de que se guarden las normas establecidas en la ley y salvo siempre el perjuicio de terceros"

country except by decision or sentence of a competent authority under law," and Article 81 of the Constitution of Honduras: "All persons have the right to move freely , exit, enter and reside in the national territory. No one can be forced to change his domicile or residence, except in special cases and with the requirements established by law".

These two constitutions, in their formulation, recognize freedom of movement and residence for all people. In this statement we find a point of convergence with the Constitution of Colombia, in which article 24 begins with the terms "All people...". Another fixed point in the Constitution of El Salvador concerns the reference to the documents necessary to be able to move freely. From this aspect we can see very clearly the influence that the various International Conventions and Declarations have had on the formulation of the article of the Constitution which deals with the issue of free movement of citizens, whether they are "Salvadorians" or foreigners.

In the case of the Constitution of Mexico, article 11 recognizes all people the right to move and reside throughout the national territory. However, the possession of a passport is not among the requirements necessary to take advantage of this right, as the article states that to be able to circulate in the territory and change residence, an identity card, passport and other requirements will not be necessary. similar. In this respect, the Constitution of Nicaragua appears much more simplified [5], since, even if it includes only citizens in its drafting, it does not establish any distribution of the elements of the right to free movement.

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[5] Art. 31 "Los nicaragüenses tienen derecho a circular y fijar residencia en cualquier parte del territorio nacional; a entrar y salir libremente del país"

EQUALITY AND NON-DISCRIMINATION IN RELATION TO THE JURISPRUDENCE OF THE EUROPEAN COURT OF JUSTICE

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ABSTRACT: *The European Court of Justice is a crucial organization within the European Union, tasked with guaranteeing the harmonization and enforcement of Community law, which encompasses the interpretation and implementation of treaties and legislative acts of the European Union. The primary purpose of this entity is to perform a judicial role and scrutinize matters presented by Member States, European Union institutions, or people who may have uncertainties regarding the interpretation or implementation of the legislation. The European Court possesses the authority to adjudicate on a wide range of subjects, encompassing topics pertaining to human rights, competition, trade policy, environmental policy, and several other areas. The choices made by this entity have a substantial influence on how the law is understood and implemented inside the European Union. The European Court has been and remains a crucial actor in the establishment and operation of the legal framework of the European Union, as well as in guaranteeing the harmonization of individuals' rights. The text emphasizes the essential role that the European Court of Justice has played in shaping legal principles and precedents concerning equality and non-discrimination. The institution in question is a vital component of the European Union, responsible for guaranteeing adherence to and execution of Community law. This includes the interpretation and execution of treaties and legislative acts of the European Union. The contribution examines several concepts and regulations derived from the jurisprudence of the European Court, including: - The principle of equality - The definition of direct and indirect discrimination - Exceptions related to Protected Bases - The handling of individual petitions.*

KEYWORDS: *Definition, Human Rights, Protected, Impact*

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1. INTRODUCTION

The case law of the European Court of Human Rights is a crucial domain for comprehending and implementing human rights in European legal practice. The European Court of Human Rights is an international entity that reviews individual claims brought by citizens of member states of the Council of Europe who believe that their rights, as protected by the European Convention on Human Rights, have been infringed upon by state authorities. The case studies provide insights into how the European Court of Human Rights has applied and explained the articles of the Convention. Precedent-setting instances that shaped the evolution of legal principles by establishing benchmarks for like situations. It is crucial to have a thorough understanding of the methods and methodology employed by the European Court of Human Rights. This includes the protocols for initiating a legal proceeding, its evaluation by the Court, and the deliberation process about the infringement of human rights. The Commissioner for Human Rights, a body within the Council of Europe, plays a crucial role in overseeing and assessing the state of human rights in member nations. The evaluations and reports provided by the Commissioner serve as valuable resources for comprehending the wider framework of court circumstances. The European Court of Human Rights (ECHR) is a global organization that has a crucial function in safeguarding and enforcing human rights in nations who are members of the Council of Europe. There are several justifications for the significance of this organization and its role in safeguarding human rights:

- The European Court of Human Rights is tasked with scrutinizing both individual and collective claims pertaining to infringements of the European Convention on Human Rights. This legal instrument seeks to ensure the basic rights and freedoms of individuals across many European nations.
  The Court's responsibility is to establish legal criteria for the understanding and execution of human rights. The ECtHR sets legal precedents and creates norms through its rulings, which can be applied to similar situations in the future.

- The Court enhances procedures for safeguarding human rights on the global scale. Individuals have the option to file complaints with the Court if they consider their rights have been infringed upon and they have not received enough protection at the national level.
- The European Court of Human Rights offers a framework to aid Member States in enhancing their legal systems and safeguarding human rights. The Court has the ability to facilitate modifications and enhancements in the legislation and practices of other countries through its rulings and recommendations.
- Through the analysis of various legal matters and the issuance of rulings, the Court actively fosters the development and dissemination of a culture that upholds and safeguards human rights. This impacts the consciousness of the government and the general public on the significance of safeguarding basic rights.

2. METHODOLOGY

The research approach employs a combination of qualitative and quantitative methodologies, selected based on the topic and structure of the work. The historical method, analytical method, and comparative technique are the primary methodologies used to achieve the purpose of the issue. The analytical approach is crucial in this article as it thoroughly examines several aspects, such as ideologies pertaining to women's rights, international, European, and national legislation concerning the safeguarding of women. An in-depth analysis is conducted on the European Court of Justice's legal decisions regarding discrimination and gender equality. The study also places significant emphasis on the comparative method, as it explores women's rights, gender equality, and non-discrimination from a comparative standpoint. The comparison is particularly focused on nations inside the European Union.

3. THE JUDICIAL PRACTICE OF THE EUROPEAN COURT OF JUSTICE

The Court of Justice of the European Union ensures adherence to Community law by interpreting and enforcing treaties and legislative actions arising from them, as stated in Article 19 TBE. The implementation of the two main Council directives against discrimination in 2000 had a significant impact on the understanding of the idea of equal and non-discriminatory treatment in relation to gender equality and non-discrimination. This was specifically inspired by the EU Directives described earlier (De Schutter 2005). The impact of the legal decisions made by the European Court of Justice on the understanding of directives established under Article 13 is evident in the decision of Member States to give more authority to the Council in implementing anti-discrimination measures. These measures are based on various criteria such as racial and ethnic background, religion or belief, disability, and age. Furthermore, the Council has chosen to offer wider safeguards against discrimination based on race or ethnic origin. (Semini, 2013: 9) Nevertheless, as stated in Article 2(5) of the Employment Framework Directive, this directive does not override measures implemented under national law that are deemed necessary in a democratic society to ensure public safety, maintain public order, prevent crime, protect health, and safeguard the rights and freedoms of others. Article 2(5) of the Employment Framework Directive is more restrictive in justifying measures that allow for differences in processing, compared to the model of Article 9, paragraph 2, of the European Convention on Human Rights. This is because the "protection of morals" is not considered a valid reason to limit the rights outlined in this Directive. In July 2004, the Commission brought five Member States (Austria, Finland, Germany, Greece, and Luxembourg) to the European Court of Justice for their failure to implement the Racial Equality Directive. The resolution of this matter is still pending. In December 2004, the Commission took the same Member States to court because they did not properly implement the framework directive on employment equality. Once again, the Commission's previous notification failed to resolve the issue, although it was effective in several comparable instances (Belgium, Denmark, Iran, the Netherlands, Portugal, and the United Kingdom). The anti-discrimination law was enacted in Greece at the end of 2004 after pressure from the Commission. However, in Finland and Austria, the directives have not yet been fully implemented in certain sectors. The Court issued a condemnation to Finland and Luxembourg in February 2005 for their failure to implement the Racial Equality Directive. By the conclusion of 2004, out of the 10 newly admitted Member States, only the Czech Republic had formally communicated to the Commission about the implementation of the Directives. The Commission is presently assessing the issue and may potentially submit many States, rather than just one, with the same petition to the Court. Initially, the community legislation only included one form of discrimination. The European Court of

Justice deserves recognition for its ability to differentiate between direct and indirect discrimination through its legal decisions. In the case Finanzampt Köln-Altstadt v. Schumacker, the Court asserted that discrimination arises when different rules are applied to similar situations or when the same rule is applied to different cases. This principle was reiterated in the Ugliola cases and Sotgiu. The Court established that, in matters concerning the free movement of workers, the principle of equal treatment... The decision not only prohibits explicit discrimination based on nationality, but also other forms of discrimination that result in the same outcome when using different criteria. However, it should not be assumed that criteria such as country of origin or employee residence can always lead to the same discrimination as nationality-based discrimination, as outlined in the Treaty. The Court's proposition is that not only overt forms of discrimination would be forbidden, but also covert ones that have the same outcome or consequence. The European Court of Justice made a significant advancement in its legal rulings with the Defrenne II case. It declared that Article 119 of the European Union Treaty has direct effect in all Member States. This means that women can use it as a legal basis to challenge unfair wages in front of national judges. In the Defrenne III decision, the Court affirmed that eradicating sex-based discrimination is a basic right and a fundamental value of the Community. The Court also examined the matter of direct and indirect discrimination in the case M. L. Ruzius-Wilbrink v. Bestuur van de Bedrijfsvereniging voor Overheidsdiensten does not provide explicit definitions for the terms involved.The Court in Dekker highlighted that determining whether a policy qualifies as direct discrimination hinges on whether the basis for denying employment is used without distinction to both male and female employees, or if it solely targets one gender. This definition served as the foundation for several subsequent rulings. In this instance, the Court determined that the employer's financial losses resulting from the maternity leave of a pregnant employee could not serve as a valid justification for engaging in direct discrimination. In relation to indirect discrimination, as previously said, the concept was first established by the Court in the Defrenne II judgment, and it has since evolved into the form now employed, as exemplified in the Jenkins case. In the Bilka-Kaufhaus decision, the Court revised its approach and developed a fresh interpretation of indirect discrimination. This new definition was thereafter employed in all instances involving indirect discrimination. According to this definition: If it were discovered that there is a significant disparity between the number of women working full-time compared to men, excluding part-time workers from pension schemes would go against Article 119 of the Treaty. This is because such a measure cannot be justified by factors that eliminate any form of gender discrimination. However, it should be noted that the fact that this measure affects women more than men does not alone prove a violation of Article 119.Hence, if the plaintiff can substantiate their claim with statistical evidence showing that a greater number of women are placed at a relative disadvantage as a result of a seemingly impartial rule, the presumption of explicit discrimination emerges. In this scenario, the responsibility to provide evidence rests on the opposing side, who must offer a rational argument in this matter. In the O'Flynn case, the Court articulated the concept of discriminatory consequence for the first time, explicitly noting that: "There is no need to prove that the specific provision in question actually impacts a larger number of migrant workers. It is enough to show that it has the potential to result in such an outcome. “Regarding the proactive actions that Member States should implement to combat discrimination, the Court made a significant advancement in the Kalanke case by emphasizing that women should not be given preferential treatment over men. Additionally, the Court provided guidance on interpreting Article 2, paragraph 4 of the Directive in the most limited way possible. Prior to that point, it was believed that in order to address gender-based discrimination in the job market, if male and female candidates have identical qualifications, preference should be given to hiring women, hence allowing for discrimination. According to the Badeck case, the Court emphasized that the objective evaluation must include all the particular circumstances of the candidates. The ruling unambiguously demonstrates that the Court's intention was to eliminate barriers to the recruitment of male candidates facing circumstances comparable to those that may impede female applicants, namely males facing disadvantages resulting from their home responsibilities. In the Lommers case (Semini, 2013: 21), the Court identified sex-based discrimination and expressed concern regarding certain job offers that perpetuate traditional discriminatory stereotypes. Specifically, the court noted that offering childcare services exclusively to male workers in emergency situations could reinforce these stereotypes. In the Sirdar case, the Court determined that while Member States possess complete autonomy in determining the structure of their armed forces, these decisions remain subject to the regulations of Community law. Decisions about job access in these forces must adhere to the

principle of gender equality. Nevertheless, the Court determines that Member States have the authority to establish exceptions (provided they are suitable and essential to achieve the intended goal) to the application of the principle of gender equality, when gender is a decisive factor in the performance of the activity and Member States have the freedom to decide on the measures they consider necessary to guarantee public safety.In the Mangold case, the Court determined that the provision in German legislation, which allowed for the use of fixed-term employment contracts for individuals aged 52 and older, constituted age discrimination and violated the Employment Framework Directive. The Court clarified that while this provision aligned with the social policies of the Member State and EU legislation grants significant leeway to States in implementing such policies, the German legislation in question had exceeded the acceptable limits by implementing measures that were neither justifiable nor reasonable to justify the disparities in treatment outlined in this case. The recent anti-discrimination law in the EU explicitly mandates member states to establish mechanisms for redressing breached rights inside their own countries, while also emphasizing the need of adhering to community legal norms. The reference is taken from Picari's work, specifically page 16 (Picari, 2008:16). Aside from the legislative measures implemented, the rulings of the European Court have significantly impacted the modification of domestic procedural regulations that may conflict with the implementation of effective measures in instances of European law infringement. The idea of efficiency encompasses all aspects of the judicial process, encompassing the ability to enter the court, the procedural regulations for conducting the trial, and the regulations for presenting evidence (Kennett 2000). Nevertheless, the Court has undergone many changes in terms of the degree to which it mandated the incorporation of national laws into Community law. There were instances where it was clearly and strongly stated that Community law is superior to national law and that national courts should offer effective and sufficient solutions. On several occasions, the Court has displayed leniency towards national laws and examined whether the procedural regulations have excessively hindered the enforcement of European Union Law. The European Court of Justice has established the right to seek redress for breached rights. The court first took this action to comply with Article 6 of the Second Directive on Sexual Equality. The Directive only established the procedural entitlement to commence legal procedures in cases of suspected discrimination. However, the primary case relevant to this matter is Von Colson and Kamann. The Attorney General asserted that Article 6's wording implies that any transgression will face legal consequences under domestic state penalties. Thus, to recapitulate, it was necessary to associate a tangible assurance with a procedural assurance. The Court concurred with this viewpoint and asserted that the Directive would be rendered ineffective without a robust system of penalties, emphasizing that individuals who experience discrimination are entitled to reclaim their rights. In this instance, the Court cited Article 249 of the EU Treaty, which mandates Member States to implement the necessary steps to attain outcomes that are not anticipated by the directive. In the Johnston case, the Court declared that the requirement of effective judicial review aligns with the fundamental concept that underlies the constitutional practices of the Member States and is also mandated by Articles 6 and 13 of the European Convention on Human Rights (ECHR). Moreover, it is important to note that where a provision, such as Article 6 of the Second Gender Equality Directive, exists, it directly applies to the restoration of rights or the entitlement to compensation. In the Coote case, the Court clarified that the directive's protection also applies when the employment contract expires. This is because if it didn't, the idea of effective judicial oversight would be compromised. In the Dekker case, the Court stressed that the accountability of the individual convicted of discrimination is not only dependent on proving the violation or absence of justification for the discrimination. This is because even if such proof is shown, the practical impact of equal treatment would still be severely diminished. Put simply, the determination of discrimination is not contingent upon the proof provided by the individual claiming prejudice or the employer's culpability. This ruling had a profound impact on the liability legislation and domestic private law of the Netherlands. When it comes to taking action to address prejudice, the focus is on ensuring that the actions are effective, proportionate, and convincing. As to the Court's ruling, the Directive is not allowed to stipulate a particular penalty. The responsibility for imposing penalties lies with the Member States, however, it is crucial that these consequences are both impactful and commensurate with the offense, while also being persuasive in their execution. Member States in this scenario possess significant discretion, allowing national courts to have considerable authority in ensuring that their government adheres to minimal requirements. In the Marshall II decision, the Court clarified that in instances of unfair terminations, achieving equity requires either reinstating the victim into their job or providing

them with financial compensation to compensate for their losses. In this scenario, the selection of the Member State is restricted. Based on the aforementioned examples, it may be inferred that the Directives are not absolute and lack adequate specificity. While it is indeed accurate that they possess a direct theoretical impact, relying only on them as grounds for asserting anti-discrimination rights in front of national courts is not feasible. Hence, it is crucial to establish internal regulations to effectively execute these orders. In the Rewe case, the Court declined to provide the complaint with particular compensation and restoration of rights. The Court justified its decision by emphasizing the need of using the principles of proportionality and efficiency when considering appropriate means for restoring rights. The responsibility is with national courts to take action, albeit they should not go to the level of rendering EU rules unenforceable or challenging to enforce. The Court's jurisprudence lacks specificity and does not provide guidance on the principles to be used in the domestic legal system for determining compensation. However, it is necessary for such measures to be effective, proportional, and equivalent to those that would be applied in a domestic appeal before national courts. It is important to assess these measures only after considering all pertinent circumstances.

4. CONCLUSION

In my opinion, the notion of the adoption and immediate impact of European Union Directives is impractical and does not align with the actual circumstances. Furthermore, several field studies deem anti-discrimination regulations to lack effectiveness. In the absence of the European Court of Justice's interpretation, it can be unequivocally said that the enforcement of European Community legislation would rest only on the member states' determination and readiness to execute their commitments. The balance is therefore tilting in favor of the private model for executing European Union regulations, wherein individuals file complaints with national courts, who subsequently refer matters (pertaining to the application of Community law) to the European Court of Justice for preliminary findings. The processes and punishments established by this Court effectively fulfill the framework of European basic rights.

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DIFFERENTIATION OF THE EASTERN AND SOUTHERN DIMENSIONS IN THE EUROPEAN NEIGHBORHOOD POLICY BEYOND 2020[1]

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ABSTRACT: *The European Neighbourhood Policy (ENP) took its conceptual roots in 2003 and was officially implemented in 2004 in response to the evolving boundaries of the European Union. This comprehensive policy framework encompasses two distinct regions labeled as the "Eastern Neighborhood Policy" and the "Southern Neighborhood Policy," covering a total of sixteen countries. Managed by the Directorate-General for Neighborhood and Enlargement under the European Commission, this entity oversees the EU's relations, negotiation processes, and budget planning with partner countries and those within the ENP framework. The ENP serves as a political framework for EU foreign policy, derived from the totality of bilateral relations.*
The Southern Neighborhood framework predominantly revolves around economic and security relationships with Mediterranean countries, many of which were former European colonies. A significant milestone in the establishment of the Southern Neighborhood is the 1995 Barcelona Declaration. By 2008, the Union for the Mediterranean initiative was launched under France's leadership, decided by Heads of State and Government in Paris. This initiative acts as an operational institution, enhancing regional dialogue and supporting projects that directly impact citizens' lives.
The Eastern Partnership Initiative, as an extension of the ENP, emphasizes the significance of bilateral agreements and provides a framework that reinforces countries' ownership tendencies through multilateral institutions. It brought to the forefront a feature lacking in the ENP until 2009, extending neighborhood relations beyond regional forums.
In 2020, the European Commission unveiled its latest policy documents for these regions. The Southern dimension focuses on the concept of a "renewed partnership," while the Eastern dimension places emphasis on the theme of "resilience for all." This study aims to comparatively highlight the differences and similarities in the Eastern and Southern regions of the ENP and analyze the EU's foreign policy in these areas.

KEYWORDS: *European Neighbourhood Policy, Union For The Mediterranean, Eastern Partnership, EU Foreign Policy*

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1. INTRODUCTION

The conceptual foundations of the European Neighbourhood Policy (ENP) were laid in 2003 and officially put into practice in 2004 as a response to the changing boundaries of the European Union. This all-encompassing policy framework comprises two distinct regions known as the "Eastern Neighborhood Policy" and the "Southern Neighborhood Policy," covering a total of sixteen countries. Administered by the Directorate-General for Neighborhood and Enlargement within the European Commission, this entity oversees the EU's relations, negotiation processes, and budget planning with partner countries and those falling under the ENP framework. The ENP functions as a political framework for EU foreign policy, emanating from the entirety of bilateral relations.

The Southern Neighborhood framework primarily focuses on economic and security relationships with Mediterranean countries, many of which were former European colonies (Alper, 2011, 28). A pivotal moment in the establishment of the Southern Neighborhood is the 1995 Barcelona Declaration. By 2008, the Union for the Mediterranean initiative was inaugurated under France's leadership, as determined by Heads of State and Government in Paris. This initiative serves as an operational institution, fostering regional dialogue and supporting projects that directly impact the lives of citizens.

[1] This full text has been derived from the doctoral dissertation entitled "The European Union as a Liberal Actor: A Critical Analysis of the European Neighborhood Policy."

The Eastern Partnership Initiative was formed within the framework of the European Neighborhood Policy (ENP) and includes the countries of Eastern Europe and the South Caucasus. The pioneers of this initiative, Poland and Sweden, submitted a proposal to the General Affairs and External Relations Council (GAERC) of the EU on May 26, 2008 (Şevenk, 2023:41). The historical significance of this proposal lies in Poland, still a relatively new member, successfully advocating for a plan that would impact Union policy, with the support of Sweden. According to the plan, the aid packages allocated for the Eastern Partnership would be covered from the existing ENP budget, and no additional institution, such as a "secretariat," would be established (Cianciara, 2008: 2).

2. METHODOLOGY

This research employs a descriptive research methodology to provide a comprehensive overview of the European Neighbourhood Policy (ENP), with a specific focus on its two regional frameworks – the "Eastern Neighborhood Policy" and the "Southern Neighborhood Policy." The descriptive approach aims to present a detailed account of the policy's conceptual foundations, historical developments, and key initiatives within both regions.

Performing a thorough examination of scholarly literature, official reports, and policy documents associated with the European Neighbourhood Policy (ENP), placing a specific focus on materials dated from 2020 onward. This comprehensive literature review will serve as the foundation for grasping the theoretical foundations distinguishing the southern and eastern dimensions of the ENP.

3. DIFFERENTIATION IN THE EUROPEAN NEIGHBORHOOD POLICY: THE SOUTH AND THE EAST

Giselle Bosse has argued that a political framework was established in Europe during the Cold War era to address Russia's concerns and prevent the re-emergence of division, i.e., the Iron Curtain. According to the author, the initial inclusion of Russia in the ENP framework was designed, particularly, to strengthen relations with Belarus, Moldova, and Ukraine (Bosse, 2012: 319-320). For EU foreign policy, the ENP constitutes a political framework consisting of bilateral relations. The Eastern Partnership Initiative, an extension of the ENP, emphasized the importance of bilateral agreements while providing a framework that reinforced countries' ownership tendencies through multilateral institutions. Thus, until 2009, an aspect lacking in the ENP came to the forefront, and neighborhood relations transcended regional forums (Kratochvíl and Tulmets, 2010: 1). The declaration of the first Eastern Partnership Summit in May 2009 included a separate section focusing on multilateralism. Under the heading "Focusing on Multilateralism," seven articles out of a total of twenty-one in the document addressed how multilateralism would be established, allocating one-third of the policy to this aspect (Council of European Union, 8435/09, May 7, 2009).

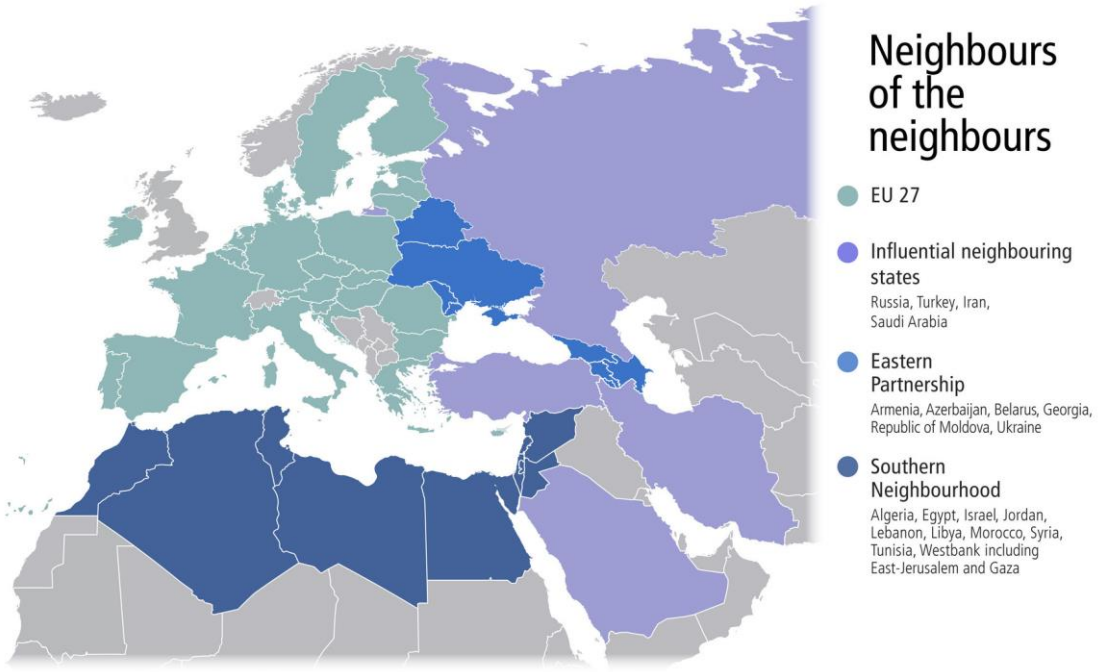

Figure 1: *Map of the European Neighborhood Policy*
Source: Bertelsmann Stiftung, "Strategies for the EU Neighbourhood." https://www.bertelsmann-stiftung.de/en/our-projects/strategies-for-the-eu-neighbourhood/project-description (Access Date: 11.12.2023)

The map above illustrates the East and South neighbors of the EU. As seen on the map, the EU is surrounded by a geographically conflicted area until it reaches the Atlantic Ocean. In this regard, it cannot be considered a sanctified region like the United States. According to an alleged statement by a French diplomat in the 1910s, the U.S. has weak neighbors to the north and south, fish to the east, and fish again to the west (Stephen Walt, Foreign Policy, 21.11.2013).

Considering that this situation does not apply to the EU, the desire to shape its surroundings is natural. The ENP is a policy put forth by the EU to regulate its relations with countries beyond its expanding borders. With the ENP, the EU aims to share security, political stability, and prosperity in its vicinity.

So, what are the criteria for being a neighbor or transitioning from neighborliness to membership? The year 2022 has shown us that neighboring countries can also apply for membership. Although this situation suggests a possible evolution from the "partnership" theme to the "equality" theme, the countries on the path to membership have a long way to go to achieve this equality. The fifth and sixth sections of the study analyze the data on the themes and conditions under which the EU engages with neighboring countries.

3.1. Southern Neighborhood and Union for the Mediterranean

While the EU has maintained relations with its Southern Neighbors since the 1970s, its engagement with Eastern neighbors has been considerably delayed. For instance, prior to the Neighborhood Policy, it is known that there were only two diplomatic representatives in six Eastern countries The appointment of a special representative for the South Caucasus region by the EU occurred as late as 2003 (Střítecký, 2007, 218). When considering the Eastern neighborhood, the EU's initiatives regarding the Black Sea, a region of significant economic cooperation and conflict, have been quite limited. With Romania and Bulgaria becoming Union members in 2007, the EU, now having a political structure with a coastline on the Black Sea, does not aim to develop institutional bilateral relations with the Black Sea Economic Cooperation (BSEC) organization. This is due to the EU already having existing bilateral relations with BSEC member countries (Emerson and Vahl, 2002, 20). Relations with BSEC, a regional cooperation organization established without the EU's initiative, make it challenging for the EU to conduct institutional-level relations. The EU and BSEC do not share

the same institutional perspective, with the latter focusing more on economic cooperation than political collaboration. The Black Sea Synergy, published four years after the Neighborhood Policy, also supports this view. The general tendency of the EU is to continue its existing bilateral relations with BSEC member countries and to keep its relations with BSEC at a minimum (Oktay, 2012, 297).

The Southern Neighborhood framework of the EU primarily constitutes the continuity of bilateral relations established with the Mediterranean countries, a significant portion of which were former colonies of European powers, in economic and security contexts (Alper, 2011, 28). Relations with this region, whether in the Southern Neighborhood, the Mediterranean region, or the Arab world, have been ongoing since the 1970s. These relations are continually redefined and transformed due to the changing interests and priorities of the EU. The colonial history with North African countries and the initiatives by the Mediterranean members of the EU have contributed to the development of Mediterranean relations (Cardwell, 2011, 224-230). Different processes under a common umbrella have been observed for bilateral relations. The successes and failures of these policies are subject to debate. Critical authors often perceive these policies as a result of the EU's efforts to construct a new region in the area with a Euro-centric perspective (Cebeci, 2017, 6).

In these established relations, for instance, based on the higher number of economic and financial partnership clauses compared to political stability and human rights clauses in the declaration signed during the Barcelona Process, it is argued that the EU continues traditional center-periphery relations in the Mediterranean region, prioritizing economic relationships in its dealings with the region (Yeşilyurt Gündüz, 2012, 152-154).

When considering the EU's relations with the Mediterranean region, it is crucial to take into account the complex factors. Economically, prioritized issues for the EU at its southern borders include the development of trade, development aid, and migration governance. Assistance to the Mediterranean region is provided within the framework of the ENP and Cooperation for the Mediterranean. Although the aid is theoretically based on the principle of conditionality, partnership agreements are not suspended. For example, in progress reports for the year 2010, it is observed that external aid increased to North African countries (Tunisia, Egypt, Morocco) despite no progress in terms of democratization (Kınacıoğlu, 2015, 146). Another issue that looms over Europe's Mediterranean policy like the Sword of Damocles is the Arab-Israeli conflict. The unresolved instability in the region hampers Mediterranean Policy. While the EU, as an actor advocating for a two-state solution and providing financial aid to the Palestinian Authority, gains significant credibility among Arab states, the ongoing conflicts in the region have a direct impact on the EU's Mediterranean Policy (Aşkar-Karakır and Aknur, 2015, 35-36).

The Barcelona Process, initiated in 1995, aims to strengthen relations between Europe and Southern Mediterranean countries. This process seeks to establish a Euro-Mediterranean relationship contributing to peace and security in the region (Euro-Mediterranean Conference, 27-28.11.1995). In 2008, the Union for the Mediterranean (UfM) was launched. Established by a decision taken by Heads of State and Government in Paris, this union is an operational institution that strengthens regional dialogue and supports projects directly impacting citizens' lives. The UfM does not deny the achievements of the Barcelona Process but is established in continuity with this process. In fact, the title of the first policy document published in 2008 is "Barcelona Process: Union for the Mediterranean" (European Commission, 2008, COM(2008) 319 final).

3.2. Southern Neighborhood Policy Beyond 2020: *"Renewed Partnership with the Southern Neighborhood: A New Agenda for the Mediterranean – 2021"*

On February 9, 2021, the European Commission and the High Representative adopted a joint communication to the European Parliament and Council regarding a Renewed Partnership with the Southern Neighborhood. On April 19, 2021, the Council approved the renewed partnership to unlock the economic potential of the region and address 'common challenges.' The title and content of the policy document are ambitious; however, criticisms exist, suggesting it does not promise a new agenda. According to Mark Furness, the transition emphasized the risks associated with the types of

reforms encouraged by the EU in neighboring countries, the incentives the EU is ready to offer, and the challenges of standing firm on its principles when needed (Furness, February 23, 2021, ETTG).

Indeed, at the beginning of the document, emphasis is placed on the underdevelopment of the Southern Neighborhood and its failure to meet expectations. The overall situation of the region is summarized as follows (European Commission, 2021: 1, JOIN (2021) 2 final):

> *"In the Southern Neighborhood, economic growth has failed to keep up with demographic growth. The region has one of the lowest levels of regional economic integration globally. Unsustainable natural resource use and climate change threaten water, food, and energy access, accelerating desertification and biodiversity loss, endangering lives and livelihoods. Significant economic and gender inequalities persist, and governments struggle to meet the expectations of today's youth."*

As understood from this text, the EU's Mediterranean relations, pursued for over twenty-five years since the Barcelona Process, have clearly failed. However, the Union's mistakes in this matter are not acknowledged in the text, and new policy frameworks such as green transformation and digitalization are imposed on a region that is already underdeveloped.

The central focus of the text is sustainable development. The development discussions in the text encompass economic, social, and environmental dimensions, emphasizing development strategies for the region. Regional cooperation is another crucial point. The discussions in the text also highlight the security needs of the region. Particularly, the text touches upon the need for regional stability, especially in Libya, by working in collaboration with UN forces. The primary areas of focus in the new policy document are digitalization and green transformation. The "New Agenda" aims for a green, digital, resilient, and fair recovery guided by the 2030 Agenda for Sustainable Development, the Paris Agreement, and the European Green Deal. Security concerns, terrorism, migration, border protection, and instability are addressed. A separate section titled "Peace and Security" has been opened, emphasizing the necessity of ensuring security in Sub-Saharan Africa. It is stated that actions will be taken to ensure security and peace within the framework of international law and norms.

3.3. The Eastern Partnership

Presenting the Eastern Partnership expenditures in a way that would not create an extra burden on the Union budget was an effort to endorse the "eastern dimension" idea that Poland had been trying to promote since its enlargement negotiations as an EU member in 2004. The foundation of Poland's advocacy for the eastern dimension in the early 2000s was its perception of the Russian threat within its borders. Former Polish Foreign Minister Włodzimierz Cimoszewicz emphasized his country's unique knowledge about the eastern countries in his speech in February 2002, arguing that Poland could not only be a bridge between the EU and Eastern Europe but also a strong advocate for the region. During this period, Poland limited its cooperation to Ukraine, Moldova, Belarus, and Russia. Additionally, it argued that each country should be approached differently, considering their individual capabilities and goals (Piskorska, 2013: 66). This perspective was in line with the thoughts expressed in documents circulating within the EU at that time, and eventually, the ENP framework was outlined more comprehensively in 2004 than Poland had anticipated. With the budget allocated for the ENP, Poland needed to act more modestly and cautiously.

Poland's initiative coincided with the period when France held the presidency and sought support for the Mediterranean initiative. At a time when a new agreement had just been reached for the Union for the Mediterranean (UfM), Poland and Sweden presented an Eastern plan that would involve all member states and establish close ties with the Commission. The cautious approach of Poland and Sweden, along with their inclusion of "old" members in this project, significantly facilitated their support. Notably, the strategic priority of Poland, which was the "membership of Ukraine," was not emphasized in the proposed plan (Copsey and Pomorska, 2013: 15). This period also witnessed member states voting in favor of each other and making concessions in their foreign policies to achieve their desired outcomes. According to Wodka, France's approval of the Eastern Partnership had

largely tactical motives: to garner support from Poland and other Central European countries for the UfM project (2010: 154). Poland seized this opportunity to play a "balancing" role and implement the Eastern initiative. Consequently, Germany's reservations about the prominence of the Mediterranean were alleviated, and France secured support from Poland, ensuring backing for the Mediterranean initiative (Adamczyk, 2010: 200). Moreover, this plan, like France's efforts for the UfM, was not just a prestige display by a single country

In the declaration of the first Eastern Partnership Summit held in May 2009, a separate heading was opened in the name of multilateralism. There are seven articles under the title "Focus on Multilateralism" of the document consisting of a total of twenty-one articles, so one-third of the policy is allocated to how multilateralism will be established (Council of European Union, 8435/09, May 7, 2009). The difference between EaP and UfM is that the six countries included in EaP are also part of AKP/ENP. UfM, on the other hand, accommodates a total of forty-three countries, surpassing AKP/ENP. The importance of UfM in the formation process of EaP to be discussed in the Southern Neighborhood section is not only a trigger for a consensus within the Union around the same dates but also serves as an example of the necessity of EaP. On the other hand, the difference of EaP from the Mediterranean region is expressed by the Polish Foreign Minister as follows:

> *"In Poland, we distinguish between the southern and eastern neighbors of the European Union: while there are neighbors of Europe in the south, in the east, there are European neighbors of the European Union, and if they meet certain criteria, they can apply for membership one day."*

With the Eastern Partnership Initiative, each region, the Eastern and Southern, developed its own policy, diverging from the European Neighborhood Policy's attempt to merge them. In the subsequent years' strategic documents of the ENP, separate references to these two regions began to appear. The Eastern Partnership focused on four key areas of cooperation (Ahmedov, 2015:109): a. Democracy, b. Good governance and stability, c. Economic integration and integration into the EU acquis and policy, energy security, d. Civil society mobility and people-to-people contacts.

3.4. Eastern Partnership Policy Beyond 2020: “Reinforcing Resilience - an Eastern Partnership that delivers for all”

In 2020, a new vision document was published for the Eastern Partnership countries, emphasizing "results for everyone" in its title. It is evident from this document that this new vision signifies a significant shift for both the EU and the Eastern Partnership countries. The document highlights the "20 Deliverables for 2020" framework agreed upon at the 2017 Eastern Partnership Summit. It is stated that this initiative produces tangible results for society and makes a difference in priority areas. The initiative sets goals for a stronger economy, stronger connections, and a stronger society, and progresses in these areas (European Commission, 2020: 2, JOIN(2020) 7 final). The table below summarizes the 2020 goals:

Table 1: *Eastern Partnership Goals Beyond 2020*

Goals	Objectives
Stronger Economy	Investment and improvement of the business environment, unlocking the growth potential of small and medium-sized enterprises, addressing gaps in access to financial infrastructure, and supporting regional trade
Stronger Governance	Strengthening the rule of law, enhancing mechanisms to combat corruption, supporting public administration reform, and strengthening security cooperation.

Goals	Objectives
Stronger Connections	Improving transportation, increasing energy supply security, enhancing energy efficiency, increasing the use of renewable energy, and supporting adaptation to the environment and climate change
Stronger Society	Progress in visa liberalization dialogues and partnerships for human mobility, investing in the skills and employability of young people, establishing the Eastern Partnership European School, and integrating research and innovation systems between the Eastern Partnership and the EU.

The objectives outlined in Table 1 serve as a comprehensive roadmap, encapsulating the Eastern Partnership's unwavering dedication to tackling diverse challenges and propelling collective well-being. The collaboration framework, extending beyond 2020, reveals a strategic and integrated approach that intricately weaves together economic, governance, connectivity, and societal dimensions. This interconnected strategy is designed to yield enduring positive impacts across the expansive Eastern Partnership region.

These objectives reflect the Eastern Partnership's efforts to achieve tangible results in different areas and create positive impacts for society. 2020 Eastern Partnership Document outlines the long-term policy objectives for the Eastern Partnership beyond 2020, where the EU, member states, and partner countries will collaborate in the following areas (European Commission, 2020: JOIN (2020) 7 final):

1. *Collaborate for resilient, sustainable, and integrated economies.*
2. *Collaborate for accountable institutions, the rule of law, and security.*
3. *Collaborate for environmental and climate resilience.*
4. *Collaborate for resilient digital transformation.*
5. *Collaborate for resilient, fair, and inclusive societies.*

In essence, these collaborative objectives embody a forward-looking vision for the Eastern Partnership, signaling a commitment to comprehensive development and resilience. By addressing the diverse facets of societal progress, the Eastern Partnership aspires to forge a path towards a more stable, sustainable, and prosperous future for the region.

4. CONCLUSION

In conclusion, the dynamic landscape of the European Neighbourhood Policy (ENP) is underscored by its adaptability to evolving circumstances and the adept incorporation of changing needs within the EU, Eastern Partnership, and Southern Neighbourhood regions. The strategic foresight demonstrated by the European Commission, the High Representative for Foreign Affairs and Security Policy, and the Vice-President of the European Commission has enabled the formulation of flexible visions that account for unforeseen challenges, including the unprecedented impact of the global pandemic.

Throughout the covered period, a series of consultation meetings, future-oriented planning, and decisive actions have transpired, culminating in substantial measures such as legal reforms, digital transformation initiatives, and ambitious green economy plans. The Eastern Partnership Initiative, with its outlined objectives for 2020 and beyond, stands as a testament to the commitment to progress, reinforced by promised incentives like financial support and the fortification of civil society to attain these set goals. Meanwhile, the updated Southern Neighbourhood Partnership embraces multifaceted

objectives, including the fortification of both bilateral and multilateral relationships, financial incentives, green transformation endeavors, and digitization initiatives.

At the heart of these diverse endeavors, a unifying thread emerges in the form of common policy themes spanning economic cooperation, the promotion of democratic values, security collaboration, and steadfast support for regional development. These overarching objectives epitomize the European Union's steadfast dedication to fostering closer cooperation with neighboring nations and ensuring the stability of regional development. While regional differentiations have been strategically employed to cater to specific needs, the underlying objectives have remained steadfast, with the means adapted to the unique demands of each context.

Analyzing these developments, it becomes evident that the ENP undergoes regional metamorphoses, reflecting a nuanced approach that accommodates diverse agendas. Despite regional variations, there exists a notable continuity in crucial areas such as cooperation, security assurance, and the upholding of fundamental values. Consequently, the European Union emerges as a transformative actor, driving positive change through the ENP.

However, a nuanced observation surfaces regarding the application of policies in neighboring regions, revealing a potential incongruity with the principle of *equality*. The EU, at times, appears to assert a certain level of superiority over its designated *"partner"* countries. This apparent imbalance calls for continued scrutiny and a commitment to fostering genuinely equal and reciprocal relationships as the EU seeks to navigate the complex terrain of regional diplomacy. In the pursuit of a truly collaborative and mutually beneficial partnership, it is imperative for the EU to address these disparities and further refine its approach to ensure the sustainability and success of the European Neighbourhood Policy.

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THE PROTECTION OF THE FAMILY IN THE EUROPEAN LAW

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***ABSTRACT**: This paper will examine the legal framework regarding family protection in the European Union (EU), focusing on legislative developments, decisions of the Court of Justice of the European Union (CJEU), and emerging challenges.*
Through this analysis, the article seeks to provide a clear perspective on the protection of family rights within the context of European integration and underscore the importance of a harmonized approach in this regard.
The family, as a fundamental nucleus of society, lies at the heart of European Union concerns. While European integration has led to increased interconnection among nations, the diversity of national family law regulations has created a need for coherence and uniformity to ensure effective protection of family rights.
The rise in mobility within the EU has made it imperative to address the issue of mutual recognition of family law decisions. Directive 2003/88/EC has been crucial in facilitating the cross-border recognition of matrimonial and parental responsibility judgments, thereby contributing to creating a legal environment that promotes the free movement of people without compromising family protection.

***KEYWORDS:** Protection, European Union, Family, Charter Of Fundamental Rights*

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1. INTRODUCTION

The European Union has recognized the importance of the family as a primary social structure, committing itself to protect the right to birth and the preservation of family relationships. The protection of family status by the EU is a consequence of the impact of policies and community freedoms on the social-economic and legal reality of European families. The cooperation between community norms and family law is emphasized in the provisions related to the right of free movement of persons, which give the right to stay in a host country to family members of migrant workers and at the same time underlines a community definition of the family. The community right of the family is not exhausted in an indirect protection of the status of the family, as a result of the creation of the internal community market.

Although the material right of the family is excluded from harmonization or community unification, the entry into force of European citizenship, the creation of a space of freedom, security and justice, the increase in the values of the protection of fundamental rights, expand the influence of the right to of the EU in the field of family law.

Community jurisprudence seems to be directed to instrumentalize the basic principles of the internal market, with the objective of protecting the family status. It should be emphasized that the community law of family ties cannot completely replace the substantive family law of the member states, both in terms of the limits set by the attribution of responsibility, subsidiarity and proportionality, as well as the conflicting nature of the discipline in question.

In community law, family status is somehow a prerequisite for the enjoyment of subjective rights of community origin (Marella, 2005); for this reason, the definition of the family in Community and EU law acquires an essential value, since even when the family is taken as the direct object of protection by the EU, the question always arises as to the subjects that benefit from this protection.

2. METHODOLOGY

The present paper will be based on the qualitative methodology, recovery data from different texts, interpretation of literature. It will be based on the theoretical knowledge, creating a picture regarding the selection of the right methodology, the qualitative one. In this paper we are divided the literature into theoretical and empirical, based on what we have obtained from the Library of European University of Tirana, Faculty of Law, and from the various journals, international and national ones.

3. DISCUSSION

The definition given to the term "family" in the context of European Union law, nowadays must also face the pluralism of family models. The social development in the first place, and then the legal one, lead to a deinstitutionalization of marriage and the privatization of family ties, producing new models of coexistence.

These new typologies of families have made it possible for the member states to implement/guarantee forms of institutionalization for the new relationships, thus not creating inequality or discrimination both from the social and economic side, between the traditional family and the new family typologies. For this reason, there is a need to verify the protection of family status, if this protection corresponds to today's pluralism of the concept of family, and in particular if it guarantees a full protection of family relations in situations of international movement, which the EU treaty -'s intended to protect. The content of the fundamental rights guaranteed by the EU are structured on the basis of common constitutional traditions of member states and international treaties. Regarding the protection of human rights, where the member states have cooperated and have become part.

According to the Court of Justice, not only community institutions, but also member states must respect the fundamental rights guaranteed within the EU, both when they act in the application of community law and when they make an exception in the application of the right of free movement of persons, based on reasons of general interest provided by the EU treaty. Apart from these hypotheses, the acts and activities of the member states are not subject to the control of compatibility with the basic community rights.

Article 6 of the Treaty on the Functioning of the EU has sanctioned the respect by the EU of the fundamental rights guaranteed by the ECHR and by the constitutional traditions of the member states, as they constitute general principles of community law itself. The provisions of the Charter of Fundamental Rights regarding family law, even though they are inspired by articles 8 and 12 of the ECHR, differ from the latter in some specific aspects. This fact leads to the necessity of examining the coordination between the Charter and the ECHR system.

The relationship between the Charter of Fundamental Rights and the jurisprudence of the European Court of Human Rights is not underlined in any provision of the Charter, although interpretive divergences between the latter cannot be excluded.

Article 7 of the Charter of Fundamental Rights expressly sanctions: "Every individual has the right to respect for his private and family life, his home and receiving notifications". This provision reproduces textually Article 8 of the ECHR and sanctions a right that corresponds to that of the convention; as a result, the applicability of Article 8 paragraph 2 ECHR accepts an intervention by political authorities in the application of this right, when provided by law and when it is necessary in a democratic society in terms of national security, public safety, economic well-being of the country, the protection of public safety and the prevention of criminal offenses, the protection of health or morals, or the protection of the rights of freedom of third parties.

In this way, it is possible to limit the exercise of family law on the basis of a general clause of Article 52, according to which "rights can be limited where it is necessary and when this limitation effectively responds to an interest general recognized by the European Union, or from the need to protect a right of third parties".

Respect for family law, originally part of a single article of the Family Protection Charter, has been separated from the right to marry and, in accordance with the ECHR, has been linked to the right to respect for family life, underlining thus a wider guarantee of individual autonomy. The protected subjects are the family members, and not the family as a whole, thus remaining coherent in the current "privatization" of family relations.

The obligation to respect family life sanctioned by Article 8 of the ECHR, negatively obliges the member states, as the Strasbourg Court points out, not to interfere in the family life of individuals, but also the positive obligation to adopt adequate measures to allow the development of a normal family life, protecting it from external attacks, but at the same time from the attacks of other private entities.
In this sense, the ECJ in the decision *Marckx vs. Belgium*[1] was called upon to verify whether Belgian legislation complied with Article 8 of the ECHR in two different profiles, both in the form provided by domestic legislation for the maternal relationship between a daughter and an unmarried mother, and in terms of the concrete relationship in law between a child legitimate and mother's family members. Regarding the first profile, the court emphasized that the Belgian legislation violates both Article 8 of the Convention and Article 14 thereof. Among other things, considering that the recognition of the daughter would bring limitations for the mother in the transfer of her property to the daughter, the Belgian legislation is in complete contradiction with Article 8 of the Convention.

The court further emphasizes that Article 8 of the ECHR guarantees respect for family life, without establishing any point of difference between the so-called legitimate and illegitimate family. We find a reinforcement of this assertion by the court in Article 14 of the convention, which sanctions an enjoyment of the freedoms and rights established by the convention itself, prohibiting discrimination based on birth itself.

The notion of "family life", based on Article 7 of the Charter, should also be recognized based on the relative jurisprudence of Article 8 ECHR, which by applying the principle of non-discrimination in the enjoyment of rights and freedoms, guarantees at the same time and the protection of a wider family typology than the marital one. In this way, the ECTHR recognizes the existence of different typologies of the family but recognizing the member states' right to grant different forms of protection. Among other things, the Court and the European Commission of Human Rights assert that even polygamous unions constitute "family life", but they consider it right to deny the right of entry or residence to member states, in relation to some family cases, since this denial is justified based on Article 8 paragraph 2 of the ECHR.

4. CONCLUSIONS

The provisions of the Charter of Fundamental Rights in terms of family law, confirm the community jurisprudence, which has listed the respect for family life among the fundamental rights, since being general principles of community norms, they must be guaranteed within of the structure and goals of the community. The principles related to the recognition of family statuses and the right to preserve family relations within the framework of free movement can and should come to the rescue whenever the quality of "family member" constitutes a precondition for the definition of subjective rights of community origin, to guarantee the EU citizen's right to see his status, qualified as "family" in the legislation of a member state, recognized both by community institutions and by other states. Each state is free to decide the legal situations in which to give the definition of "family member", but it remains obliged anyway, since it constitutes the destination state for those who exercise the right of free

[1] Decision June 13, 1979, Series A no. 31, point 31: Paula Marckx, an unmarried Belgian citizen, registered with the registrar in Vilrjik the birth of her daughter Aleksandra, as provided by article 57 of the Belgian Civil Code for the recognition of natural children, asking the judge to proceed with the acquaintance of the girl. Marckx gets to know her daughter Aleksandra, but only by winning the Ntulli of her guardian, and not of her mother. In order to strengthen her legal position vis-à-vis her daughter, she was forced to carry out her adoption, based on Article 349 of the Civil Code. But Belgian law provided that the adopted child simply acquired the status of a legitimate child, but not the rights of inheritance. In this way, Paula Marckx addressed the ECtHR, emphasizing not only the discrimination made by the Belgian state between natural and legitimate children, but also the different treatment in terms of inheritance rights.

movement, define the definition of the term "family" in terms of community law, giving importance not only to the status of the family according to domestic law, but also to those legally connected in other member states. Within the framework of all the freedoms and rights that characterize the single European market, the free movement of persons is the first instrument in chronological order that has allowed the European Community to take an interest in family law. From the first applications, the EU institutions were very clear about the fact that the right to work and the right to free movement within the European space were closely related to the right of individuals to include in this right also their family members, the passive subjects of the right of free movement, regardless of the nationality of the latter, i.e. regardless of whether they were EU or non EU citizens.

Today, as far as community citizens and their family members are concerned, it is directive 38/2004 that establishes the contours and limits of the right to free movement of community citizens' family members, defining at the same time, in its article 2, what understood by family and who benefits from this right.

In contrast, as far as non-EU citizens are concerned, it is directive 86/2003 that defines the contours and the right of family reunification of the latter, thus eliminating any eventual discrimination. The competences of the European Union, which refer to social policy or immigration, even though they have family relations as their central interest, do not seem to be able to impose norms in this sector that guarantee a harmonization of the material law of the legislation of the member countries The concept of family can vary from one state to another, but also within a single state, whether we are talking about nuclear families or extended families. But, in all cases, the family has the right to protection from the state itself, in addition to society. In particular, it must be protected from interference that may be illegal, thus protecting the fundamental rights of all members of the family community.

The right to create a family belongs to every individual, respecting at all times the freedoms of the latter. The right that arises at the moment of the creation of a family, to live together, constitutes an obligation on the part of the state to guarantee the union and unity of families, especially when its members are separated for political or economic reasons. Thus, the topic of family reunification is taken as an essential element of the foreigner's legal situation and represents a continuous phenomenon in the mass social stabilization policies of young migrants (Sirianni, 2004).

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