

# Criminology, crime and criminal justice in Croatia

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## Abstract

Criminology and in more general terms ‘crime research’ have a very long tradition in Croatia, dating back in terms of formal institutionalization as far as 1906, when the Chair for Criminal-Complementary Sciences and Sociology at the Zagreb Faculty of Law was established. Despite criminology’s long institutional tradition in Croatia, criminology as a serious and independent research discipline started rather late to take off in Croatia in a systematic manner. The article presents basic facts and figures about Croatian criminology, crime and criminal justice, providing a solid overview of the complex country situation, which is still struggling with many transitional challenges. Croatia, like many other countries in the region, does not seem to have a ‘conventional crime problem’ and does not fit the profile of a ‘high crime region’ when compared with the rest of Europe, but it struggles with corruption and organized crime, and it still has to deal with atrocious crimes from the recent past and the far-reaching consequences of war profiteering and criminal ‘privatization’.

## Keywords

Crime, criminal justice, criminology, Croatia

## Background

Croatia is located on the crossroads between Central and South-Eastern Europe. It has a long coastline on the Adriatic Sea to the south, and borders with Slovenia and Hungary to the north and with Serbia and Bosnia and Herzegovina to the east. Croatia’s population is approximately 4.3 million people with roughly one-fifth of the population living in Zagreb, the country’s capital.

In 1990, after the Communist Party of Yugoslavia fell apart, the first democratic elections became possible in Croatia. In 1991 Croatia became independent from the Socialist Federal Republic Yugoslavia. The same year the Yugoslav People’s Army, which was in

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reality a Serbian army, attacked Slovenia, and then immediately after this Croatia and then Bosnia and Herzegovina. The atrocities that followed affected the whole region and left deep divisions along ethnic lines that are visible even today.

The war in Croatia was accompanied by an overnight transition to a market economy; economic crime in the process of privatizing state-owned property and war profiteering; large population immigration (primarily from Bosnia and Herzegovina) and emigration (refugees from Croatia leaving for European countries and Serbs leaving for Serbia); widespread personnel changes in the judiciary, police, military and governmental offices; swift legal reforms; and so on. The majority of the Croatian population has personal experience of the past atrocities, the widespread violence, the mass victimization and the displacement of persons, to name just a few long-term consequences of the war. This, as well as the ongoing discussions on these topics in Croatia and the region, must be acknowledged as an important influence when it comes to the overall socio-political context.

As in most European countries, the Croatian population shows a clear trend towards ageing. The current average age in Croatia is 41.7, which places it among the oldest nations in Europe. With respect to gender, the population is 48.2 percent men and 51.8 percent women.

Currently, overall unemployment in Croatia is 16.2 percent, and as many as 49.7 percent of the unemployed in 2013 were aged <25 years according to Eurostat data. This puts Croatia at the bottom of the EU rankings (only Spain and Greece are worse off).

The vast majority of Croatia's inhabitants are Croat by ethnicity (90.0 percent), followed by Serb (4.0 percent) and Bosniac (0.7 percent). Accordingly, most inhabitants are Catholic by religion, followed by Orthodox, not religious/atheists, and Muslims. We say 'accordingly' because those who declare themselves to be Croat by ethnicity are most commonly Catholic by religion, whereas Serbs are usually Orthodox and Bosniacs are Muslim. Ethnicity and religion are tied together closely in Croatia and throughout the region. This is of particular criminological relevance when analysing specific types of crime, such as hate crimes or war crimes. Even today in public and political discourse religious and ethnic affiliation plays an important role.

Compared with this, immigration plays a relatively small role in Croatia. Croatia in 2013 had negative net migration with foreign countries. Only half of all immigrants to Croatia were foreigners (the other half were Croatian citizens), and almost half of the foreign immigrants had a regional citizenship background. Croatia has, at least so far, not attracted any meaningful immigration and therefore lacks the typical criminological discourse about immigration and crime. Even in light of the ongoing migration crisis, Croatia most probably will not become a country of destination for migrants.

## **Criminology in Croatia**

Criminology and in more general terms 'crime research' have a very long tradition in Croatia, dating back in terms of formal institutionalization as far as 1906, when the Chair for Criminal-Complementary Sciences and Sociology at the Zagreb Faculty of Law was established.<sup>1</sup> Croatian criminology, like most of European criminology, is closely connected to the so-called 'Kriminalwissenschaften' (crime sciences), especially criminal law, sociology of criminal law, law of sanctions, and so on (Derenčinović and Getoš,

2008; Horvatić and Derenčinović, 1998; Kaiser, 1996; Šeparović, 1987). Therefore, it should come as no surprise that criminology in Croatia first and foremost emerged at the University of Zagreb's Faculty of Law. The Croatian regulation defining scientific areas, fields and branches in 2009 classified 'criminology' together with 'victimology' as part of the branch 'criminal law and criminal procedural law' in the field of 'law sciences' in the area of 'social sciences'. However, particularities in the history of Croatian criminological development resulted in additional criminological lines that evolved outside the context of this 'criminal law' line and in the framework of 'criminalistics' (studied at the Police College of the Croatian Ministry of Interior's Police Academy in Zagreb) and 'behavioural disorder studies' in the field of 'defectology' (today called 'educational-rehabilitational sciences', studied at the Faculty of Education and Rehabilitation Sciences at the University of Zagreb).

The reasons for the evolution of these two additional lines, the 'criminalistic' and 'defectological' one, lie in the rather monodisciplinary approach that has until recently dominated the discourse in Croatia's 'criminal law' line in criminology. This affected research topics and methods, as well as criminological education and related scientific careers within the 'criminal law' line, where a normative approach clearly dominated and led to the strict exclusion of non-legal professions. At the same time, the 'criminal law' line was not able to cover all the criminological topics and lacked a fundamental background in empirical research, besides treating criminology as a simple addendum to criminal law, rather than an independent discipline closely connected to criminal law. This led to the formation of two groups of researchers and professionals with a non-normative background outside the 'criminal law' line: one was within the framework of so-called police and security studies (the 'criminalistic' line, which primarily focuses on crime research for operational police purposes), and the other was within the framework of so-called behavioural disorders (the 'defectological' line with a strong focus on crime-related behavioural disorders). All three lines coexist in Croatian criminology and joint research efforts are still an exception. A similar situation can be found in Slovenia and in Bosnia and Herzegovina, where the 'criminalistic' line is the most prominent, or in Serbia, where the 'defectological' line dominates criminological research (see Getoš Kalac, 2014; Getoš Kalac and Karlović, 2014).

The just mentioned three institutions, the Zagreb Law Faculty, the Police Academy and the Faculty of Education and Rehabilitation Sciences, are the key players when it comes to both criminological research and also education in Croatia (for a somewhat different perspective, see Mikšaj-Todorović, 2008). Although the Croatian higher education curriculum in criminology is well developed, there is no specialized study programme in criminology – either at the (under)graduate level or at the postgraduate level. Therefore, Croatian criminologists most commonly have a background in criminal law, criminalistics, sociology, pedagogy, defectology or social work, with some sort of specialization in criminology later on. For the last couple of years there has been an ongoing discussion about establishing a joint multidisciplinary university doctoral study programme in criminology. This would certainly bring together the 'criminal law', 'criminalistics' and 'defectology' lines and have a positive impact on joint research endeavours.

Despite criminology's long institutional tradition in Croatia, especially when compared to other European countries, criminology as a serious and independent research discipline started rather late to take off in Croatia in a systematic manner. For decades, criminological research depended on single actors rather than research units, but this has slowly started to change. The most recent milestone in this respect has been the establishment of the Zagreb Faculty of Law's Max Planck Partner Group for 'Balkan Criminology' ([www.balkan-criminology.eu](http://www.balkan-criminology.eu)). In a joint venture with the Max Planck Institute for Foreign and International Criminal Law in Freiburg in Germany the 'Balkan Criminology' Partner Group is conducting Balkan-focused research on Violence, Organized Crime and Illegal Markets; Feelings and Perceptions of (In)Security and Crime; and International Sentencing. It is also handling the International Self-Report Delinquency (ISR3) Study for Croatia. The Partner Group has a strong focus on regional criminological research and has so far managed to bring together criminologists from the whole region and relevant neighbouring countries (see also Getoš Kalac and Kilchling, 2015). This has, amongst other projects, resulted in a study on the state of the art in criminology and crime in the Balkans consisting of in-depth country surveys on Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Italy, Kosovo, Macedonia, Montenegro, Romania, Serbia, Slovenia, and Turkey and several contributions on selected crime topics (Getoš Kalac et al., 2014). A similar regional research study on imprisonment and sentencing in the Balkans was conducted by the Partner Group in 2015 (publication of results is in process), and a new project on violence in the Balkans started in 2016. Besides covering the research in Croatia, the Partner Group coordinates the regional study and regularly publishes the results in its own publication series ([www.balkan-criminology.eu/en/publications/book\\_series](http://www.balkan-criminology.eu/en/publications/book_series)). The most prominent further research projects are: Economic Espionage in Europe (WISKOS Croatia); Fear of Crime and Punitivity among University Students in Croatia; Life Imprisonment Worldwide – The Balkan Component (for a full listing, see [www.balkan-criminology.eu/en/projects](http://www.balkan-criminology.eu/en/projects)).

There are several further key players conducting criminological research in Croatia: the Croatian Association of Criminal Law and Practice ([www.pravo.unizg.hr/hukzp](http://www.pravo.unizg.hr/hukzp)), the Police Academy with the Ministry of Interior ([www.policija.hr/4542.aspx](http://www.policija.hr/4542.aspx)), the Faculty of Education and Rehabilitation Sciences ([www.erf.unizg.hr](http://www.erf.unizg.hr)) and the Institute of Social Sciences 'Ivo Pilar' ([www.pilar.hr](http://www.pilar.hr)). In addition to these institutions, the Croatian Bureau of Statistics ([www.dzs.hr](http://www.dzs.hr)) regularly publishes not only the official Croatian crime statistics, but also special analyses dealing with specific types of crime, such as domestic violence, corruption, criminal offences against the judiciary, crimes against children and juveniles, criminal responsibility of legal persons, or drug abuse. In Croatia there are several journals with at least a partial strong focus on criminology: Croatian Annual of Criminal Law and Practice; Police and Security; Annual of Social Work; Criminology & Social Integration; Journal for General Social Issues. However, none of these journals can be classified as a specialized criminological scientific journal in the stricter sense.

The dominant approach to empirical criminological research in Croatia is quantitative, and there is an apparent lack of domestic debate on criminological theory and research. This has to do with the relatively small size of the Croatian criminological research community, where research projects and major criminological studies usually still depend on single actors, rather than research institutions. There are limited possibilities for organized

criminological meetings and exchange in Croatia, so it is generally left to individual researchers and their networks to get involved in research projects (mainly from abroad). Therefore, it should come as no surprise that criminologists are rarely consulted when it comes to criminal policy decisions. So, for example, the New Croatian Penal Code that entered into force in 2013 was developed without any serious criminological background study. Similarly and prior to that, the New Croatian Criminal Procedure Act was also written regardless of any criminological analysis. There is, however, the opportunity for researchers and academics who are part of governmental working groups to influence criminal policy debates, but this is rather inconsistent and depends on the individuals involved in such working bodies.

The more recent major criminological studies in Croatia include fear of crime (and punitivity) research (Getoš and Giebel, 2013; Glasnović Gjoni, 2006; Meško and Kovčo, 1999; Meško et al., 2008; Šakić et al., 2008; UNDP and MUP, 2009), the ISRD3 Study (Bezić, 2014), corruption (UNODC, 2011), juvenile delinquency (Singer and associates, 2008), violence against children and women (Singer and associates, 2005) and participation in the European Sourcebook of Crime and Criminal Justice Statistics (coordinated by the Zagreb Law Faculty's Chair for Criminal Law). Croatia participated in the International Crime Victims Survey (ICVS) for the first time in 1996/7, and then again in the ICVS 2000 (also conducted at the Zagreb Law Faculty's Chair for Criminal Law). In addition to these major studies there is, of course, a wide range of topics covered by small-scale individual research (mainly, master's and doctoral theses) or via reporting activities for non-governmental organizations. The latter, for example, focus on corruption, war crimes, violence against women, but rarely live up to scientific research standards.

Croatian criminology, owing to its rather modest research community, still has a lot of areas that need to be covered. Two of the most important issues surely are victimization studies and research into sentencing policy and practices. The first is crucial because the vast majority of criminological research still relies exclusively on official crime statistics and all their shortcomings. The second is related to Croatia's major criminal law reforms and an obvious trend towards harsher sentencing provisions, but without any research into sentencing policy, practice and impact (for example recidivism). Thus, the probation system is still desperately in need of implementation assistance.

## **Crime and crime trends in Croatia<sup>2</sup>**

### *Major data sources and the Croatian crime statistics<sup>3</sup>*

The data most commonly used for crime analysis in Croatia are usually either police data or data from the annual statistical reports of the Croatian Bureau of Statistics (CBS). Both sources of information are publicly available and provide in-depth information about criminal offences as well as misdemeanours. Also noteworthy are the Ministry of Justice's prison statistics.

The police statistics are published online rather frequently and are very up to date, but they are available only in Croatian. Another issue is the lack of methodological explanation accompanying the data tables, which use the number of cases as the counting unit (although the police statistics also use perpetrators and victims as counting units). The

police data are available for the whole country and are territorially focused on the 20 police districts. The data on reported, accused and convicted adult and juvenile perpetrators of criminal offences and misdemeanours are made available by the CBS online in both Croatian and English. At the end of each year the annual statistical report for the previous year is published. It contains detailed methodological explanations and without doubt is the most frequently used source of crime data in Croatia. With the New Penal Code that came into force on 1 January 2013, the maintenance of time continuity between the two penal codes at the chapter level as well as at the level of ‘other criminal offences’ was not possible, so there is time continuity only at the level of criminal offences and in cases where legal continuity exists.

In Table 1 the major source institutions providing data on crime in Croatia are presented in an overview highlighting the type of data they collect, the main counting units used and whether there is online availability. The key actors involved in collecting crime statistics in Croatia (the first four institutions listed in Table 1) use a classification by type of crime.

### *The migration crisis*

Many countries of the world face challenges with migrants and/or refugees, at least temporarily. Croatia is no exception, but it was most severely affected during the wartime period, being a country of origin, destination and transit for refugees and thus struggling with the issue of internally displaced persons owing to the Serb occupation of significant parts of its territory. The Croatian government’s Office for Expelled Persons and Refugees documented the peak of the humanitarian crises in 1992, with approximately 800,000 expelled persons and refugees, mainly originating from Bosnia and Herzegovina, which was more than 15 percent of Croatia’s total population (Izvješće, 1998).

In mid-2015 Croatia again found itself challenged with the issue of migration. The situation became most severe after Hungary closed its borders and the migration flow rerouted across Croatia in September 2015. According to police data, between 16 September and 18 October 2015, 210,007 refugees entered Croatia (see Figure 1). Based on a survey of 31 percent of the migrants, 54.77 percent are male, 21.21 percent female, and 24.02 percent are children.<sup>4</sup> Although there are no official data on the exit of migrants who entered Croatia, media reports clearly indicate that Croatia is mainly a country of transit.

### *Croatian crime trends<sup>5</sup>*

Croatia, like many other countries in the region (Getoš Kalac et al., 2014; Getoš Kalac, 2014), does not seem to have a ‘conventional crime problem’ and does not fit the profile of a ‘high crime region’ when compared with the rest of Europe (UNODC, 2008: 35 and 23). These findings are confirmed by the official crime statistics (see Figure 2) and when comparing Croatian crime rates with West European ones (Derenčinović and Getoš, 2008). Since the late 1970s Croatia has had a fairly consistent rate of convicted adult persons – approximately 700 per 100,000, with an apparent drop during the 1990s (see Figure 2). In 2001 the rate started raising again, only to drop significantly in 2012 and 2013.

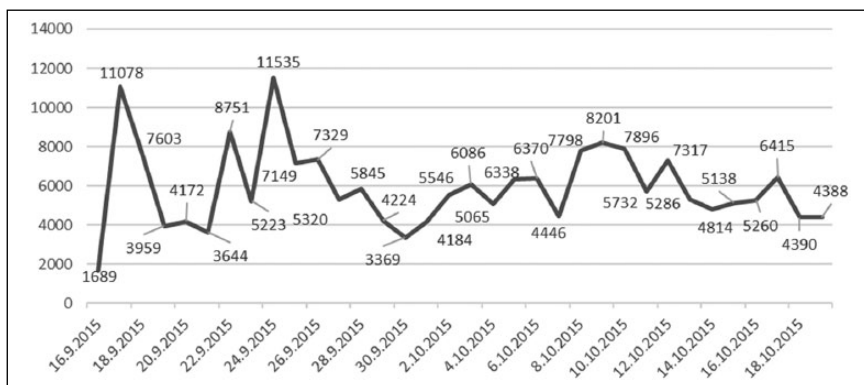
**Table 1.** Major sources of data on officially recorded crime.

Source institution	Type of data	Main counting unit	Online?
Croatian Bureau of Statistics	Crime statistics	Reported, accused and convicted adult/juvenile perpetrators and legal entities of criminal offences/misdemeanours	Yes <sup>a</sup>
	Special analysis and reports	Domestic violence; corruption; crimes against children; drug abuse; etc.	Yes <sup>b</sup>
Croatian Ministry of Interior	Reported crime	Criminal offences, misdemeanours, reported persons and victims	Yes <sup>c</sup>
State Prosecutor's Office	Prosecution statistics	Monthly reports (cases)	Yes <sup>d</sup>
		Annual reports (cases and persons)	Yes <sup>e</sup>
Court statistics Ministry of Justice	Conviction statistics	Convicted persons and cases	Yes <sup>f</sup>
	Prison statistics	Prisoners (detained and convicted)	No <sup>g</sup>
Anti-Money Laundering Office	Data on money-laundering activities	Courts/bodies, personnel, cases	Yes <sup>h</sup>
		Suspicious transactions	Yes <sup>i</sup>
Office for Human Rights	Statistics on trafficking in human beings, minorities	Perpetrators, cases, victims	Yes <sup>k</sup>
Office of the Ombudsman	Discrimination, hate crimes, bullying, prisoners' rights	Cases/complaints	Yes <sup>l</sup>
Ombudsman for Children	Violence against children, child victims/witnesses in criminal proceedings	Cases/victims	Yes <sup>m</sup>
Office for Combating Drug Abuse	Data on drug abuse, drug-related crime, drug markets	Perpetrators, cases	Yes <sup>n</sup>

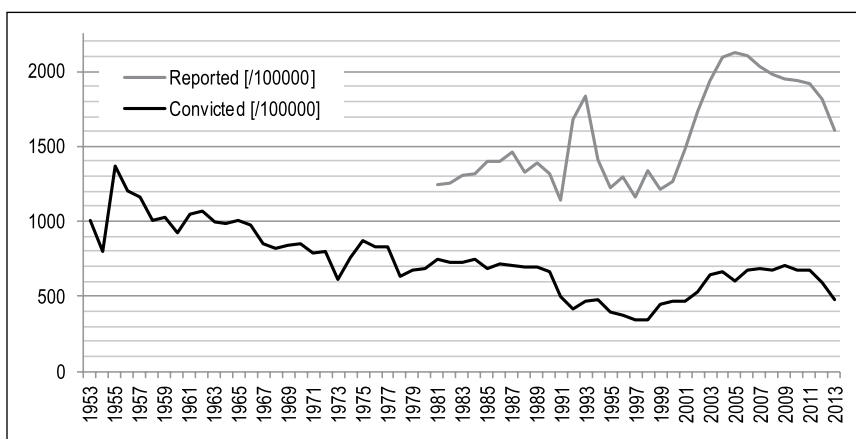
*Notes:*a. [www.dzs.hr](http://www.dzs.hr).b. [www.dzs.hr/Hrv/publication/studies.htm](http://www.dzs.hr/Hrv/publication/studies.htm).c. [www.mup.hr/main.aspx?id=180991](http://www.mup.hr/main.aspx?id=180991).d. [www.dorh.hr/MjesecnalzvjescaO](http://www.dorh.hr/MjesecnalzvjescaO).e. [www.dorh.hr/Default.aspx?sec=645](http://www.dorh.hr/Default.aspx?sec=645).f. [www.dorh.hr/Default.aspx?sec=647](http://www.dorh.hr/Default.aspx?sec=647), some data available in English at [www.dorh.hr/fgs.axd?id=1342](http://www.dorh.hr/fgs.axd?id=1342).

g. Though not available online, the data are included in the CBS statistics.

h. [www.mprh.hr/godisnje-izvjesce-o-stanju-i-radu](http://www.mprh.hr/godisnje-izvjesce-o-stanju-i-radu).i. [www.mprh.hr/uprava-za-organizaciju-pravosudja-statisticka-istr](http://www.mprh.hr/uprava-za-organizaciju-pravosudja-statisticka-istr).j. [www.mfin.hr/en/annual-reports-of-ministry-of-finance](http://www.mfin.hr/en/annual-reports-of-ministry-of-finance).k. [www.uljppnm.vlada.hr/images/pdf/izvjesce\\_za\\_2011god.pdf](http://www.uljppnm.vlada.hr/images/pdf/izvjesce_za_2011god.pdf).l. [www.ombudsman.hr/index.php/hr/izvjesca/izvjesce-pucke-pravobraniteljice](http://www.ombudsman.hr/index.php/hr/izvjesca/izvjesce-pucke-pravobraniteljice).m. [www.dijete.hr/hr/izvjemainmenu-93/izvjeo-radu-pravobraniteljja-za-djecu-mainmenu-94.html](http://www.dijete.hr/hr/izvjemainmenu-93/izvjeo-radu-pravobraniteljja-za-djecu-mainmenu-94.html).n. [www.uredzadoge.hr/en/files/2013/06/Cro\\_Report\\_en2012.pdf](http://www.uredzadoge.hr/en/files/2013/06/Cro_Report_en2012.pdf).



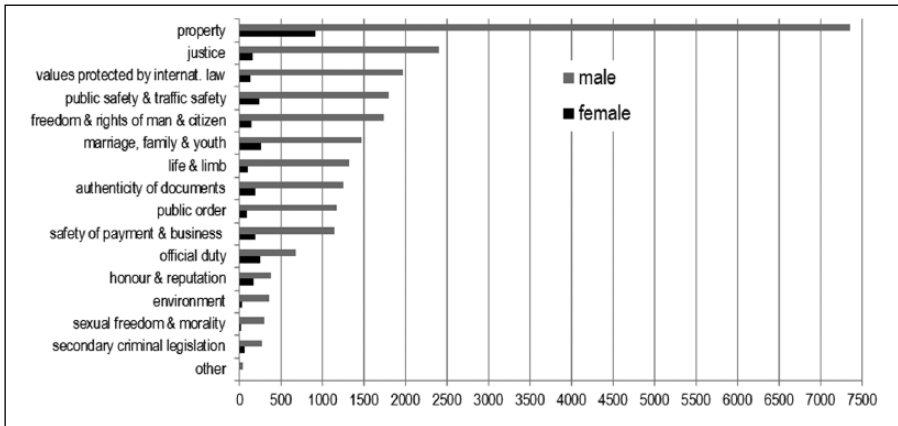
**Figure 1.** Migration crisis, entry by day, 16 September – 18 October 2015. Source of data: Ministry of Internal Affairs (2015).



**Figure 2.** Reported and convicted persons for all criminal offences per 100,000 population, 1953–2013.

Whereas the 1990s’ ‘wartime drop’ is related to radical changes in the macro social conditions (Croatian independence, changes in the judiciary, war, partial occupation of Croatian territory, perhaps even a decrease in crime), the currently ongoing decreasing trend seems to be primarily related to the New Penal Code’s provisions regarding drug abuse and to one single offence against the judiciary. As of 1 January 2013, drug possession for personal use is no longer a criminal offence in the chapter ‘offences against values protected by international law’ (see third row in Figure 3), but only a misdemeanour. Since usually more than 90 percent of all offences in this chapter are drug possession, this makes perfect sense. The criminal offence of ‘thwarting prohibitions contained in security measures and legal consequences of conviction’ was not only the single most common offence in the chapter ‘offences against the judiciary’, but it also made up an



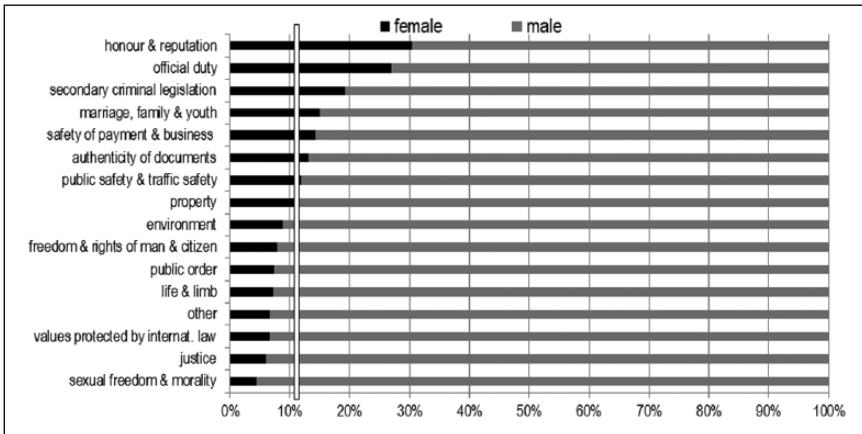


**Figure 3.** Accused persons by group of criminal offences and sex in 2012 (criminal offences against . . .).

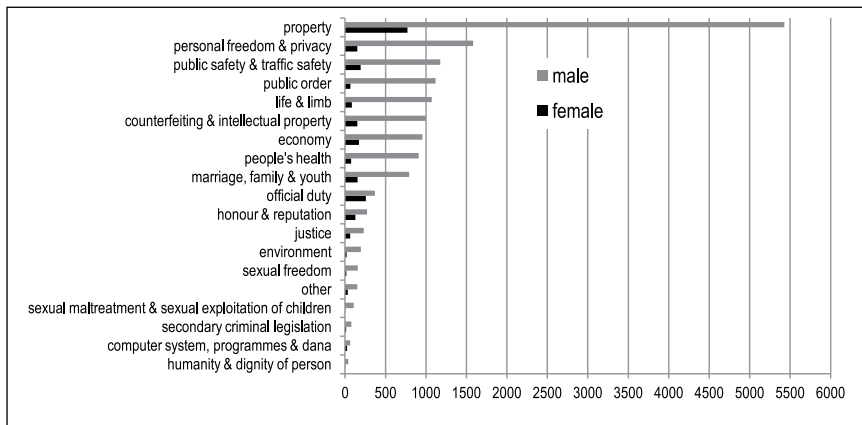
unbelievable share of 8.37 percent in the total crime structure (a usually very common crime such as theft accounts for ‘only’ 8.09 percent) with a record conviction rate of 96.41 percent. This was not always so – in 11 years (1998–2008) only one person was accused and convicted for this offence. With the New Penal Code the number of these offences has again dropped dramatically.

Looking at the different types of crime being committed in Croatia (see Figure 3), for both sexes and applicable only for males, the following picture emerges. By far the biggest share of Croatian crime in 2012 was property crime, followed by criminal offences against justice. As mentioned previously, the third most common group of criminal offences ‘against values protected by international law’ was actually drug abuse. ‘Endangering road traffic’ was the most common offence in the fourth group of crimes, and ‘threat’ was the leading offence in the fifth most common group of offences ‘against freedom and rights of man and citizen’. The sixth most common group of offences is directed against marriage, family and youth. Here the usual offences were ‘failure to provide maintenance’, ‘violent conduct within a family’ and ‘neglect and maltreatment of a child or a juvenile’. It should be noted that a large share of domestic violence cases is handled not through criminal proceedings but through misdemeanour proceedings. It also should be pointed out that, with a share of almost 15 percent, women participate more than the average in this offence group (see Figure 4).

When looking at the period of the last two decades, women’s share in total adult crime is approximately 8–14 percent regarding reported persons, 9–12 percent regarding accused persons and 8–10 percent regarding convicted persons. Over the past two decades the share of reported, accused and convicted females has been continuously rising, but still has not reached the high levels encountered before 1990 (see Figure 14). For the last few years the share amounts for 10–13 percent for all categories, whereas in 2012 women made up an average share of 11.2 percent (11.5 percent in 2013) among the accused population, as indicated by the vertical white line in Figure 4. The offences for



**Figure 4.** Accused persons by female share in different groups of criminal offences in 2012 (criminal offences against . . .).

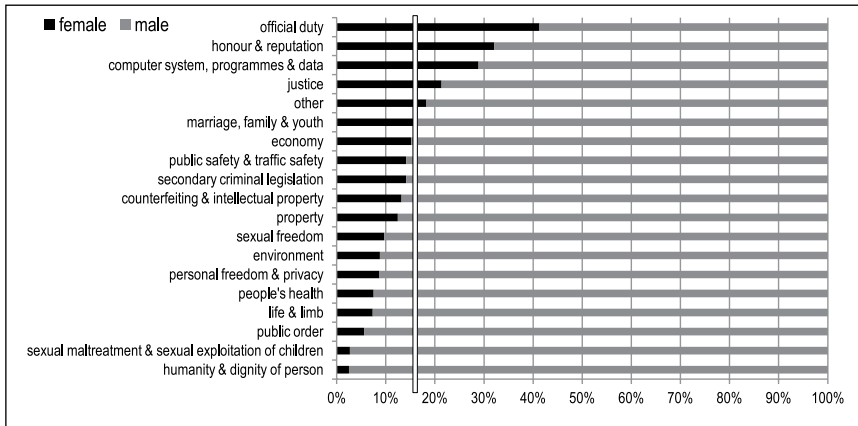


**Figure 5.** Accused persons by group of criminal offences and sex in 2014 (criminal offences against . . .).

which women are most commonly accused are related to verbal offences and misuse of official duty for financial gain. They also often engage in domestic violence, fraudulent offences, forgery and endangering road traffic.

When comparing the data for 2012 (see Figures 3 and 4) with data for 2014 (see Figures 5 and 6), it is important to point out that the major changes actually do not demonstrate a shift in the crime trends but are simply the result of adopting a New Penal Code.

Looking at the different types of crime being committed in Croatia in 2014 (see Figure 5), the biggest share by far was property crime, followed by criminal offences against personal freedom and privacy, where the leading offence was ‘threat’. The third most common group



**Figure 6.** Accused persons by female share in different groups of criminal offences in 2014 (criminal offences against . . .).

of criminal offences was directed against public safety and traffic safety, where the leading offence was actually ‘causing an accident in road traffic’. ‘Illicit production, possession or acquisition of weapons and explosive substances’ was the most common offence in the fourth group of crimes, and ‘aggravated bodily injury’ was the leading offence in the fifth most common group of offences against life and limb. The sixth most common group of offences is counterfeiting and offences against intellectual property. Here the most frequent offence was ‘forgery of a document’. The seventh most common group of offences is directed against the economy, where the usual offences were ‘fraud in economic business operations’, ‘abuse of trust in economic business operations’ and ‘illicit trade’. It also should be pointed out that women mostly participate in non-violent offences such as criminal offences against official duty, against honour and reputation and against computer systems, programs and data (see Figure 6). It should be noted that a large share of domestic violence cases is handled not through criminal proceedings but through misdemeanour proceedings. It also should be mentioned that, with a share of almost 19 percent, women participate more than the average in this offence group (see Figure 6).

The number of total convicted adults has been continuously dropping during the last couple of years and this is well reflected in the share of persons sentenced to conditional imprisonment, which is by far the most frequently issued penal sanction in Croatia (see Figure 7). This trend is also visible for unconditional fines, although both unconditional and conditional fines make up a rather small proportion of the total of issued penal sanctions. When it comes to unconditional prison sentences, Croatia shows a sort of counter-trend that does not follow the general drop in convictions.

The New Penal Code prescribes that short-term prison sentences, owing to their recognized negative impacts (loss of employment, effect on family relations, lack of time for penological treatment, stigmatization, criminal infection, etc.), may be issued only exceptionally. This resulted in an obvious drop in the number of convicted adult persons sentenced to unconditional imprisonment up to 6 months, but simultaneously led to a

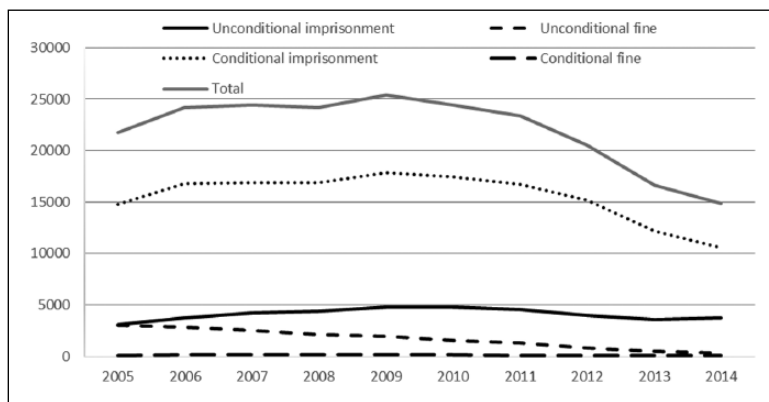


Figure 7. Trend of all convicted persons in relation to different types of sentences, 2005–14.

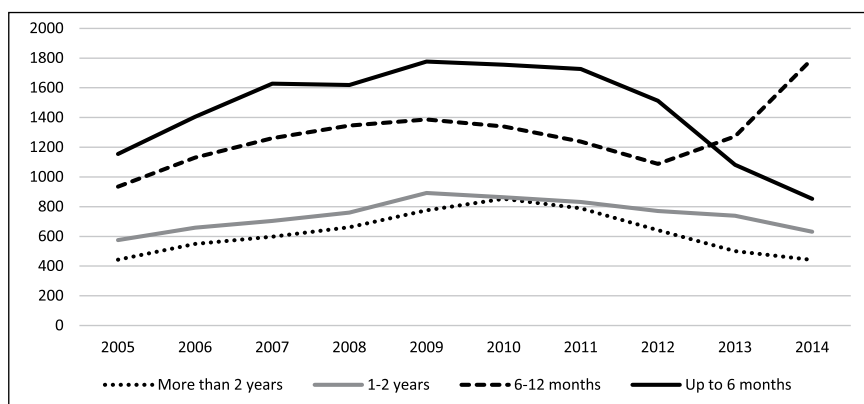
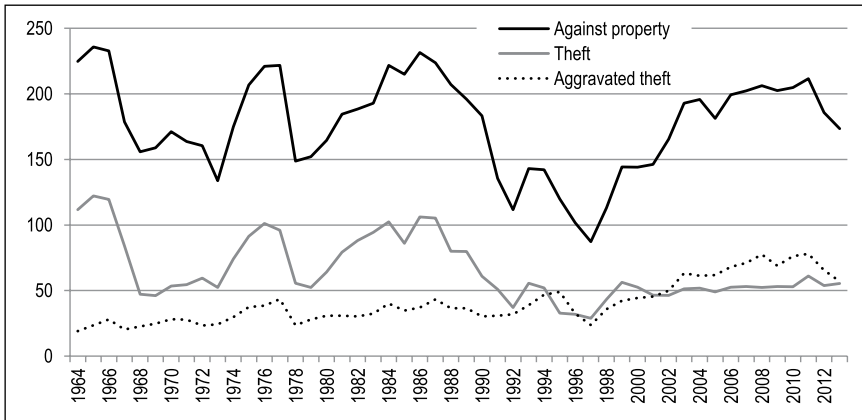


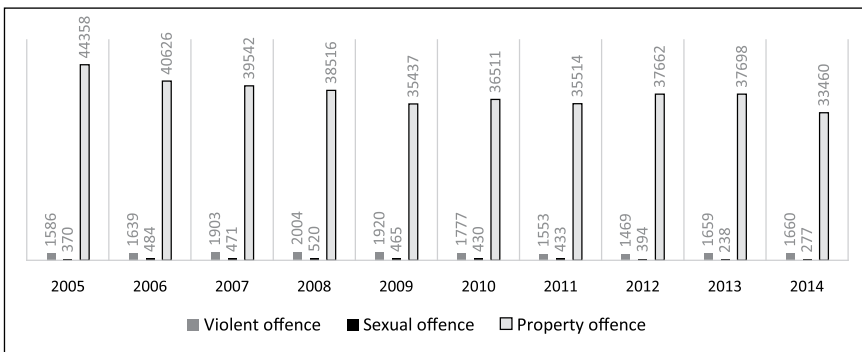
Figure 8. Trend of all convicted persons in relation to different lengths of unconditional imprisonment, 2005–14.

dramatic rise in the number of those sentenced to unconditional imprisonment lasting between 6 and 12 months (see Figure 8).

Coming back to the most common offence, property crime, again the 1990s ‘wartime drop’ appears (see Figure 9). This is followed by an apparent increase back to pre-war-time levels, but with a ‘switch’ between theft and aggravated theft regarding frequency. For decades, theft was the leading offence against property, but during the last decade its aggravated form has become more prominent. Currently there seems to be an ongoing decline in reported and convicted persons for property crime offence (see Figure 10). This trend is more obvious when looking at juveniles separately (see Figure 13). However, property crime levels have so far proven to be very consistent over time and it would be surprising to see the current decrease evolve into a lasting feature.



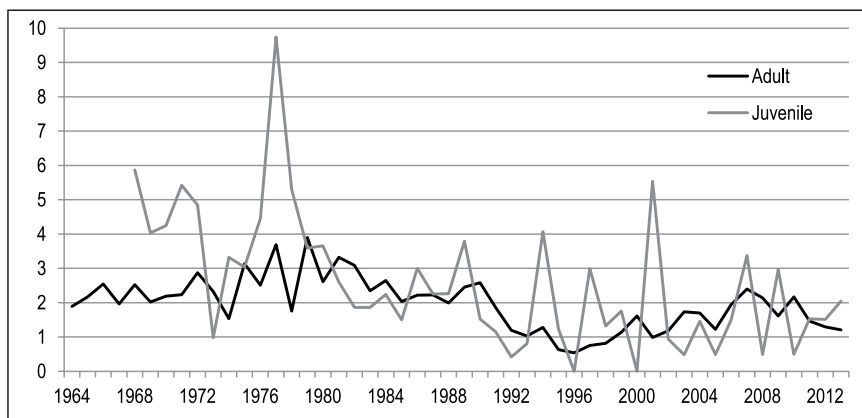
**Figure 9.** Adults and juveniles convicted of offences against property, theft and aggravated theft per 100,000 population, 1964–2013.



**Figure 10.** Trend of reported persons for property, violent and sexual offences, 2005–14.

The number of reported persons for sexual offences has been declining during recent years and this trend is well reflected in the related conviction figures (see Figures 10 and 2). The trend for reported persons for violent offences is less stable with far more variations (see Figure 10).

When it comes to sexual offences, it is interesting to note that, even after a moderate increase in the adults’ rape rate after the 1990s’ ‘wartime drop’, the rate currently is still very low (see Figure 11). Nevertheless, sexual offences have played an important role in public debate and went through a dramatic change during the last two decades. Sexual offences are no longer perceived as a form of offence against public morality, but are seen as offences against personal sexual freedom, where the protected value is no longer societal public morality but the sexual freedom of the individual. This shifting perception of sexual offences becomes most obvious when looking at the criminal prohibition of rape. Until 1998 the criminal offence of rape prohibited forced sexual intercourse only in

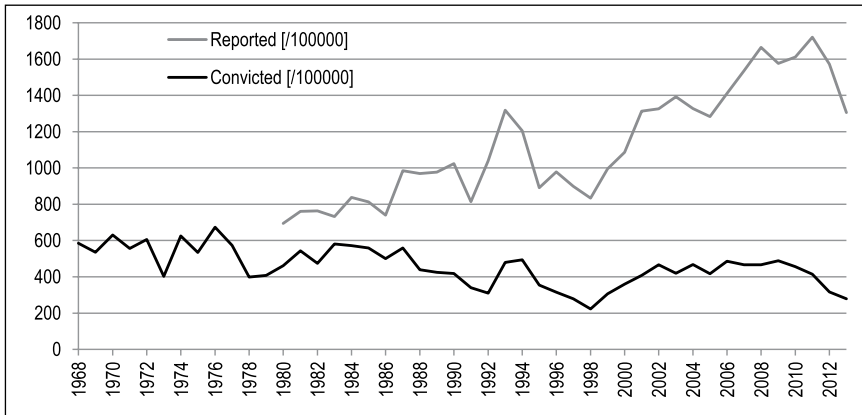


**Figure 11.** Persons convicted of rape per 100,000 population in the relevant age group, 1964–2013.

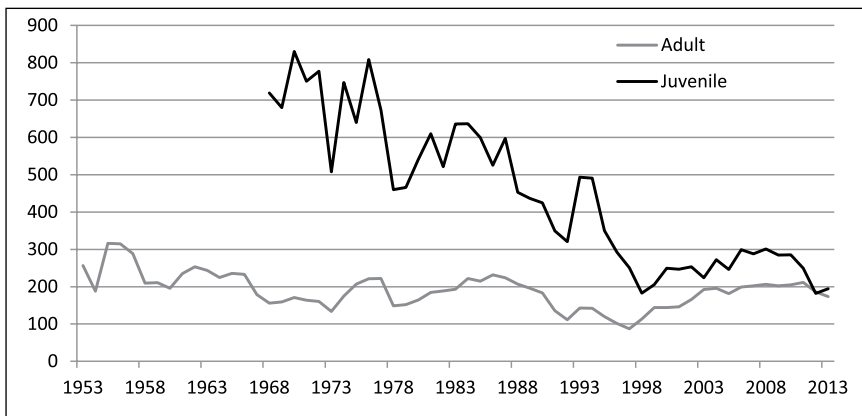
those cases where the victim was a female not living in a spousal union with the offender. In 1998 this was changed and the rape offence became sexually neutral, thus also incriminating marital rape, whereas the sentence range was not changed compared with 1991. As of 2013, in addition to the existing rape offence (punishable with 1 to 10 years imprisonment), the offence of ‘non-consensual sexual intercourse’ (6 months to 5 years imprisonment) has been introduced. The main criminal political reasoning behind this expansion of criminalization in the area of sexuality was lifting the ‘burden of proof’ for the victims. For both offences, the offender–victim relationship ‘close person’ has been introduced as a qualifying circumstance, raising the penalty in the case of rape to 3 to 15 years of imprisonment, and in the case of non-consensual sexual intercourse to 1 to 10 years of imprisonment (similar the penalty range for rape against a non-close person). It has to be noted that such a radical shift in the legal perception of prohibited behaviour in the area of sexuality is not at all reflected in attitudes towards punishment among young and well-educated people in Croatia (Getoš and Giebel, 2013). However, with only 14 adults being accused in 2013, at least for now the new offence of non-consensual sexual intercourse plays a modest role and does not seem to help with lifting the ‘burden of proof’ for the victims. In any case, the rape rate (as shown in Figure 11) in Croatia continues to remain low.

### Youth crime

The age of criminal liability in Croatia is 14, and up to 18 years of age (exceptionally 21, so-called younger adult) the criminal law for juveniles applies, distinguishing between younger and older juveniles: the first group is aged 14 and 15, the second group 16 and 17. In 2013, accused juveniles constituted 2.77 percent of the total of accused persons in Croatia, which was 18.1 percent less than in the previous year. Looking back over almost 50 years, a slight decrease in convicted juveniles can be seen (see Figure 12), whereas the trend in reported juveniles has been rising until recently. The discrepancy between



**Figure 12.** Reported and convicted juveniles for all offences per 100,000 population, 1968–2013.



**Figure 13.** Persons convicted of offences against property per 100,000 population in the relevant age group, 1953–2013.

the two trends can be explained by the increased usage of prosecutorial discretionary powers when it comes to juveniles. Although in recent years there have been several cases of juvenile offences (including violent crime) that caused widespread public debate calling for harsher penalties, the criminal justice system obviously remained unaffected by this media attention.

The typical juvenile offence in Croatia is property crime (approximately 70 percent of all reported and accused in 2013), which clearly dominates the juvenile crime structure. However, looking at the trend (see Figure 13), juvenile property crime convictions are constantly decreasing, especially when compared with adult property crime convictions. In 2012 for the first time the property crime rate for convicted juveniles was lower than that for adults.

The second most common type of juvenile crime is violent crime, closely followed by drug abuse and disturbing public order. Women make up a share of 7–8 percent in juvenile offending (reported, accused and convicted).

### *Country-specific crime issues: War crimes and war profiteering*

War crime prosecutions still play an important role in Croatia not so much because of their quantity, but owing to their atrocious nature and the public polarization they still cause, depending on the nationality of the offenders and victims. In this context, the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) has also regularly caused heated public debate. However, little is known about what exactly happens with the offenders once they are convicted and start serving their sentences. Research in this area is still missing, at both national and international level (for a first research attempt into punishment and sentence enforcement of the ICTY, see Vojta, 2014).

Another legacy of Croatia's wartime has only recently been addressed by the criminal justice system – war profiteering. The magnitude of the economic damage caused during the process of 'privatizing' state-owned property during the 1990s is enormous and the vast majority of criminal activities related to it stay unprosecuted. Meanwhile the statute of limitations would have applied, but Croatia abolished it with retroactive effect (see Roksandić Vidlička, 2014). It is still unclear how and whether this will in practice lead to a significant number of criminal prosecutions.

## **The Croatian criminal justice system**

The Croatian Police operates within the Ministry of Interior. The overall organization comprises 20 police districts and their respective police stations, which cover the territory of the Republic of Croatia. The Police has several sub-specializations, but in the context of crime investigation the most important ones are the basic police (uniformed), the criminal police, and the specialized police unit for investigating corruption and organized crime (National Police Office for the Suppression of Corruption and Organized Crime). The police are usually the first point of contact when a criminal offence has been committed. Besides dealing with criminal offences, the police also handle misdemeanours, which comprise a significant share of its overall activities, especially regarding traffic regulation violations and disturbances of public order. Misdemeanours in Croatia are, together with criminal offences, part of the criminal law in a broader sense. The current national police programmes to which special attention is given include: trafficking in human beings, corruption, road traffic safety, and prevention of drug abuse.

The State Prosecutor's Office of the Republic of Croatia is independent from the courts. It has the legal authority to initiate criminal proceedings. The Office for the Suppression of Organized Crime and Corruption was established in 2001 as a separate prosecutor's office with a mandate to direct police investigations and conduct prosecutions in corruption and organized crime cases. It works closely with the special police unit for investigating corruption and organized crime. There are county and municipal prosecutors' offices. Prosecutors at the county and municipal level are appointed by the State Prosecutor, who in turn is appointed by the Croatian parliament.



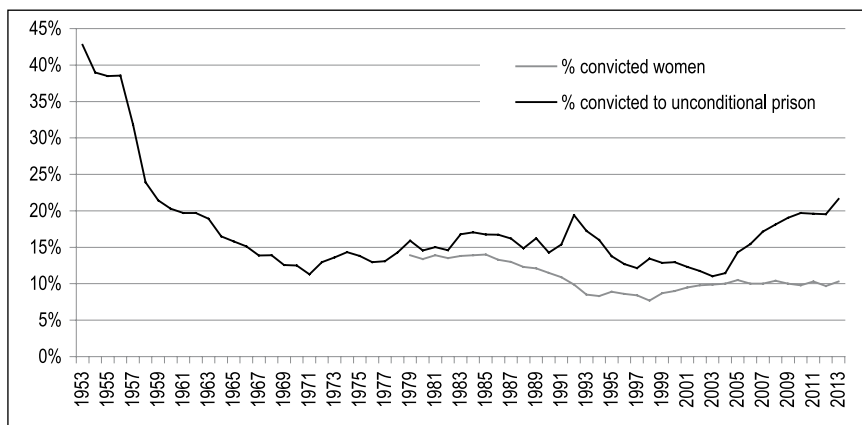
Croatia has a three-tiered judicial system, which from April 2015 consists of the Supreme Court, 15 county courts and 24 municipal courts. In addition, there are 8 commercial courts, 4 administrative courts and 22 misdemeanour courts, the High Misdemeanour Court, the High Commercial Court, the High Administrative Court and the Supreme Court. The municipal courts conduct first instance proceedings, the county courts first and second instance proceedings (first instance proceedings only for specific and especially serious offences) and the Supreme Court second and third instance proceedings. The Supreme Court of the Republic of Croatia is the highest court of justice and is responsible for ensuring uniform implementation of laws and equality of citizens. In addition to this and in the context of criminal proceedings, the Croatian Constitutional Court occasionally plays a very important role by looking into human rights complaints in criminal cases.

The Croatian prison system consists of 8 penitentiaries (for sentence serving by adults and juveniles convicted of criminal offences and misdemeanours), 13 prisons (for investigative prison/detention and sentence serving regarding criminal offences and misdemeanours), 2 correctional institutions (for sentenced juveniles), the centre for education (conducting training for prison staff) and the centre for diagnostics in Zagreb (for processing all adults sentenced to a prison sentence lasting more than 6 months, all sentenced juveniles, all convicts transferred to Croatia from abroad and all convicts on whom the measure of mandatory psychiatric treatment has been imposed).

## **Sentencing policy and trends**

### *Croatian sentencing practices*

Croatian conviction rates for the total of criminal offences are well below the European average (see Figure 2). The European mean in 2011 was 909, the median 669, whereas the conviction rate for Croatia was 549 per 100,000 (Aebi et al., 2014: 156). This is a rather consistent finding over time (except for the 1990s' wartime drop). But, when looking at the rate of unconditional prison sentences (see Figure 14) and the prison population rates in Croatia (Aebi and Delgrande, 2013, 2015a), then it is clear that the relatively low conviction rates are not well reflected here. On the contrary. Despite rather low conviction rates, Croatia has a high rate of unconditional prison sentences and prison population rate. Regardless of the fact that the prison population rate of 115.2 in 2011 is below the European average, with a mean of 154.0 and a median of 122.2 (Aebi and Delgrande, 2013: 41), this is out of proportion in the context of Croatian conviction rates. Thus Croatia has revealed a major upward trend in its prison population rates, with a linear increase of 74.9 percent over the last 11 years (Aebi and Delgrande, 2015b: 2). This trend contradicts the clear declining trend in the rate of reported and convicted persons for all criminal offences (see Figure 2). This points towards a high frequency in the usage of unconditional prison sentences, rather than harsher sentencing practices in Croatia, since approximately 65 percent of the unconditional prison sentences in 2013 were short-term prison sentences up to 12 months (35.42 percent 6–12 months and 30.11 percent up to 6 months); 20.4 percent were 1–2 years, 11.1 percent 2–5 years, and only 2.8 percent more than 5 years.



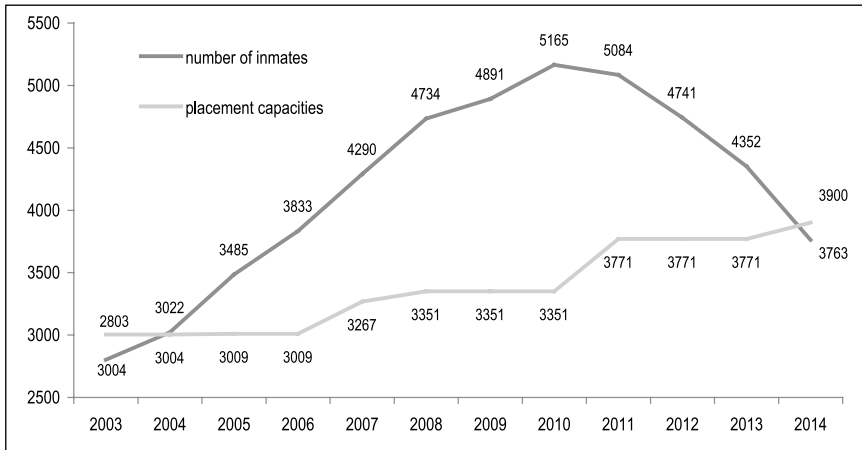
**Figure 14.** Share of convicted women and share of persons (both sexes) sentenced to unconditional prison sentences within all convicted persons, 1953–2013.

In 2013, unconditional prison sentences made up 21.6 percent of all pronounced penalties and other measures (the most frequent penalty – 73.3 percent – was a conditional/suspended prison sentence). One of the reasons for this sentencing policy in Croatia is the still developing probation system. The legal framework has been in force since 2009, but in practice probation has been an almost non-existent feature in Croatia’s penal landscape. Only during the last couple of years has the Ministry of Justice’s probation sector started to become to some extent operational, after struggling with such basic working preconditions as personnel, office space or furniture. It will probably take another couple of years before the whole criminal justice system starts making full use of the probation system. Until then the Croatian prison system will continue to play a lead role when it comes to offender treatment.

### *Prison statistics and overcrowding in Croatian prisons*

As Figure 15 shows, the Croatian prison system has been struggling with severe overcrowding for almost a decade, but in 2011 the situation started improving, so that, according to the newest data available for 2014, the placing of prisoners for the first time amounted to slightly less than 100 percent of placement capacity, compared with the peak in 2010 when it was over 150 percent. The reduction in overcrowding can be traced back to two factors. One is the increase in placement capacity by creating 129 new places, the other is an effect of new provisions in the Criminal Procedure Code limiting the duration of investigative detention, which makes up a considerable share of the grounds for prison placements in the total caseload (see Table 2).

The overcrowding has been closely connected to the high share of prison inmates who are not serving prison sentences but are detained awaiting trial in a so-called investigative prison (29.35 percent of the total caseload in 2014 or 21.58 percent of the one-day snapshot) and inmates who are (supplementary) sentenced or retained in misdemeanour



**Figure 15.** Overcrowding: Prison inmates and placement capacities (one-day snapshots on 31 December), 2003–14.

Source of data: Ministry of Justice (2015: 11).

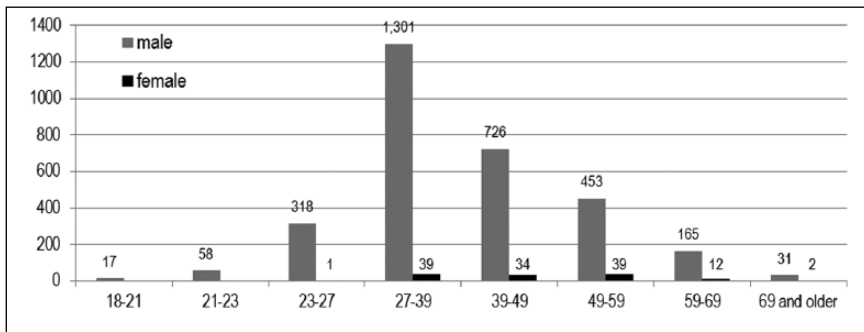
**Table 2.** Categories of prison inmates in 2014 (total caseload and one-day snapshot on 31 December 2014).

Categories of prison inmates	Total caseload 2014			One-day snapshot 31 December 2014			
	Total	Male	Female percent	Total	Male	Female percent	
Convicts	6031	5744	4.76	2775	2635	5.05	
Investigative prisoners	3974	3698	6.95	812	770	5.17	
Misdemeanour sentencing	Prison sentence	675	657	2.67	27	27	0.00
	Retained	2239	2143	4.29	57	57	0.00
	Supplementary	445	432	2.92	4	4	0.00
Educational measure	138	126	8.70	70	62	11.43	
Juvenile imprisonment	37	37	0.00	18	18	0.00	
<b>Total</b>	<b>13,539</b>	<b>12,837</b>	<b>5.19</b>	<b>3763</b>	<b>3573</b>	<b>5.05</b>	

Source of data: Ministry of Justice (2015: 15).

proceedings (24.81 percent of total caseload in 2014 or only 2.34 percent of one-day snapshot).

Investigative prisoners are most commonly detained because of criminal offences against values protected by international law, where the most common offences are related to drug abuse (17 percent),<sup>6</sup> and the next most common group is detention for criminal offences against property. For both these groups of detainees it is questionable whether incarceration (even if only temporary) is really the most appropriate solution,



**Figure 16.** Age and sex structure and distribution of convicted prison inmates (one-day snapshot on 31 December 2013).

Source of data: Ministry of Justice (2014: 37).

not only with regards to the generic problem of prison overcrowding but especially considering the nature of their alleged criminal offence (property crimes) and the lack of proper addiction treatment possibilities in many of the prison institutions.

Looking at the sex and age structure of only convicted prison inmates, then Table 2 and Figure 16 show that female convicts account for approximately 4 percent of the convict population, which is a very consistent finding over the years. The age distribution places the majority of male convicts into the age cluster 27–39, whereas the female convicts are on average older than the males (see Figure 16).

According to type of criminal offence, the structure of prison inmates is stable over the years and comprised 36.06 percent inmates who had committed a property offence (males 36.24 percent, females 29.06 percent), 19.76 percent who had committed a drug-related offence, and 15.74 percent inmates who had committed a criminal offence against body and limb.<sup>7</sup> In the years ahead at least the category of convicts related to drug offences (mainly drug abuse) should decrease substantially, as this no longer constitutes a criminal offence, but is a misdemeanour. Then again, there is no guarantee that these drug-related misdemeanour offenders will not end up in prison anyway.

A last issue briefly to be discussed here deals with prison conditions in Croatia. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Croatian prisons in 2012 (CPT, 2012). The CPT concluded that one of the problems is overcrowding of prisons, especially in the prison in Zagreb, where the overcrowding rose to 225 percent, or more than double the official capacity of 400 prisoners. As a consequence, rooms previously assigned for common activities have been converted into cell accommodation. Because there is a lack of space for meaningful outdoor exercise, the CPT called upon the Croatian authorities, especially in the case of juveniles, to improve the programme of activities, including work and vocational training opportunities, and to consider extending the period of outdoor exercise, until such a time as a programme of meaningful activities is put in place. The CPT further recommended that the Croatian authorities take steps to reduce cell occupancy levels and to improve the material conditions in all the prisons. It recommended enhancing formal guarantees, such as the right of access to a lawyer of their own choice and a right to

**Table 3.** General and special recidivism of adult male and female offenders in 2012.

	Total		Male		Female	
Total convicted persons	20,548	100.00%	18,563	100.00%	1985	100.00%
Prior convicted persons	6053	29.46%	5757	31.01%	296	14.91%
Special recidivism	1400	6.81%	1303	7.02%	97	4.87%
General recidivism	2908	14.15%	2769	14.92%	139	7.00%
Combined recidivism	1745	8.49%	1685	9.08%	60	3.02%

Note: The most recent available data on general and special recidivism of adult male and female offenders deal with 2012. For 2013 and 2014 there is only the total number of prior convicted persons, which was 4383 in 2013 and 3643 in 2014.

health-care services, in order to prevent the abuse of prisoners. It pointed out that neither physical ill-treatment nor verbal abuse of prisoners is acceptable and would be punished accordingly. The problem of inadequate health care was confirmed in the judgments of the European Court of Human Rights (ECHR), for example the cases of *Testa v. Croatia*, *Štitić v. Croatia*, and *Pilčić v. Croatia*. The ECHR judgments identified the main problems as: poor living conditions and accommodation in prison, lack of adequate medical care in prisons, and the lack of effective legal means to protect the rights of prisoners.

### Recidivism statistics

Regarding recidivism it can be observed that, during the past two decades, reoffending has been growing slightly but steadily (Derenčinović and Getoš, 2008), up to a current average of approximately 30 percent for both sexes (see Table 3). Of course the differences between the sexes are significant and recidivism is half as common in females as in males, but interestingly – when it comes to special recidivism – women show a somewhat greater propensity to relapse: whereas the rate for males is approximately 22 percent (1303 out of all the total of 5757 recidivists), more than 32 percent of the convicted women with a prior record were special recidivists (97 of the total of 296).

### Concluding remarks

The basic facts and figures about Croatian criminology, crime and criminal justice presented here provide only a glimpse of the complex country situation, which is still struggling with many transitional challenges. Criminology so far has contributed little to overcoming this transition smoothly, owing either to a lack of research output or to a lack of influence in the relevant government bodies. The Croatian criminological research community is far too small and faces too many open fields of research to permit itself the luxury of lingering over three separate lines of thought (criminal law, criminalistics or defectology). A joint effort would be needed in research as well as in education. One of the first issues to address would most certainly be a study into crime, offending and victimization that does not solemnly rely on official crime statistics. Although these indicate that Croatia has no conventional crime problem and by many indicators is well below the

European average, without crime surveys this remains only a small part (the officially reported one) of the greater crime picture. Of course, Croatia, like many countries of the region, struggles with corruption and organized crime, and it still has to deal with atrocious crimes from the recent past and far-reaching consequences of war profiteering and criminal 'privatization'.

Probation is still in its infancy and the prison system (amongst other factors such as high levels of unemployment) continues to produce high levels of recidivism. Research into sentencing policy, practice and impact, with a special focus on reoffending, is desperately needed in order to help improve the situation. This is closely related to the Croatian criminologists' main task in the coming years: pushing for evidence-based crime policy. Especially in light of the recent major penal reforms, including both procedural and substantive criminal law, it would be of the utmost importance to closely follow and evaluate the new trend in crime policy that is clearly heading towards harsher punishment and raising the efficiency of criminal proceedings.

Finally, because many of the macro social conditions throughout the region are very similar, a regional approach in research and education should be taken. This would also help to make up for the relatively small criminological communities in the different countries of South-Eastern Europe. Croatian criminology has had significant accomplishments in recent years and is getting more and more involved in European criminology. Yet there remain many untouched fields of research and open issues as regards theoretical debate. The years ahead will show whether and how Croatian criminologists and criminal justice professionals will master this challenge. For now the setting might be qualified as satisfactory with much room for improvement.

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## Notes

1. The findings on Croatian criminological history, education and research are partially based on one of the authors' ongoing studies into the topics, which has been published in German (Getoš, 2011) and Croatian (Getoš, 2009).
2. For more details see Getoš Kalac and Karlović (2014).
3. The overview is based on the expert participation of Assist. Prof. Dr Getoš Kalac in the CARDS project 'Development of Monitoring Instruments for Judicial and Law Enforcement Institutions in the Western Balkans'. The project's web page contains an English language 'Technical Assessment Report' for Croatia (and other countries from the region) – the interested reader should consult it for more detailed analysis: [www.unodc.org/southeasterneurope/en/cards-project.html](http://www.unodc.org/southeasterneurope/en/cards-project.html).
4. <http://www.mup.hr/main.aspx?id=225849>.
5. If not otherwise indicated, the source of all statistical data is the Croatian Bureau of Statistics. For all years the population number was available, but data on age distribution only for 1953, 1961, 1971, 1981, 1991 and 2001–13. Therefore, linear interpolation between the known

years was used in order to estimate the juvenile and adult population. At the level of Penal Code chapters, major innovations were introduced in 2013. These innovations make it difficult to comment on the current crime structure in relation to the crime trends owing to the lack of continuity in statistical methodology. Therefore, some of the data, though already available for 2014, still deal with 2012. Where possible and useful, data for both 2012 and 2014 are provided.

6. Ministry of Justice (2015: 37).
7. Ministry of Justice (2014: 16).

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