



BC RESEARCH PROJECTS

Restrictions and Disenfranchisement of Certain Civil and Political Rights After Conviction: The Situation in Croatia

Lucija Sokanović & Michael Kilchling

The Max Planck Partner Group for Balkan Criminology participates in the comparative European study on restrictions and disenfranchisement of certain civil and political rights after conviction (see BALKAN CRIMINOLOGY NEWS 1/2017). The study aims to identify and analyze the various concepts and rules related to the abrogation or (temporary) restriction of civil and political rights which can be imposed in addition to regular criminal penalties – sometimes mandatory, sometimes on a discretionary basis; sometimes they also come into effect automatically, as a legally provided collateral consequence of a conviction. These restrictions can be traced back to honor-related forms of punishment which were common in the 18th, 19th and early 20th century. With their stigmatizing character they had the purpose to exclude deviant individuals from (full) participation in society. Such sanctions are, in some form or another, still prevalent today. It seems that in recent years they have even re-gained significance in the context of the growth of the preventative orientation of criminal law, now hidden in administrative dress/disguise. Nevertheless they have rarely been in the focus of academic attention.

Comparative analyses have shown that such “invisible punishments”¹ can apply in a variety of areas. Besides certain restrictions of political rights (right to vote, right to be elected), many countries in Europe have introduced constraints related, inter alia, to

- education and science (exams, academic titles, student loans, research grants, etc.);
- admission to social welfare and social benefits (e.g., pension, public housing);
- permits and ownerships (e.g., driver’s license, gun ownership, hunting license, possession of animals – pets or cattle);
- residency and free movement;
- voluntary or leisure activities, including sports.

In addition, a conviction can also have implications

- in family law matters (e.g., parental rights, conjugal/marital rights, adoption), and
- for the immigration status (visa, asylum, deportation, etc.).

National systems are rather different when looking at the applicable types of restrictions, their scope, and duration. Whereas in some countries restrictions are widespread and strict in a wide range of situations, others have more restrained regulations in force which target solely limited groups of offenders, and others always leave space for individualized, case-based decisions. In any case, the mere spectrum of potential restrictions, in particular the wide array of occupational bans, illustrate the serious impact of such regulations regarding the chances of ex-offenders to fully participate in social life after their release, although their guilt

- employment (not only in the public but also in the private sector);
- self-employment (professions that need a State permit or license: bars, restaurants, hot-dog stands, hotels, taxis, cargo and shipping, etc.);
- ranks, positions, honorary titles;
- the justice sector (e.g., bar membership, eligibility as a lay judge or jury member);

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is actually compensated once they have served the penal sanction.

In addition to all the statutory restrictions under analysis in our research, ex-prisoners are quite often confronted with further constraints arising from direct or indirect exclusionary rules and practices in the private business sector, and in private life in general.

In Croatia, too, the conviction for a severe and particularly horrendous criminal offense may have as a consequence the loss of acquired rights or a temporary ban on exercising certain rights if such a measure is necessary to safeguard the legal order.² Conditions and ultimate time limits are legally stipulated.³ In order to ensure effective rehabilitation,⁴ the law explicitly provides that the mere fact of a prior conviction must have not any (continuous) negative legal effect anymore once the rehabilitation period has expired (see text box).

Only a few key areas in which such – temporary – restrictions apply can be shortly introduced here.⁵

Restriction of political rights

Active electoral rights are not limited in Croatia. All convicted persons have the right to vote. Certain restrictions do, however, apply in regard to the right to be elected. Voters and political parties cannot nominate persons who have been convicted to unconditional imprisonment for more than six months. Persons who are convicted by final court decision for crimes against humanity and human dignity (genocide, aggression, crimes against humanity, war crimes, terrorism, terrorist organisation, torture, slavery) and crimes against life and body (qualified murder) cannot run as candidates for national and European elections if the terms for rehabilitation have not expired. For regional and local elections the rules for crime-based exclusion are even stricter.⁶ Elected persons lose their mandate in case of a final conviction to unconditional imprisonment of more than 6 months.

However, the Act on Political Parties has no specific regulations providing restrictions on party membership or the appointment or election for leading positions. Accordingly it can happen – as was the case in Vukovar in October 2018 – that a person who was finally convicted for offering bribes becomes the president of a local political party.

Article 19 ALCCCR³:

ENFORCING REHABILITATION

(1) Following executed, pardoned or time-barred imprisonment [...] or following a paid fine, convicted persons shall enjoy all the rights of citizens set out in the Constitution, law or other regulations [...]. [...]

(4) Provided that a perpetrator of a criminal offense has not been convicted for a new criminal offense, rehabilitation sets in ex lege when the following time limits have elapsed: 20 years [in case of long-term imprisonment], 15 years [in case of imprisonment of 10 years or more], 10 years [in case of imprisonment of 3 years or more], 5 years [in case of imprisonment of 1 year or more and youth imprisonment] and 3 years [in all other cases].

(5) After the time specified in paragraph 4 of this Article, [...] the perpetrator shall be regarded as unconvicted; any use of information on the person concerned as a perpetrator of a criminal offense is prohibited, and the use of such information has no legal effect. A rehabilitated person has the right to deny a former conviction and should not be held responsible or have any legal consequences arising therefrom.

Restriction of civil rights

Unlike in other jurisdictions under analysis, occupational restrictions are less prevalent in Croatia. This is particularly true in the private sector for which the labour law explicitly prohibits all direct or indirect discrimination in the field of work and working conditions, including selection criteria and conditions for employment, promotion, professional orientation, expert training, specialization and requalification.⁷

The situation is significantly different in the civil service sector. Criminal conviction is an obstacle to admission to the civil service, and for the civil servants it is a ground for suspension and termination. So, a person against whom a criminal proceeding is pending or who has been convicted of a criminal offense, cannot be employed in the public service. By a decision of the head of the service, a civil servant may be suspended from the service if criminal proceedings against him or her have been initiated; the same applies in case of a proceeding due to a serious breach of official duty (in particular acts with the characteristics of corruption). The head of the service shall suspend a civil servant against whom such proceedings have been initiated. Finally, the status of a civil servant ends by force of law when he or she has

been convicted to imprisonment (including partial conditional conviction), effective from the day when the verdict becomes final.

Similar rules apply in police and the Armed Forces. For teachers in primary and secondary schools, the final conviction for certain catalogue offences⁸ induces the same consequences. A similarly broad list of offences is also provided for non-profit organisations and their staff; in case of conviction for such crimes the necessary permissions for their activities can be denied. The scope of access bans in the social service is even broader, excluding even persons who received a misdemeanor sanction (for family violence).

A final sector where explicit regulations are in force, is sports. A person finally convicted to imprisonment of at least six months for specified offences cannot participate in sports competitions, organize and conduct such competitions, perform professional sports, participate in the activities of sports associations or companies, nor may he or she be authorized to represent such a legal person. Labour and other contracts with such a convict have to be terminated. Similar restrictions apply if a person has been finally convicted for a misdemeanor in sports and sporting competitions in the past three years according to the provisions of the Sports Act and special regulations that prescribe misdemeanors in sport and sporting competitions. A person against whom criminal proceedings

have been initiated for a criminal offence committed at the expense of a child or a minor shall be removed from performing sports activities in which she or he comes into contact with children or juveniles until the verdict is final or the proceedings are terminated.

These are just the most important examples of restrictions related to occupation. A variety of further regulations can be found in the areas of education, social and welfare rights, immigration law, family law, the justice sector, and, not to forget, consequences related to the driver's license and other permits.

In conclusion, Croatia has adopted a soft approach towards the restriction and disenfranchisement of certain civil and political rights after conviction. This concept is in line with the strong legal emphasis on the citizens' right to rehabilitation. It finds affirmation by a predominantly moderate judicial sentencing practice. Today, almost 80% of convictions are suspended sentences.⁹ And in a majority of all cases, the actual penalty imposed comes closer to the statutory minimum than to the maximum.

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Notes

- 1 Fitrakis 2018.
- 2 Art. 30 of the Constitution of the Republic of Croatia.
- 3 Art. 19 of the Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation (ALCCCR); some relevant excerpts shown in the separate text box (unofficial translation, available online at <http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/10-Zakon-o-pravnim-posljedicama-osude,-kaznenoj-evidenciji-i-rehabilitaciji-NN-143-12-ENG.pdf>).
- 4 Art. 18 of the ALCCCR stipulates an explicit right to rehabilitation.
- 5 The full report will be available in 2020. In addition to the country-related chapters, the edited book will include analytical chapters, a general comparison, and critical conclusions. For a preliminary overview of the relevant legal framework in Croatia, see also Sokanović 2018.
- 6 Persons convicted to imprisonment of at least 6 months (including conditional sentence) for more than 50 listed criminal offences (murder, qualified murder, abduction, treason, genocide, crime of aggression, crime against humanity) are excluded to run for election of the representative bodies of local units, the municipal mayor, mayor, county prefect, and their deputy persons.

- 7 Art. 7/4 of the Croatian Labour Act.
- 8 The catalogue includes criminal offences against life and body, human rights and basic freedoms, the Republic of Croatia, the judiciary, public order, property, humanity and human dignity, official duty, personal freedom, sexual freedom, sexual abuse and exploitation of a child, marriage, family and children, health of humans, general security and counterfeiting.
- 9 In 2015, 78.8% of convictions were suspended, 80.3% in 2016, and 78.6% in 2017.

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BC RESEARCH NEWS

Balkan Criminology reviewed by Freiburg MPI's Scientific Advisory Board

Anna-Maria Getoš Kalac

In early October 2018, the Scientific Advisory Board of the Max Planck Institute for Foreign and International Criminal Law (MPI) had the opportunity to review the work of the Max Planck Partner Group (MPPG) for Balkan Criminology. Prof. Dr. Anna-Maria Getoš Kalac, Head of the MPPG, who is currently on a prolonged research stay at the MPI in Freiburg, had been invited to present the work of the MPPG to the members of the Scientific Advisory Board. In doing so, Dr. Getoš Kalac focused on pre-

sents the **Balkan Homicide Study in the context of the MPPG's scientific capacity building in the Balkans**. She demonstrated how and to which extent the MPPG managed in less than 6 years to produce tangible structural as well as scientific results in a region that has prior to Balkan

Criminology received only little (if any) attention from the European and international criminological research community. The presentation was also a highly critical self-review in light of the expiry of the MPPG's structural funding by the Max Planck Society (MPG) as of April 2019.

The presentation was followed by a lively discussion and an overwhelmingly positive feedback. The members of the Scientific Advisory Board were particu-

larly impressed with the overall scientific concept, the model of scientific capacity building through collaborative regional research projects, the prudent usage of funds and the quantity and quality of scientific outputs in forms of edited books, a specialized publication series, newsletter, confer-



Photo: MPI / Anna Schaich

ences, PhD courses etc. In conclusion, the members of the Scientific Advisory Board proposed to the President of the MPG the continuation of the financial support of Balkan Criminology. Furthermore, they recommended that Balkan Criminology should be used as a role model for the advancement of research in other regions of the world.

It remains to be seen whether and how the MPG will transpose these non-binding recommendations of the Freiburg MPI's Scientific Advisory Board. However, in terms of evaluation and expert assessment, the findings of the MPI's Scientific Advisory Board are another tangible output documenting Balkan Criminology's success story. In fact, considering the research setting in Croatia and throughout the Balkans, Balkan Criminology is really much more than just a success story, it is an actual miracle, and thus Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht's righteous scientific legacy. Without the

generous endorsement of the MPG and the visionary support by Prof. Albrecht none of the MPPG's achievements would have been possible.

The Scientific Advisory Boards are the main instrument used by the Max Planck Society for the regular evaluation of its research facilities. The boards, composed of internationally recognized scientists appointed by the President of the Society, are independent in their assessment. 90% of the members represent external research institutions, more than half of them coming from outside Germany. The regular evaluation of its institutes is in the interest of the Max Planck Society and is conducive to the functioning of its system of self-control, enabling it to plan and assure the quality of its research activities independently. Furthermore, the evaluation process serves public accountability purposes with respect to the appropriate and effective deployment of the funding made available.

“Balkan Criminology should be used as a role model for the advancement of research in other regions of the world.”



Photo: MPI / Anna Schaich

*Prof. Dr. Anna-Maria Getoš Kalac,
Head of the Max Planck Partner Group
for Balkan Criminology*



Photo: Foto Vilić

NEWS FROM BC PARTNERS

Analysis of the Situation in Institutions for Accompanying Children at Risk and Children in Conflict with Law in the Republic of North Macedonia

Gordana Lažetič & Elena Mujoska Trpevska

The modern concept of child protection and children's rights is the result of a long evolution caused by the rapid social changes in the last two centuries, which today has reached unimaginable acceleration. The need for scientific analysis of the institutional and non-institutional (ambulant) treatment of children at risk and children in conflict with the law, as well as the attitude of the Macedonian society towards the needs for their protection, care, help and development, has arisen for several reasons. Firstly, the international standards for children's rights are a constant demand for improving the legal framework for the implementation of the institutional measures, especially in regard to the fulfillment of the legal requirements. Children should, while in institutions, receive education, but also vocational training for work and the acquisition of skills, which will help them actively contribute to their community in the future. Secondly, it is necessary to strengthen the multisector approach which is achieved, in almost all countries, by mixed teams consisting of psychologists, pedagogues, social workers, defectologists, psychiatrists, etc. The composition and structure of such teams depends on the needs of the child and what is necessary in order to successfully implement the individual program with measures and activities. Today, we face serious shortage of employees, but also incoordination among state institutions. This incoordination brings about inconsistent practices in the institutions to identify children at risk and to act accordingly with children who have broken the law. Thirdly, the success of the retraining process during their time spent in institutions is often hampered by a variety of deficiencies: insufficient recruitment with professionals in the reform services, the chronic problem of lack of education programs, inadequate accommodation conditions and unorganized leisure time.

Despite the changes in the legislation, i.e., the adoption of the Law on Juvenile Justice in 2007 and the Law on Justice for Children of 2013, as well as the laws in the field of child protection, no significant progress has been made to overcome the lack of attention for the treatment of children at risk and chil-

dren in conflict with the law which is still a marginalized category. The poor implementation of the laws, due to which their treatment remains below the level of international norms and standards for children's rights, is primarily a consequence of the reluctant institutional willingness for their proper implementation.

From December 2017 to September 2018, the Macedonian Society of Penology¹ have undertaken a scientific survey to examine this problem. The study titled "*Analysis of the situation in institutions for placement of children at risk and of children in conflict with the law in the Republic of Macedonia*" was presented at a public event held at the Macedonian Academy of Sciences and Arts in October 2018.² The results of this study confirmed the main hypothesis, i.e., that it is necessary to raise awareness for the inappropriate conditions in institutions for children in conflict with the law.

Prison for children in Ohrid

While conducting the survey, nine people aged 18 to 22 years were serving their sentence in this facility. According to their nationality, three of the prisoners were Roma, five Albanians and one Turk. Regarding the level of education, six children have primary education, four of which have acquired their education while in prison, through the United Nations Development Program (UNDP). Three have completed primary education in the municipality they come from, and attended secondary school during their time of imprisonment. Regarding the question of their family situation, most of them come from a larger family, with two parents.

From the interviews conducted with children (with their approval), the researchers found that they have only few (if any) organized activities and spend their free time watching television, listening to music, training and exercise, working in the kitchen, and other similar activities. Regarding the question whether children in conflict with the law who are currently serving the sentence, were already placed in another

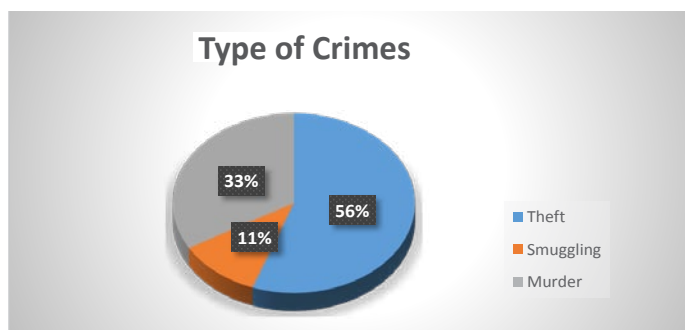


Educational correctional institution Tetovo (ECI Tetovo)

A total of 18 children aged 16 to 21 were serving time in this correctional institution. Eleven children introduced themselves as members of the Roma community, three were Albanians, two were Turks, one Macedonian and one was Bosnian. The level of their education was precarious: almost all of the children have completed elementary education solely. Three of them attained their school certificate outside the institution, and the others within the aforementioned UNDP program. Only one of the children completed secondary education.

Regarding the family situation of the children, a majority of them come from larger families with two parents, and three of them from a one-parent family. They spend their free time watching television, listening to music, walking in the yard, training and exercise, and working in the kitchen. We learned that 1/3 of the children previously were in institutions for children with educational and social problems (JS “Ranka Milanovic”, “October 11th”, JU “25th May”, SOS Children’s Village). These children were placed in ECI Tetovo for theft (again, most of them), robbery, serious bodily injury, attempted murder, sexual assault on a child who has not reached 14 years of age, and for the unauthorized manufacture and release of narcotic drugs, psychotropic substances and precursors.

institution as children at risk, four of them responded that they previously spent time in the educational correctional institution Tetovo (ECI Tetovo), while the other five were placed in a facility of this kind for the first time. Five of them were punished for theft, i.e., the most frequently committed crime, three for murder and one for criminal smuggling of migrants. The minimum standards for deprivation of liberty of children stipulate that persons deprived of their liberty should be treated with dignity and respect for their



rights. Unfortunately, child detainees have stated that they are often exposed to physical violence by the prison police, accommodated in substandard conditions which can be considered as inhuman treatment, and kept back from free time to undertake their own leisure activities. These facts have a high potential to negatively affect their prospect for re-socialization.



Results from the survey of psychologists

During the visit at Ohrid Prison, a face-to-face interview with the psychological team was conducted. They answered previously prepared (anonymous) questionnaires. From the answers we concluded that they have completed a large number of courses and

trainings and attended seminars in forensic psychology, prison management, prison safety, treatment of children in the institutions, etc., in order to develop correct and humane attitude towards children and their successful re-socialization. For effective re-education of children, psychologists use individual and group conversations, counseling, persuasion, motivational interview, reward and punishment.

The psychologists are aware of the poor prison conditions, which limit their efforts to successfully make use of their knowledge and skills in helping the children. They complained that there is a lot of work and a lack of capacities on the one hand, and financial restrictions that impede the realization of the treatment on the other. In Ohrid Prison two psychologists are responsible for 27 children.

When asked about their expectations for the future prospects for the children after leaving the institution, i.e., the effects of their re-education and their re-integration in society, they answered that insufficient post-correctional assistance and the lack of strategy for children returning to their social communities are reasons for the unsuccessful re-socialization of children and their recidivism. They recommend the implementation of a modern systemic approach to this problem, the elaboration of a national strategy and the provision of more financial resources.

Recommendations:

- [1] In order to promote the justice system for children, it is necessary to improve the application of institutional measures required as per the international standards on children's rights. In other words, the effective implementation of children's rights – education, vocational training for skills-development, etc. – is correlated with the institutional measures. Only if the latter are properly and effectively implemented, the prior can be enjoyed in a proper manner. This would help the children to become useful members of the community.

- [2] It is necessary to strengthen the multi-sectoral approach, present in many countries, to be realized by mixed teams composed of psychologists, pedagogues, social workers, defectologists, psychiatrists and others. The composition of the teams has to be adjusted to the needs of each child. A more successful implementation further requires individual action plans and appropriate activities.
- [3] Staff in institutions must be subject to continuous, specialized and licensed training. An important recommendation is that the educational institutions should include parents in the setting-up and implementation of individual plans and programs in order to develop better family relationships and handling existing family problems.
- [4] In most countries, the process of de-institutionalization and the modification of normative documents, which should regulate the process of transformation of social protection institutions, has been advanced. In order to achieve the de-institutionalization goals it is necessary to develop services at local level and alternative forms of social protection. These goals can be achieved through empowerment of the family and support for young people when leaving the institutions (post-correctional assistance) in general. Therefore, the *National Deinstitutionalization Strategy 2018 – 2027*, was adopted.³ It is expected that this new approach will significantly reduce the crime rate among young offenders and improve the rehabilitation of the juveniles under treatment.

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Notes

- 1 The Macedonian Society of Penology is an organization whose mission is to promote and develop advanced penological concepts and treatment of convicted persons. The idea and vision of the members is to become the leading organization that conducts comprehensive research aimed at improving the theory and developing of standards of research practice in penology. The activities aim to develop the concept of re-socialization of convicts in order to build a penal system that gives the offenders of criminal acts and misdemeanors, the right to, and opportunities for, reintegration in society. Webpage: www.msp.mk and www.msp.org.mk.

- 2 The publication is available at: http://msp.mk/mk_MK/publications/.
- 3 Prior to the adoption of the new *National Deinstitutionalization Strategy*, a number of similar programmes such as the National Strategy on de-institutionalization 2008–2018 were proclaimed by the Government. Deinstitutionalization is defined as the closure of institutions and the simultaneous development of community services. It is a process of integrated planning for the transformation of institutions, a reduction of their capacity and/or their closure, while simultaneously establishing community services, whose function is based on human rights standards.

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The “Ressurrection” of the Romanian National Institute of Criminology

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From a historical point of view, criminology was never in the spotlight in Romania, but all this changed at the end of 2002 when, through a governmental decision, the first National Institute of Criminology (NIC) was created.

Despite the Institute’s apparent activities which included the production of several important studies about crime phenomena, and the organisation of conferences, seminars and courses, the government decided to close it after only four years of effective functioning. As a result, the Institute’s activity ended at the beginning of 2007.

Ten years passed before the public authorities took notice again of the importance of criminology for the state’s crime policy, and so the National Institute of Criminology was re-opened as a specialized body subordinated to the Ministry of Justice. The institute’s aim is to provide the scientific knowledge for the improvement of crime prevention and crime control in Romania.

The tasks of the newly established institute is to organize and carry out crime-related research, in order to provide insight into the extent and prevalence of crime and its forms of manifestation (e.g., new modus operandi).



The Institute intends on becoming an essential point of contact in the field of criminological research in Romania and to gain recognition by contributing with substantial activities to the national and international networks of specialized institutions.

To fulfill this purpose, the NIC will conduct analyses, studies, reports, projects and prognoses regarding the causes and developments of crime phenomena. In addition, state's criminal policy shall be evaluated.

Moreover, the Institute will disseminate all of its findings in order to raise awareness on certain topics of public interest. The results of the research are intended both for public agencies with various roles in this field (Romanian Government, Ministry of Justice, Ministry of Interior, etc.) and for the academic institutions, in order to support the university education and to create a criminological culture in Romania.

Although the governmental decision regarding the reinstallation of the Institute was adopted in 2017 al-

ready, the team began to take shape and operate in August 2018, after a process of selection which was held between March and July 2018.

Albeit the NIC's complete research team shall comprise of legal specialists, psychologists, sociologists, statisticians and researchers from other disciplines, at the moment only the lawyers were appointed while the recruitment process for the rest of the experts is still ongoing. Once all the vacant positions will be filled, the members of the team will jointly carry out inter-disciplinary and multidisciplinary research in the field of criminology.

Where the criminality cannot be extinct, but only diminished, the new and enthusiastic team of criminologists will put in their best efforts to accomplish the mission for which NIC was reinstated.

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BALKAN CRIMINOLOGY NEWS

All issues, current and previous, are permanently provided at

www.balkan-criminology.eu/en/publications/newsletter

BC EVENTS 2018

A brief look back on the Balkan Criminology panels at the 2018 ESC Criminology Conference in Sarajevo

Petra Šprem

The 18th Annual Conference of the European Society of Criminology was held in Sarajevo, Bosnia and Herzegovina, from 29 August through 1 September 2018. The official title was “*Crimes against Humans and Crimes against Humanity, Implications for Modern Criminology*“. The annual international conferences are one of the ESC’s core activities, aiming at encouraging international collaboration in the field of criminology. The conference was hosted by the Faculty of Criminalistics, Criminology and Safety Studies of the University of Sarajevo which is also one of the partners in the Balkan Criminology Network. About 1,400 participants from 70 countries participated at the Conference with almost 1,000 presentations delivered in more than 300 plenaries and panel sessions.



As the present president of the ESC, Prof. Tom Vander Beken, recently pointed out in retrospect of the event, “the conference attracted significant public attention and media coverage in the region. The headlines reflect that the conference was not seen as just another academic conference but was considered a milestone event in the region at which important societal issues and problems were addressed.”¹ At the same time it was an excellent opportunity for further boosting the visibility of the MPPG and the BCNet to the international criminology community and likewise to a greater public in Bosnia and Herzegovina and the entire Balkan region. Anticipating an increased interest in the research activities of the MPPG and the partners from the region, a variety of presentations, spread over several themed panels, have been delivered.

On the first day, MPPG’s concept and activities were featured in the ‘**Max Planck Partner Group**’ panel. In her introduction, Prof. Dr. Anna-Maria Getoš Kalac, the head of the Partner Group, passed in review the group’s evolvement since its beginning. After a first public presentation of the idea of setting up a ‘Balkan Criminology Group’ at the 2012 ESC Conference in Bilbao, the MPPG soon developed to become

an extremely productive initiative which meanwhile was able to affiliate with 16 institutional members representing the entire region of Southeast Europe. Conceptual basis of the venture is the fact that the Balkan countries are characterized by their common political, historical, cultural and structural features. Getoš Kalac emphasized that under such singular circumstances, it was meaningful to bundle resources and to conduct criminological research with a particular focus on the region as a whole. In the following phase, three topical focuses for the MPPG’s own research activities were determined with the purpose to develop a clear analytical, topical, and methodological structure: (1.) Violence, Organized Crime and Illegal Markets, (2.) Feelings and Perceptions of (In)Security and Crime, and (3.) International Sentencing.

Getoš Kalac’s key messages and conclusions were seconded by Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht, director of the Max Planck Institute for Foreign and International Criminal Law (MPI) in Freiburg, Germany, who gave insight in his ideas on the future prospects of Balkan Criminology. Albrecht highlighted the importance of this venture and its remarkable accomplishments in terms of sci-

entific research activities and output emanating from and raising interest for the entire region. With regard to its high impact it will be of utmost importance to keep the BCNet alive once the start-up funding provided by Germany's Max Planck Society will run out.

In the following presentation Ms. Reana Bezić, member of MPPG and an assistant at the Chair of Criminal Law at the Zagreb Faculty of Law, spoke about the MPPG's educational activities. Her main focus was on the 'Balkan Criminology One Week Intensive Course' which is being organized every year in fall at the Inter University Centre (IUC) in Dubrovnik, Croatia. The course of which she is the manager-in-charge gathers young researchers and students from all over the Balkan region and beyond. During this 5-day course participants have the opportunity to meet with colleagues from other countries and to learn from renowned experts in criminology who provide instructive topical and methodological lessons. In addition, the course program always includes practical elements such as training in academic writing and 'one-to-one' meetings with a personal mentor who gives advice regarding the individual matters such as, e.g., topics and concepts of a master or a doctoral thesis, opportunities for scholarships and other funding sources, or the prospects for a future career with a criminology background. Not surprisingly, the venue itself also received adequate praise, the Adriatic city of Dubrovnik where, at the time of the course, the sweep of tourists is already in significant decline.

Finally, Dr. Michael Kilchling, senior researcher at MPI, presented the MPPG's dissemination concept. The main channels of delivery, or carriers for the spreading of relevant information, are this newsletter – the BALKAN CRIMINOLOGY NEWS –, the BC book series, the comprehensive scientific reports,

and the BC website. At the time of the conference, a total of more than 100 short articles were yet released in 11 issues. The most important scientific medium is, however, the Balkan Criminology book series. Kilchling raised particular attention to the 'Balkan Criminology Trilogy'. Based on the same 'mapping' approach these three readers will altogether provide an in-depth overview of the current state-of-the-art in three key areas of criminology in the region. The pioneering Volume 1 of the trilogy² – *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans* –, published in 2014, are complemented by the two additional volumes featuring penology³ and victimology⁴. The books will be available soon. In his conclusions, Kilchling emphasized once again the importance of dissemination as a key element of MPPG's general concept that aims at raising interest for this region from a criminological perspective.

MPPG and BCNet members participated and presented papers in several other panels. The program included, in particular, the 'Croatian Violence Monitor' panels 1 and 2, and the 'Balkan Homicide Study' panel. With this thematic emphasis on violence, the two current major research projects received special emphasis.

Whereas the 'Croatian Violence Monitor' is still in its initial phase, speakers in the 'Balkan Homicide Study' panel were already in the position to present results from their national studies. First speakers were Dr. Orsolya Bolyky and Dr. Eszter Sárík, researchers at the Hungarian National Institute of Criminology in Hungary (OKRI). The results, based on a total of n=370 court cases involving n=436 offenders showed a decreasing trend in the homicide rate during the period of 1964–2016. Authors emphasized that a large



number of homicides in their country happen in the context of domestic violence.

e.g., alleviation of the conditions and circumstances of access to sensitive information.

Assoc. Prof. Dr. Andra-Roxana Trandafir from the University in Bucharest presented an overview of the methodology of the Balkan Homicide Study in Romania and gave an informative report of practical challenges that emerged during the fieldwork. Meanwhile the data collection could be finished while the data analyses were still ongoing. Trandafir explicitly emphasized the importance of institutional support for a successful realisation of empirical research. With such a backing from superior authorities the collection of data can be noticeably facilitated through,

More findings, country-related as well as comparative, will be presented at the ESC Conference of 2019 which will take place in Ghent, Belgium. We would like to encourage, as always, young researchers from the Balkan region to apply on time for the fellowships⁵ which are specifically offered to persons from Southeast Europe to attend the ESC conference.

*Petra Šprem, member of MPPG
and project assistant at Faculty of Law,
University of Zagreb*

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☐ DISCUSSION

From the outside looking in: The challenges of crime control in Southeast Europe

John Winterdyk

The recent success of the University of Sarajevo in hosting the 2018 ESC conference could be described as a significant achievement for the region and the potential to stimulus needed to help forge regional and international collaborations to improve regional security and stability in Southeast Europe. However, the ESC was also marred by an unfortunately low turnout of regional participants, and in those sessions that had a Southeastern European/Balkan focus, at-

tendance and participation were disappointingly low. Another unfortunate fallout of the conference was given the low turn-out and lack of apparent interest in the work the various members of the Working Group on Balkan Criminology, a post-conference decision was made to dissolve the Working Group. Hence, it may be time to take out the 'looking glass' and try to shed a different light on how best to move forward.

As several of the countries in Southeast Europe are still trying to enter the European Union, one of the challenges they face is concerns about the region's level of security, economic, political, and cultural stability. For example, the recent refugee crises have flustered the region, the ongoing issue of organized crime, corruption, and some ethnic tensions continue to be trigger points of concern for the folks in Brussels. Furthermore, the region has long been and continues to be a transit zone for east-west commerce – both legitimate and illegal. Furthermore, while some of the countries have made efforts to mend their proverbial fences (e.g. Bulgaria and Macedonia), efforts to build capacity towards establishing a stable and safe environment are arguably compounded by the enduring legacy of their past. Moreover, such matters have not been facilitated by the fact that most of the states in Southeast Europe are recent (post 1990) creations where governance and consolidation are still evolving (e.g. Bosnia and Herzegovina and its tenuous relationship with the Republika Srpska).

While some conventional theories can be used to explain the challenges of crime control (i.e. social disorganization theories, and social strain and an-

omie theories), it may be time to borrow from the medical or public health field and see the challenge as being analogous to an infectious disease. Rather than focusing on tougher sentencing, stronger enforcement, etc., view the challenge as a health problem that like a cold (or “bitnost” – see Getoș Kalac’s article in the previous issue of this Newsletter) typically spreads from person to person unless precautions are taken. In order to contain an ‘infectious disease’ (e.g. bitnost), one needs quality data in order to precisely identify where most of the transmission of the disease are originating from. Once identified you apply public health analogies (i.e. preventative measures) to changing behavioural norms.

The idea of using a public health model is not new (see, e.g. Caruso, 2017), but given the growing number of excellent criminology and criminal justice scholars in Southeastern Europe and the growing number of related research centres and institutes, the proposed model may be worth exploring.

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