

EDITORIAL

With great pleasure the Max Planck Partner Group (MPPG) for Balkan Criminology presents the first issue of its newsletter. The MPPG was jointly established in 2013 as a center of excellence for criminological research by the Max Planck Institute for Foreign and International Criminal Law and the Zagreb Faculty of Law. Besides its own scientific research activities, the group, headed by Assist. Prof. Dr. Anna-Maria Getoš Kalac, is building up a regional network of experts in the field of criminology and criminal justice (BCNet). The main aim is to stimulate, conduct, co-ordinate, facilitate, support, promote, and disseminate criminological research in and on the Balkan region.

From 2015 on, BALKAN CRIMINOLOGY NEWS will be published three times a year: in spring, summer and winter. The newsletter is meant as a forum for the exchange of information and ideas. It will spread latest news and point to actual developments. For more extended information, please visit the BC website at www.balkan-criminology.eu where this and future issues are available for download. For subscription please write to info@balkan-criminology.eu.

The newsletter has different sections which are recognizable by the different BC corporate colors: BC Research News, News from BC Partners, BC Events (reviews as well as previews), BC Publications, and Discussions. The structure is flexible; new sections which can be relevant for criminological research in the Balkan region may be added in the future. Needless to mention, readers' ideas and opinions, suggestions and contributions are highly appreciated. For contact details please take a look on the imprint on the last page.

We hope you will find useful information in this inaugural issue and look forward to receiving your feedback. Please also spread copies of BALKAN CRIMINOLOGY NEWS amongst your colleagues and friends.

The Editorial Team

BC RESEARCH NEWS

Participation of the Balkan Criminology Network in the International Research Project "Life Imprisonment Worldwide"

Filip Vojta

The Max Planck Partner Group for Balkan Criminology (MPPG) is participating in the first study of life imprisonment on a global scale and will hereby focus on the Balkan Region.

The research project "Life Imprisonment Worldwide", funded by Leverhulme Trust and led by renowned penal law expert Professor Dirk Van Zyl Smit from the University of Nottingham, gathers an interdisciplinary team of researchers to analyze the practice of life imprisonment around the world in order to understand which crimes attract life sentences, how these sentences are implemented, and the conditions under which prisoners serve them. The critical analysis of life imprisonment, especially in light of human rights developments, aims to provide an understandable and principled guidance to policy makers and practitioners on when and how life imprisonment, if used at all, should be imposed and implemented. Basic data for the project is gathered through developed questionnaires, distributed to research partners. The project is due to be completed by July 2016.

The normative framework and practice of life imprisonment in the Balkans is still a largely unexplored area in terms of a coherent scientific analysis and, as such, presents a valuable asset to the project, especially considering current divergence among once homogenous punitive policies brought about by contemporary historical events such as dissolution of the Eastern Bloc or Yugoslavia. Moreover, recent outcomes of international jurisprudence deem it necessary to test the development of life imprisonment in the Balkans against current international human rights trends.

In this sense, first-hand data on life imprisonment policies in the Balkans, gathered through the Balkan Criminology Network, will not only be of immense scientific relevance for the project, but could also serve as the basis for broader research on current penal policies in the region.

Filip Vojta, LL.M., doctoral candidate at the Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany, and a member of the MPPG for Balkan Criminology

NEWS FROM BC PARTNERS

“Justice for Every Child in Bosnia and Herzegovina” – New Juvenile Justice System

Srđan Vujović

With the coming into force of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings of the Federation of Bosnia and Herzegovina in February 2015, Bosnia and Herzegovina will have finally established a new and separate juvenile justice system. Having recognized the vulnerability of children who come in contact with the criminal justice system, either as offenders, witnesses, or victims, the main objective of the new juvenile justice system is to act in the best interest of children and young adults (until they have turned 23).

Taking into account the fact that children lack the maturity of adults (morally, cognitively, physically, and emotionally), the new legislation introduces a number of safeguards for the protection of children, as well as various alternative ways of reacting to delinquent behavior of young people, calling for stronger involvement of all the actors in this field, such as the police, prosecutor, judge, and community. This new approach towards children within the criminal justice system will therefore constitute in a great challenge for both local communities and practitioners.

In order to address some of these challenges, and to make the transition into a new system smoother, researchers from the Criminal Policy Research Center – CPRC (www.cprc.ba), in cooperation with the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina and with the financial support of the UNICEF are intensively conducting a number of training programs for police, prosecutors, and judges.

At the same time, the CPRC is running a number of activities with selected local communities in order to make these communities more sensitive to the specificities of juvenile delinquency and the responses of the system to it. It is expected that, once the trainings are completed, all those involved will be better equipped to respond to juveniles' delinquent behavior in more adequate, i.e. child oriented and correct, manner.

*Srđan Vujović, Researcher,
Criminal Policy Research Center – CPRC, Sarajevo*

The European Protection Order and the Demand for Legal Reforms which Enable Transposition of the Directive into Bulgarian National Law

Svetla Margaritova-Voutchkova

On 13 December 2011, the European Parliament adopted Directive 2011/99/EU on the European Protection Order (EPO). The EPO Directive was an initiative originally requested by 12 Member States, including Bulgaria. The Directive is one of the legal instruments that cover a certain range of measures for the protection of the rights of victims of crime, under the Stockholm Programme – An open and secure Europe serving and protecting citizens. It deals exclusively with criminal cases. According to Article 21, the Directive has to be transposed into the national laws of the Member States by January 11, 2015.

On one hand, the successful introduction and implementation of the main principles of the Directive will set the requirement for certain amendments and additions to be made to the Penal Procedure Code and the Penal Code and, on the other hand, for a specific law on the enforcement of EPO. It is now impossible to accomplish the objectives of Directive 2011/99 by amending the Law on Protection from Domestic Violence.

In Bulgaria, a working group at the Ministry of Justice Act is presently developing a bill for the recognition and the enforcement of the European Protection Order.

*Associate Prof. Dr. Svetla Margaritova-Voutchkova,
Faculty of Legal Studies, Burgas Free University*

Questions about the New Strategy for Crime Prevention in Hungary

Eszter Sárík

Crime prevention is a crucially important issue in the field of criminology and in a nation's criminal policy. In Hungary in the past twenty-five years, in the terms of criminal policy, prevention was preferred to a purely punitive attitude. However, we must admit: these times have – partly – passed.

In Hungary, the first National Strategy for Crime Prevention was adopted in 2003 under the title “The National Strategy for Social Crime Prevention”. Ten years later, in 2013, the government approved a new strategy under a new name, which suggests a new attitude as well. The term “Social” was left out both from the title and the content.

It is greatly appreciated that child and juvenile delinquency is still among the main focuses of the law and the strategy points out the crucial questions on child protection. It emphasizes the importance of sports and well-structured spare time as protective factors, and highlights the relevance of tolerance and arts.

Still, it seems that the law tends to concentrate on children and youngsters who are involved in the framework of protective institutions: mainly those who attend school. But it is very well known from both international and Hungarian surveys that those children are most at risk who have dropped out from the school system, and whose families struggle both with social and emotional disadvantages.

When analyzing the new law, it is immediately evident that despite the positive and constructive ideas, the law resembles a bunch of well-founded project descriptions rather than a real strategy, as it misses the “step-by-step” approach and the knowledge gained from international theories and national research outcomes.

*Dr. Eszter Sárk, Prosecutor, research fellow,
National Institute of Criminology, Budapest*

New Regulations and Recent Case Law Regarding Criminal Liability of Legal Persons in Romania

Andra-Roxana Trandafir

The criminal liability of legal persons was introduced in the Romanian legislation in 2006. No decision against such entities was given until 2009. After this year, Romanian prosecutors’ offices and courts had to deal with a great number of cases involving legal persons.

While the Criminal Code provides for a general liability meaning that corporations can be held liable for all crimes provided by the Criminal Code or by special laws, it can be noticed that the criminal deci-

sions against corporations given so far engaged their liability for crimes related to fraud, tax dodging, accidental injuries and breaches of the labor law, and copyright. Also, there were cases in which entities were convicted for illicit drug trafficking, money laundering, manslaughter, bribery, forgery, using or presenting forged documents to obtain European funds and other crimes provided by special laws. Such conclusions confirm the idea that the criminal liability of corporation was recognized especially for those types of crimes, as they are most likely to be perpetrated by such entities.

This rich case-law revealed some recurrent issues which finally led to a change of legislation.

Thus, while adopting the new Criminal Code which entered into force on February 1, 2014, some changes were brought to the regime of criminal liability of collective entities, such as the restraint of criminal immunity of public institutions, the application of the fine based on a new system, the introduction of a new complementary penalty, and new rules concerning the status of limitation for legal persons.

*Assistant Professor Dr. Andra-Roxana Trandafir,
Faculty of Law, University of Bucharest*

New Book: “Criminal Law Reaction in Serbia IV”

Natalija Lukić

A new collection of papers “Criminal Law Reaction in Serbia IV” was published in September 2014. The book consists of sixteen contributions and represents the result of participation of their authors in the project run under the same name, financed by the Ministry of Science in Serbia. The published texts will certainly contribute to the development of criminology and criminal law sciences in Serbia, considering that thought-provoking and important themes are subject of their analysis.

Concerning the first scientific discipline, Professor Đ. Ignjatović discusses the applicability and actuality of the ideas published in the book *On Crimes and Punishments* on the occasion of the 250th anniversary of the book. Professor M. Mitrović is interested in explaining the connection between unemployment in Serbia and some types of criminal behavior, especially in regards to young people. The

article of Professor B. Begović presents an economic analysis of the impact of the level of police activities on the crime rate. Finally, Associate Professor B. Simeunović-Patić analyzes two approaches in re-socialization treatment with regard to the situation in Serbia.

Contributions of importance for criminal law sciences include different themes. Authors explain general legal phenomena, such as complicity (Professor Z. Stojanović), activities of an undercover agent (Professor M. Škulić), constitutional restriction of the right to freedom and security (Professor G. Ilić), the purpose of punishment (Associate Professor I. Vuković), the principle *ne bis in idem* (Assistant Professor V. Bajović), aiding (Lecturer I. Đokić), economic criminal law (Lec-

turer N. Lukić) and corporal punishment of children as a ground of crime justification (Lecturer I. Marković). Additionally, in their texts the authors address some questions regarding the special part of the Criminal Code, such as crimes of terrorism (Professor N. Delić) and unauthorized archaeological works (Professor Đ. Đorđević). Although two works are from the field of civil law, they are also important for criminal law sciences as well. Subjects of these articles are liability of legal persons for damage caused by its organs (Associate Professor M. Karanikić-Mirić) and legal consequences of crime commitment at work (Assistant Professor Lj. Kovačević).

*Natalija Lukić, Assistant Professor,
Faculty of Law, University of Belgrade,
Department for Criminal Law*

BC EVENTS

1st Annual Conference of the Max Planck Partner Group for Balkan Criminology "Mapping the Criminological Landscape of the Balkans", Zagreb, 28 to 30 August 2014

Andra-Roxana Trandafir

The 1st Annual Conference of the Max Planck Partner Group for Balkan Criminology "Mapping the Criminological Landscape of the Balkans" was held in Zagreb from 28 to 30 August 2014.

The Conference was organized with the generous support of the Max Planck Society, the Max Planck Institute for Foreign and International Criminal Law and the Zagreb Faculty of Law.

The conference was hosted under the high patronage of the Office of the President of the Republic of Croatia and the Embassy of the Federal Republic of Germany in Zagreb.

Participation and engagement of more than 30 experts from law faculties from all the countries in the region was also essential to the success of this meeting. The



main goal of the Conference was to jointly explore the state of art of criminological research and crime in Southeast Europe. For the main conclusions of the conference, please visit: www.balkan-criminology.eu/en/events/event/201408281.html.

One of the first beneficial effects of the Conference was the creation of a Working Group on Balkan Criminology within the European Society of Criminology (ESC). The relevant application was accepted in September 2014. The creation of an ESC working group enables the Network members to use the ESC forum at the annual conferences to meet and discuss current Balkan Criminology issues in addition to annual BC conferences and the BC course in Dubrovnik.

Members of the working group are required to have membership in the ESC.

More details can be found at: www.esc-eurocrim.org/workgroups.shtml#balkan.

*Assistant Professor Dr. Andra-Roxana Trandafir,
Faculty of Law, University of Bucharest*

Balkan Criminology – First One-Week International Intensive Course 2014

Reana Bezić

The Balkan Criminology One-Week International Intensive Course was made up of participants from the Balkan region and from Germany, Canada, Switzerland and Austria.

The course was opened by Dr. Michael Kilchling from the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, and director of the BC Course, who also moderated the whole program of the BC course. As first speaker, Prof. Dr. Hans-Jörg Albrecht, director at the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, and director of the BC Course, introduced the course program.

Further presenters were Prof. Dr. John Winterdyk (Mount Royal University, Canada and director of the BC Course), Prof. Dr. Marcelo F. Aebi (University of Lausanne, Institut de criminologie et de droit pénal in Switzerland), Filip Vojta, LL.M., Univ.-Assist. Karlo Ressler, Univ.-Assist. Reana Bezić (all three members of the Max Planck Partner Group for Balkan Criminology), Assist. Prof. Dr. Andra-Roxana Trandafir (University of Bucharest, Romania), As-



ist. Prof. Dr. Sabina Zgaga (University of Maribor, Slovenia), Dr. Sarik Eszter Katalin (National Institute of Criminology in Budapest, Hungary), Dr. Michael Kilchling (Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany), Univ.-Assist. Sunčana Roksandić Vidlička (member of the Max Planck Partner Group for Balkan Criminology), Pia Hoering (University of Vienna), Jakob Kriz (Austrian Road Safety Board in Vienna), Assist. Prof. Dr. Almir Maljević (University of Sarajevo, Bosnia and Herzegovina and director of the BC Course), Dr. Carolin F. Hillemanns (Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany), Univ.-Assist. Aleksandar Maršavelski (member of the Max Planck Partner Group for Balkan Criminology), Srđan Vujević (University of Sarajevo, Bosnia and Herzegovina), Ivan Georgiev (judge at Regional Court in Sofia, Bulgaria, on the topic Restorative Justice for Juveniles – a Necessary Reform), Prof. Dr. Elmedin Muratbegović (University of Sarajevo, Bosnia and Herzegovina).

For a full report from the course, please visit: www.balkan-criminology.eu/en/events.

*Reana Bezić,
course manager,
member of the MPPG for Balkan Criminology and
assistant at the Faculty of Law, University of Zagreb*

Balkan Criminology Panel at the 14th Annual Conference of the ESC – Prague 2014

Andra-Roxana Trandafir

The 14th Annual Conference of the European Society of Criminology was organized on September 10-13, 2014 by the Czech Society of Criminology and Charles University in Prague, one of the oldest universities in the world. The Conference, having as its main theme *Criminology of Europe: Inspiration by Diversity*, brought together more than 1,000 participants from all over the world.

The MPPG was presented during the Conference by organizing a panel chaired by Prof. Dr. Hans-Jörg Albrecht (Max Planck Institute for Foreign and International Criminal Law) which included further presentations by Dr. Anna-Maria Getoš Kalac, Filip Vojta, Reana Bezić, Aleksandar Marsavelski, Sunčana Roksandić Vidlička, and Karlo Ressler.

The presenters as well as other members of the BCNet who took part in the Conference are also involved in other projects or working groups such as, the ISRD-3 project, the ESC Postgraduate and Early Stage Researchers Working Group (EPER), the ESC working

group on criminology curricula, and the ESC working group on Organizational Crime (EUROC).

A further important step forward for the MPPG was the approval of the new ESC working group on Balkan Criminology which aims to create a forum of experts in the field of criminology and criminal jus-

tice focused on the Balkans in the framework of the ESC; for more information, please visit: www.esc-eurocrim.org/workgroups.shtml#balkan.

Last but not least, Dr. Anna-Maria Getoš Kalac, head of the MPPG, was elected by the general assembly as a new member of the ESC board.

BC EVENTS PREVIEW

Second One-Week International Intensive Course, Dubrovnik/Croatia, 5-9 October 2015

Crime and Criminology in the Balkans

The Balkan Criminology One-Week International Intensive Course provides in-depth and up-to-date knowledge about the state of art in crime research in the Balkans, while introducing its participants to the basics of criminological methodology, phenom-



enology, and etiology. The course serves as a platform for the dissemination of criminological expertise gathered through the MPPG scientific activities: The MPPG research focuses (Violence, Organized Crime and Illegal Markets; Feelings and Perceptions of (In)Security and Crime; International Sentencing), as well as the expertise gathered at the annual

15th Annual Conference of the ESC – Porto 2015

The 15th Annual Conference of the ESC will take place in Porto, Portugal, from 2 to 5 September 2015. The main theme will be *Criminology as unitas multiplex: theoretical, epistemological and methodological developments*. The MPPG for Balkan Crimi-

conferences. This concept of transforming newest research findings and expertise from and for the region into transmittable knowledge for course participants ensures a holistic approach that combines education with science and research. The added value for course participants is, besides the knowledge itself, the networking opportunity with colleagues from the region and the possibility to present their PhD/Master/Diploma thesis before internationally and regionally renowned experts.

Basic Course Structure

Participants arrive on Sunday, 4 October 2015. The course starts on Monday morning and lasts until Friday noon. The program includes keynote lectures, students' presentations, soft skills training, and extensive exchange and discussion. In addition, a Dubrovnik city tour is offered. More details about the program will be available at the Balkan Criminology website shortly.

The course is accredited by the Zagreb Faculty of Law and offers 4 ECTS credits. We suggest communicating your interest to participate as early as possible by contacting the course manager. The contribution to the course costs is moderate, in any case no more than € 150,-.

For further information please visit: www.balkan-criminology.eu/en/events or contact Ms. Reana Bezić, our course manager: r.bezic@balkan-criminology.eu.

nology and the ESC working group for Balkan Criminology aim to organize panels covering a variety of criminological themes relevant for the region. We welcome any ideas and suggestions. Please contact the editorial team before 1 March 2015.

BC PUBLICATIONS

First Publication of the new Research Series of the MPPG for Balkan Criminology

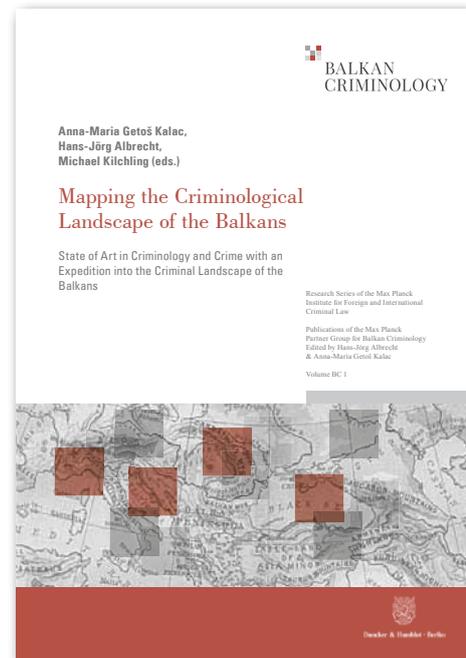
“Mapping the Criminological Landscape of the Balkans”

For the first time, this volume brings together experts in the fields of criminology, criminal law, and criminal justice from across the Balkans, in order to discuss the state of art in criminology and crime in a region that has so far been largely neglected by European criminology. Contributions from all members of the Balkan Criminology Network, including Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Italy, Kosovo, Macedonia, Montenegro, Romania, Serbia, Slovenia, and Turkey, provide an in-depth “Mapping of the Criminological Landscape of the Balkans”. This ‘mapping’ includes important facts and background information about criminological education and research, as well as crime analyses in terms of data about crime, general crime trends and, in particular, current crime and criminal justice challenges. This makes the volume an essential reader for anyone interested in the current criminological setting of the Balkans and an excellent starting point for regional or country specific crime research.

The volume begins by providing a general overview of the region, the subject matter, the current challenges and the likely benefits of a coherent regional criminological research approach through a “Balkan Criminology”. The “Marking of the Territory” chapter analytically describes the Balkans, not only as a unique historical region, but also as a religious and legal territory, as well as a region of migration and violence. Next, the Balkans are defined as a criminological region *sui generis*, the purpose, goal, background and methodology of the volume are introduced, and key findings from the country analyses as well as further areas of research are criti-

cally discussed. This discussion is closely linked to the question of criminological capacity building and networking in the Balkans with the long term goal of creating a sustainable “criminological landscape”.

Finally, the volume undertakes “An Expedition into the Criminal Landscape of the Balkans” by presenting the current research projects of the Max Planck Partner Group for Balkan Criminology (MPPG). Here, the MPPG’s junior researchers outline the research design, methodology, first empirical findings, and major issues of their studies, thereby providing a closer look at the actual research agenda of the MPPG.



ISBN: 978-3-86113-113-7 (MPI), 978-953-270-085-5 (Zagreb Faculty of Law)
Berlin 2014, ca. 380 pages, € 35,-

The book will be available in January 2015 and can be ordered through the Max Planck Institute for Foreign and International Criminal Law (verlag-kriminologie@mpicc.de), the University of Zagreb’s Faculty of Law bookstore (tel./fax: +385 (01) 4597 586), or any other bookstore.

“This volume marks the beginning of a new publication series of the Max Planck Partner Group for Balkan Criminology. It provides an informative overview of the state of the art of criminology across the Balkan region. [...] The multitude of criminological aspects successfully covered in this first volume cannot help but leave one curious about the scientific papers, research results and meetings yet to come.”

Prof. Dr. Helmut Kury, Freiburg i.Br.

“A masterpiece, [...] showing pathways for a solid and fruitful further development of criminology in the Balkans.”

*Prof. Dr. Hans-Jürgen Kerner,
former President of the International Society of Criminology and the European Society
of Criminology, Emeritus Director of the Institute of Criminology, University of Tübingen*

□ **DISCUSSION**

**Transnational Organized Crime in the Balkans:
Undermining National and International Security
– Time for Cooperation**

John A. Winterdyk

The “Balkans”, although still a contentious term to some, for the purposes of this article refers to the general south-eastern region of Europe. It has long been recognized because of its geographic location, social, political, and economic instability as a traditional conduit for smuggling and trafficking and other transnational organized crime (TOC) between the East and West. Now with an increasing number of the countries in the region having become EU members, the region presents new risk and opportunity for TOC activity. Arguably, since the turmoil in the early 1990s, the Balkans has become a fertile environment for the cultivation and expansion of TOC. In addition to the fact that some of the countries in the region are not EU members, a number of the regions countries (e.g., weak institutions in Albania, Kosovo, and

Bosnia and Herzegovina) have compromised political and criminal justice systems which, according to various UNODC reports, have enabled Balkan-based TOC groups to seize control of key smuggling, trafficking (e.g., drugs, weapons, etc.) and human trafficking routes and Western European markets. For example, according to various US Justice reports, the Balkan region has become a new entry point for Latin American cocaine and a transit region for heroin chemical precursors for use in Afghanistan and the Caucasus. Although already recognized by the MPPG and the Balkan Criminology network, there is an urgent need to promote cooperation within the region, to foster and support evidence informed research to not only combat TOC but to also inform political and criminal justice system responses. Failure to acknowledge and to work together will not only be key to eliminating/containing TOC in the Balkans but also fundamental to promoting national, regional, and international security.

*Prof. John A. Winterdyk, Dept. of Justice Studies,
Mount Royal University, Calgary, AB, Canada*

Feature: Office of the Max Planck Partner Group for Balkan Criminology

Since 2013, the MPPG has its own office located in Zagreb’s city center at Nikola Šubić Zrinski Square. It is situated close to the Supreme Court of the Republic of Croatia, the Zagreb County Court, the Ministry of Foreign Affairs and European Integration, and the Croatian Academy of Sciences and Arts.

The office, fully renovated and equipped by Zagreb Uni-



Photo: Karlo Resler

versity’s Faculty of Law, was officially opened in March 2014. It provides a seminar room which is available for workshops, meetings and seminars, two rooms for the growing library of specialized criminological literature from and on the Balkan region, and 4 working places for the permanent staff and visiting researchers from BCNet partner institutions.

IMPRINT

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