BALKAN CRIMINOLOGY NEWS

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BC RESEARCH PROJECTS

Comparative European Study on Restrictions and Disenfranchisement of Certain Civil and Political Rights after Conviction

Michael Kilchling & Lucija Sokanović

The Max Planck Partner Group for Balkan Criminology participates in a new comparative European study on restrictions and disenfranchisement of certain civil and political rights after conviction. The study aims to identify and analyze the various rules related to the abrogation or (temporary) restriction of certain civil and political rights which can be imposed in addition to regular criminal penalties. 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, hidden in administrative dress/disguise. Nevertheless they have rarely been in the focus of academic attention.

In most European jurisdictions, such measures are available. They can have severe consequences for those affected and sometimes even for others, in particular the close family. Such measures may include, for example, restrictions pertaining to voting rights, the right to select and exercise certain occupations, graduation or conferral of a doctoral degree, leisure activities and curtailment of the right of free movement. Even access to specific social benefits including free legal aid may be restricted in a jurisdiction, at least for certain groups of (ex-) criminals. Besides orders with a direct or indirect punitive orientation, measures imposed in the context of probation and intensive supervision have to be considered as well.

Significant differences between jurisdictions can be found and assessed in regard to a variety of parameters. These include, first of all, the type and legal character of such measures and the conditions for their imposition. Their purpose can be either punitive of preventive, administrative, or maybe something 'sui generis'. Relevant regulations may also be found outside the penal sphere: electoral rules, labor law or educational regulations are just a few prominent examples. Not only public positions (military, police, the judiciary including lay judges, lawyers, notaries, etc.) may be barred for persons with criminal records (all or specific ones). Also the access to private businesses may be denied, sometimes based on legal provisions, sometimes stipulated by way of ordonnance, by soft law regulations or by legally non-binding codes of business ethics. In various countries jobs in the private security business, in banks, accounting and bookkeeping, medical services and many more sectors cannot be practiced by former offenders or specified types of (ex-) offenders. Sometimes these persons cannot even get a license to run a bar or a restaurant, or to work as a waiter or a taxi driver. Sometimes the courts or competent authorities have discretion but sometimes they do not. Consequences can also apply as an automatic – collateral – side effect. Licenses to possess a gun, to hunt or to hold animals can also depend on clean criminal records, not to forget the withdrawal of a driving license which to date has the greatest practical impact in many jurisdictions.

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Significant differences further exist concerning the procedures involved and their long-term consequences such as, e.g., their temporary or even permanent registration in the criminal records as well as the access to or disclosure of such data, the enforcement and supervision of the measures, the possibilities for and modalities of judicial control, and, not to forget, possible consequences of non-compliance (which can include further criminalization in accordance with specific statutes).

Besides the fact that many such regulations can have a serious negative impact on rehabilitation, questions regarding their proportionality have to be addressed, too. In this regard, it is not sufficient to look only at the – internal – proportionality of such measures itself; it is likewise important to focus also on external proportionality through an assessment of a measure in conjunction with the other penal consequences (imprisonment and other criminal sanctions) which regularly precede their injunction.

None of these issues have so far been the subject of a systematic comparative analysis, neither legal nor empirical. The study is an important move towards closing this gap. A first working meeting on the subject was held at the Faculty of Law, Economics and Political Sciences in Thessaloniki on 7/8 June, 2017, during which the status quo in the participating countries was explored. A follow-up meeting will take place in early 2018 in which the preliminary general conclusions shall be discussed.


Photo: Theofili Chatzispyrou

Participants of the workshop at the Aristotle University Thessaloniki

The results of the project will be published in a comprehensive reader which will include (1.) country-related chapters with portrayals of the different national systems, (2.) a systematic comparison, and, based on the comparative findings, (3.) several principled chapters addressing basic general issues on the subject, such as: theoretical concepts of citizenship and offending, stigmatization through degrading and dishonoring forms of punishment, restrictions in the context of the development of probation and other alternatives to imprisonment, restrictions as security measures, restrictions as protective measures, legal concepts and procedural mechanisms of restriction and disfranchisement, mechanisms of criminal registration and regulations about access to such records, and a historical analysis of regional and national traditions which are expected to be quite different when comparing, e.g., Scandinavia, Western Europe, Britain with its common law tradition, and South-Eastern Europe.

The research project is headed by Prof. Dr. Hans-Jörg Albrecht, Max Planck Institute for Foreign and International Criminal Law, Freiburg (Germany) and Prof. Dr. Aggeliki Pitsela, Aristotle University of Thessaloniki (Greece). In addition to the authors, the MPPG is represented by Prof. Dr. Anna-Maria Getoš Kalac. The research group further includes Dimitra Blitsa, Theofili Chatzispyrou, Dr. Sofia Giovanoglou, Anna Kirvakidou, Xristos Lambakis, Dr. Zoe Mihalopoulou and Eleni Tsaousakou from Aristotle University of Thessaloniki (Greece), Dr. Cormac Behan, University of Sheffield (United Kingdom), Prof. Dr. José Luis de la Cuesta, Basque Institute of Criminology, Bilbao (Spain), Dr. Tomáš Gřivna, Charles University Prague (Czech Republic), Prof. Dr. Momiana Guneva, Burgas Free University (Bulgaria), Dr. Elżbieta Hryniewicz-Lach, University of Poznan (Poland), and Prof. em. Dr. Terttu Utriainen, Helsinki (Finland).

Dr. Michael Kilchling,
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Dr. Lucija Sokanović,
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NEWS FROM BC PARTNERS

Some Thoughts about the New Criminal Procedure Act in Hungary

Eszter Sárik

Hungary is standing in the crossfire of political debates at international forums due to the current political situation. There is a lot in the international press about the Central European University and about the Bill regulating NGOs. It is beyond doubt that Hungary appears more infamous than famous for its 'unique' developments nowadays.

But in the shadow of these ambiguous trends, modern and Western-European-like laws may also be regulated in the context of criminal law, just like the one discussed in this article. Currently, the General Assembly of Hungary is to enact the new Criminal Procedure Act, which will be the 6th criminal procedure law of Hungary. The first one was the so called Csemegi Code,[1] which was formulated more than 100 years ago, but which may still qualify as an excellent example with its modern approach and European attitude. The following three[2] were adopted under the communist (or rather, socialist) era, and the one currently in effect was codified and enacted in 1998,[3] nearly ten years after the change of the political regime.

The question seems logical: Why should Hungary enact a new law? Why does the 1998 law no longer serve the goals of the government?

The answer (luckily enough) seems to fall outside the scope of politics. The modification is aimed at coherence, modernization and the principle of 'due process', which includes the necessity of swift legal procedure.

Though it seemed obvious for more than 100 years that Hungary belonged to the classical continental procedural system and adapted inquisitorial guidelines, the legal and spiritual borders is becoming flexible now.[4] The aim of finding 'the substantial truth for all sakes' was questioned, and both practical and legal-ethical motivations we raised to urge for changes to be made to the dogmatic approach of traditional mechanisms. It was the natural consequence of the recognition that law shall not only fulfill ideals but also serve the interests of the participants of the procedure, mostly the interests and legal protection of the defendant and the victim.

The Bill formulates new opportunities for defendants to accelerate legal procedures if they plead guilty and provides opportunities in such instances for more lenient sanctions. The Bill plans that these legal options would be available in all phases of the procedure, and would keep the principle of graduation: the earlier a guilty plea is made the greater the legal benefit will be. To support swift procedure and emphasize the importance of victim protection, the Bill also provides the opportunity for 'voluntary restitution' from the very beginning of the criminal procedure, even in the investigation phase.

In the context of the theoretical debate on 'adversarial vs. inquisitorial procedure', it should be mentioned that the Bill suggests new rules concerning the burden of proof. Though previous drafts intended to loosen the principle of substantive truth by putting the burden of proof in the hands of the prosecution, these initiatives could never be fully extended. There were always question marks surrounding the scope of the court's involvement in collecting evidence. The Bill intends to put an end to this dispute, and finalize the debate via a real separation of responsibilities: without mixing the procedural duties in the courtroom. According to the Bill, the prosecutor would be responsible for collecting evidence against the accused person, and the advocate should prove his/her innocence. From July 2018, the judge would 'sit back and see' the outcome of the legal debate and would not get involved in the evidence collecting (neither for nor against the accused person).

Space restrictions do not allow for all the important novelties of the new Bill to be dealt with here, but it is important to draw attention to other innovative tendencies. There would be changes in the regulation of preliminary detention,[5] in the protection of vulnerable/sensitive groups (minors, the old, disabled persons) and in the treatment of juvenile offenders.

The only condition which should be fulfilled to provide Hungary with a modern procedural code from the July 2018 is four 'yes' votes from the political opposition in the Parliament.

Dr. Eszter Sárik
Researcher, National Institute of Criminology, Hungary

Notes

1 The 1896. Code of Criminal Procedure.
2 The Act III of 1951; The Act VIII. of 1962; The Act I of 1973.
3 The Act XIX of 1998. It has been in effect from the 1st of July in 2003.
4 The mixed principles of the procedure can also be detected in the legal guidelines of the Strasbourg Court, which leans both on inquisitorial and accusatorial principles.
5 If the Law came into effect, preliminary detention could only be an *ultima ratio*, should house arrest or home detention not suffice.

Romanian Criminal Legislation, in the Aftermath of Repealing Government Emergency Ordinance No. 13/2017

Andra-Roxana Trandafir

The events which took place in Romania at the end of January 2017 are well known worldwide. For remembrance, the new Government, invested at the beginning of the year, adopted an Emergency Ordinance in the night of January 31, 2017, named 13/2017, which modified the Criminal Code and the Criminal Procedure Code (both in force since February 1, 2014) and was seen as weakening the fight against corruption. Briefly, the normative act provided that:

- Breach of duty was to be punished only if the public servant had caused damages superior to RON 200,000 (approx. EUR 44,500) and the penalties were to be reduced;
- Breach of duty by negligence was to be repealed;
- Some modifications at the level of conflict of interest and crimes related to driving regulations were to be made;
- No denunciations were to be taken into consideration if they were made more than 6 months after the perpetration of the offence (with direct consequences on corruption offences).

The ordinance was supposed to enter into force 10 days after its publication in the Public Journal (which was made in the same night of January 31, 2017).

A pardon emergency ordinance was also discussed, but eventually the Government decided to let the Parliament adopt it (and it is still pending).

Ordinance 13/2017 led to an unseen public reaction, with hundreds of thousands of people protesting in Bucharest and many other cities for more than a week. Estimates show that on the night of February 5, 2017, more than 300,000 persons in Bucharest and 300,000 others in the other cities protested. The ordinance was repealed that day, thus before entering into force and the Minister of Justice resigned.

Bucharest 2017 – Piata Victoriei

The effects of the ordinance's fate are still to be seen. The Romanian Constitutional Court had to judge whether there has been a conflict between the state powers, and the Court has finally ruled that the National Directorate Anti-Corruption (DNA) has created a conflict with the Government when it decided to prosecute those who adopted the ordinance.

Currently, the Ministry of Justice has developed a law project regarding the modification of the criminal codes. This project keeps almost none of the provisions of Ordinance 13.

However, there are still many questions to be answered. Should the legislature indicate a minimum level of damages in case of breach of duty? Should negligence be punished? Should such offences perpetrated in private companies lead to criminal convictions?

Therefore, the debate about breaches of duty and other corruption-related offences remains open and the discussion could also include examples from other countries in the region.

Assoc. Prof. Dr. Andra-Roxana Trandafir,
Vice Dean of the Faculty of Law,
University of Bucharest, Romania

The Law Faculty at Istanbul University, a Partner of the MPPG, Takes the Lead to Establish the First M.A. in Criminology and Criminal Justice in Turkey

Tuba Topçuoğlu

The lack of criminology as an institutionalized discipline in the Balkan region has been the main impetus behind the initiative which brought all partners of the Max Planck Partner Group for Balkan Criminology (MPPG) together in Zagreb in 2013. The first volume which launched the new Balkan Criminology publication series in 2014, *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans*,[1] clearly presented the current situation in criminological education and research in fourteen Balkan and relevant neighbouring countries. Getoš Kalac (2014:30) very well summarised the main findings of this survey, pointing out some common features with regard to the situation of criminology across the region:[2] "...criminology's weak position at law faculties, unavailability of up-to-date domestic criminological textbooks and specialized scientific journals, underdeveloped criminological scientific communities at the national level, underrepresentation of Balkan-topics and researchers at the ESC annual gatherings, lack of specialized criminological graduate and post-graduate study programmes and as a consequence unavailability of criminological 'offspring', weak inclusion in European and international research projects etc." Unfortunately, Turkey is no exception. Despite the fact that criminology, as the scientific study of the extent, nature, causes and prevention of crime, has significant implications for criminal law and criminal justice policy and practice, criminological education and research is in infancy in Turkey, and criminology as a discipline is not accepted as a policy-making tool. Given the obvious link between research and education, in their country report Sözüer and Topçuoğlu (2014:393) concluded by pointing out "the urgent need for the scientific development of the criminology discipline in terms of theory, research and practice, which in turn initially requires the presence of comprehensive criminological education programmes at universities".[3] As a partner of the MPPG, we are very proud to share the good news that the Faculty of Law at Istanbul University has taken a move to fill this gap and will start offering a two-year M.A. programme in Criminology and Criminal Justice in the academic year 2017/2018.

The development of criminology as a discipline in Turkey owes much to the endeavours of the honourable members of the Faculty of Law at Istanbul University. Criminological institutionalization took off in 1943 in Turkey with the establishment of the Criminal Law and Criminology Research and Application Centre, initially as the first Institute of Criminology at the Law Faculty of Istanbul University. Ten years later, criminology, for the first time, was taught as an

elective undergraduate course in 1953.[4] As of 2017, however, almost 75 years after the establishment of the first Institute of Criminology in Turkey, there is still no undergraduate degree programme in criminology in Turkey. Moreover, the Turkish classification system of sciences does not recognize criminology as a separate field under the social sciences. Even those criminologists who want to apply for an associate professorship in criminology have to apply for the field of "social policy". Criminological education in Turkey is partly provided through undergraduate and graduate elective courses taught within the Departments of Criminal and Criminal Procedure Law (at Law Faculties), Departments of Sociology (at Faculty of Arts and Sciences), and within the Institutes of Legal Medicine and Forensic Science.

The Turkish National Police Academy and the Turkish Military Academy in Ankara are two exceptions. Initially founded as a higher education in-service training agency with a one-year curriculum in 1937, the Academy was reorganized and gained university status in 2001 with the Faculty of Security Sciences, the Institute of Security Sciences and 27 police vocational schools of higher education. Although the Faculty of Security Sciences, which used to offer a B.A. degree in Security Science, was closed in 2015, the Institute of Security Sciences continues to offer a two-year master course in seven areas (Forensic Sciences, Criminal Justice, Security Strategies and Administration, Crime Studies, Criminology and Crime Prevention, Transportation Security and Management, and International Security) and a four-year Ph.D. programme in two areas (Security Strategies and Administration, and International Security).[5] Besides the Police Academy, the Institute of Defense Sciences at the Turkish Military Academy also offers a two-year master course in crime studies.

Yet despite the achievements in the field of criminology over the past years and the significance of the discipline in developing evidence-based crime prevention and intervention strategies, a fully-fledged education in criminology and criminal justice in terms of theory, research and practice is currently absent in Turkey. The Law Faculty at Istanbul University – also a partner of the Max Planck Partner Group for Balkan Criminology – aims to fill this gap by taking the lead to establish the first M.A. programme in Criminology and Criminal Justice in Turkey, owing much to the effort and constant support of the Faculty Dean and the Chair of the Department of Criminal and Criminal Procedure Law, Prof. Adem Sözüer, as well as the members of the Law Faculty and other Departments at Istanbul University.

This M.A. programme in Criminology and Criminal Justice is a two-year programme based under the Department of Public Law (*Kamu Hukuku Anabilim Dalı*) at the Institute of Social Sciences at the University of Istanbul (*İ.Ü. Sosyal Bilimler Enstitüsü*). The programme is currently offered in Turkish. The first year of the study requires students to successfully complete advanced coursework (min. 30 credits or 66 ECTS), and in the second year this is followed by a research-based master's thesis (60 ECTS). With an appreciation for interdisciplinary studies as the only way to confront the complexity of issues of crime and criminal justice, we accept students from any scientific background and provide them with the opportunity to explore various areas of study through a range of courses taught by scholars from different disciplines relevant to the study of criminology.

In the first year, the M.A. programme offers compulsory and optional courses. The compulsory courses include *Criminological Theories, Criminological Research Methods* and *Applied Statistics Using SPSS*; these courses aim to offer students a sound background in theory and research and a comprehensive methodological training. The programme also offers various optional courses, such as *Criminal Justice System, Juristic Psychology, Forensic Sciences, Victimology, Comparative Criminal Justice, Sociology*


Photo: private

of Crime and *Corrections*, to help students develop interdisciplinary skills and gain an understanding of the functioning of the criminal justice system from a criminological perspective.

There is still no single department of criminology which offers a B.A. degree in criminology in Turkey, but we very much hope that this M.A. programme in Criminology and Criminal Justice will pave the way for the further institutionalisation of criminology as an academic discipline in Turkey and that there will soon (hopefully in two tears time) be an accompanying Ph.D. program in Criminology that will train criminologists, who in turn will advance criminological and criminal justice research and teaching in Turkey.

Assist. Prof. Dr. Tuba Topçuoğlu,
Assistant Professor of Criminology at the Faculty of Law, University of Istanbul, Turkey

Notes

1 Getoš Kalac, A.-M., Albrecht, H.-J. & Kilchling, M. (Eds.) *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans*. Berlin: Duncker & Humblot.

2 Getoš Kalac, A.-M. (2014). "Mapping the Criminological Landscape of the Balkans". In: Getoš Kalac, A.-M., Albrecht, H.-J. & Kilchling, M. (Eds.) *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans,* Berlin: Duncker & Humblot, pp. 23-55.

3 Sözüer, A. & Topçuoğlu, T. (2014). "Criminology and Crime in Turkey". In: Getoš Kalac, A.-M., Albrecht, H.-J. & Kilchling, M. (Eds.) *Mapping the Criminological Landscape of the Balkans: A Survey on Criminology and Crime with an Expedition into the Criminal Landscape of the Balkans,* Berlin: Duncker & Humblot, pp. 377-397.

4 Dönmezer, S. (1994). *Kriminoloji*. (8th ed.). Istanbul.

5 See https://www.pa.edu.tr/Default.aspx?page= EgitimBirimleri&GUID=dc9fb08d-0a56-4861-896e-043125798cc6&id=5c034239-17ad-4645-8954-0ccb62a83da4 [28.04.2017].

Inside the Domestic Violence Phenomenon: What Piece of the Puzzle are we Missing?

Evisa Kambellari

Professor Fischer, in your opinion, what is the piece that is usually missing from institutional efforts to address the phenomenon of domestic violence?

EDITORS' NOTE

The author, a partner in the Balkan Criminology Network from Albania, is currently attending an LL.M. program at the University of Illinois College of Law, USA. In the following contribution she presents some observations from an interview with Professor Karla Fischer from the Domestic Violence and Immigration Clinic (DVIC). Professor Fischer holds degrees in Psychology and Law, and a PhD in Psychology from the University of Illinois. She has been directing the DVIC programme at the College of Law for 10 years, and has 25 years of experience as an expert in criminal cases involving victims of domestic violence. In the following interview, Professor Fischer shares some of her views on the problems that victims of domestic violence face in their encounter with the criminal justice system.

What I see from my work, is that people are missing the understanding of how the trauma of chronic violence impacts people: How do they feel? How do they show their emotions? How do they behave? What do they choose to do? People do not understand how the trauma changes who people are and how they react to other people. When a domestic violence victim comes under the umbrella of criminal law, we judge that through our lenses and therefore, miss the context of what the victim, now an offender, has been through.

I also think that we have problems with the concept of how you can be afraid of somebody who is inside your house. As a child, your family and those close to you give you advice that you should be careful of strangers, but nobody advises: "Watch out for your cousin, watch out for your boyfriend, for your brother, or for your father". Everybody is concerned to make you be careful who you bring into your house,

but nobody says you should worry about your safety at home. Most women are hurt by people they know. We do not help people understand that family sometimes can be dangerous. The family system promotes secrecy, and certain power and control over other people.

What would you identify as some weak points in the criminal justice system's response to the phenomenon of domestic violence?

A constant problem that I realize in the way the criminal justice system addresses domestic violence is that we cannot make any gain in the system. There is no institutional history that makes us move from an educated place in domestic violence to a better educated place. People shift and live and we have to constantly go through the same staff training processes. There is constant change in the staff, once an experienced officer leaves the position or is promoted to a higher level, new people, who know nothing about domestic violence, come to substitute the place. The ones that are most affected by this loss of experience are the domestic violence victims.

Another problem is the gap between the laws in the books and the laws as applied to individual cases. When a police officer goes to a home where there was a reported domestic violence incident and sees a troubled woman and a calm man, he sometimes, forgets all what he has learned. Their training does not seem to concur with their personal biases because sometimes, people tend to see what confirms their own individual beliefs.

A third problem is the difficulties that law enforcement officers have in recognizing the signs of violence. They have troubles noticing the psychological marks of violence. This can happen for a number of reasons: the officers are not trained well enough on these aspects, sometimes the victims reject any claim of abuse due to fear of their partner's retaliation, and sometimes because emotional abuse is not perceived as a form of violence by the victims themselves.

An interesting fact is that some physical acts, i.e., choking, do not leave visible marks on the victim's body. Figures show that only 15% of victims choked by their partners display visible marks.

I wanted to ask your opinion about certain trends in domestic violence crime in Albania. Figures of recent years show an increase in the number of domestic homicides committed by male offenders. As regards the modality of crime, the facts show an increase in aggressiveness. What do you think are some factor that might have influenced this trend?

I think, the reason why there is more aggressiveness against women is because there are not enough adequate services, including police assistance. If you have shelters, if you have the opportunity to obtain an order of protection in time, and if you offer various free counseling resources, there will be a significant reduction in domestic violence. When you see an escalation in violence, it shows that the system has failed to properly perform its task.

When it comes to specific personality features of male abusers, what I have noticed is that for men who are controlling, violence is a way to control their partner. It seems that violence is a tool to make their partner do things that she otherwise would not do.

Psychological studies do not show any difference between the psychological construction of men who batter and those who do not. But what is different, is the former's desire to control their partners. In the most serious cases that we see, we do not see men who are simply "mad": they are trying to be strategic in their use of violence, so that it will have the effect of frightening their victim and keeping her in her place.

What are some of the difficulties that victims of domestic violence have in describing their abusive experience and how does this affect the opinion of criminal justice officers concerning the reliability of their statements?

Domestic violence victims often have a fragmented memory of the events, which is a natural result of the trauma they have experienced. Therefore, the victims might have difficulties in describing the story of abuse by providing only separate pieces of the violent episodes. This might sound confusing to a criminal justice officer who has the tendency to put things in a logical order. In the victim's perspective,

it seems like everything happened so fast, but what has really happened is that because of the trauma, the brain could not take in all the information, and what is left is only pieces of the story. Traumatic information is disrupted in different pieces; it is therefore not organized under the normal logical order that is found with non-traumatic information.

Also, the trauma affects the language center in the brain. While the criminal justice system looks for a story to be linear and include all the details, the victim has significant obstacles in elaborating all those details in a well-articulated way.

What is the nature of a sentence given in the U.S. to females convicted of killing their abusive partners? Is the current approach appropriate in reaching the desired community goals?

Normally, a woman that kills her husband is charged with first-degree murder, which means life imprisonment without parole.

Another provision that makes the offender's position more difficult is the mandatory weapon enhancement, which is in force in several jurisdictions. For example, in Illinois if you commit a crime with a weapon, the judge should impose a minimum mandatory term of 25 years of imprisonment. Such provisions do not permit the application of a lower measure of punishment to women that have committed the crime under hit of passion and that are charged with manslaughter instead of murder.

To a certain extent, this harsh sentencing policy can be explained as addressing the interests of the prison industrial complex. The prison system responds to the employment needs of a large number of people. Not only prison stakeholders, but also the public in general support the building of prisons. For the local communities, prisons represent a good opportunity to create jobs.

In my opinion, substitution of imprisonment with a long probation term would be the most appropriate approach to women that have been convicted of killing their abusive partners. Usually, this category of offenders do not represent any risk to the community, and putting them in prison fails to justify both the utilitarian and retributive goals of criminal sentencing.

What do you think needs to be done when it comes to early prevention of gendered violence?

I think every initiative should start with the education system. Elementary schools teachers should educate boys to refrain from certain acts and teach girls to stand up for themselves and report any kind of involuntary touching. There is a lot of gendered violence in schools. I think that if we could stop boys from thinking that is ok to touch their female peers and stop girls from accepting that as right, we will prevent certain shapes of violence in other stages.


Photo: private

Also, we need to teach school administrators to take these incidents seriously, otherwise the boys act like batterers, the girls act like victims and the school staff act like the incompetent police.

As regards the criminal justice system, what I would like to see improved the most is the first time somebody comes in contact with the system. If we place more attention on these early stages of domestic violence cases rather than dismissing them, we could make some headway in preventing violence in the future.

Throughout your extended working experience what have you appreciated the most?

In the early years of my career, I noticed that you might think you understand a victim's experience when you are at the superficial level, but you can realize when you spend more time with the person and work through more of what that person has been through that your first impression was completely wrong. Understanding people's fears helps you understand their reactions in specific circumstances. In doing that, you should leave your confirmation bias aside and see the story from the victim's perspective.

Dr. Evisa Kambellari,
Lecturer at the Faculty of Law,
University of Tirana, Albania

DISCUSSION

Are you really that trusting? A tale of caution and research potential

John Winterdyk

There is a term used in the computer-software world to describe a hazard, or threat, for which there is no viable protection against once it is launched. The term is known as a 'zero-day threat' or attack. Once thought to be little more than a nuisance crime committed by computer 'nerds' (the Kevin Mitnick's of the world), cybercrime and 'zero-day threats' have become omnipresent and their threat to privacy and security evermore concerning. Why? Well, according to various sources, in 1995 less than 1 percent of the world's population had internet connection, but today the percentage of global internet penetration is around 40 percent…and growing! User penetration is virtually ubiquitous. Yet, as with all things that have a global impact, internet saturation varies by region.

Consistent with the routine activities theory, without proper surveillance and guardianship and availability of suitable targets, the internet has become an increasingly inviting target since motivated offenders stand, at best, nominal risk of being detected, apprehended, let alone prosecuted. For example, although VISANet has built in security protocols to ensure that its trillion plus transactions a year are not compromised, the news is replete with examples of not only major corporation breaches/attacks (e.g., Yahoo, Apple, US Democratic National Committee, etc.) but so are regular citizens at risk (e.g., scams, fraud, hacks, worms, ransomware, etc.).

The Balkan region is no exception for being an inviting target. Although the internet user rate in the Balkan region is somewhat lower than most of western Europe (e.g., Hungary approx. 80%, Romania 58%, Croatia around 74% user rate, vs. France 86%, Germany 88%, and the UK around 93%), according to available sources, the rate of user increase is growing faster in the Balkan region than among its western European counterparts.[1]

However, what has not be studied, or monitored, is whether the steady, and in some cases rapid increase in user penetration in the Balkan region is keeping step with the proliferation of *exploiters* (e.g., scam artists), the *enablers* (companies who are negligent in ensuring the surety and safety of the information they hold), and the *expediters* (e.g., the hackers and virus writers who exploit the slightest flaws in security/electronic systems). This would appear to be an area worthy of research within the region for a variety of reasons ranging from simple security issues to preventing the spread of this pervasive and invasive crime.

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Note

1 Further information at www.internetworldstats.com/stats4.htm.

BC PUBLICATIONS

Criminology, Crime and Criminal Justice in Croatia

A comprehensive country survey on the current state of criminology, crime and criminal justice in Croatia, co-authored by Anna-Maria Getoš Kalac and Reana Bezić has been published in March 2017 in the *European Journal of Criminology* 14(2), pp. 242-266, DOI: 10.1177/1477370816648523.

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'.

BC EVENTS 2017

- The Fourth Annual Conference of the Max Planck Partner Group for Balkan Criminology on **Victimology and Victim Protection in the Balkans: State of Art, Trends and Ways Ahead** will be held in Budapest, Hungary, from 21st to 24th September 2017. The event will be hosted by the National Institute of Criminology (OKRI).
- The 'Balkan Criminology' One-Week Intensive Course will be held from 22nd to 27th October at the Inter-University Center in Dubrovnik. For more details see page 12.
- The MPPG will be represented at the 17th Annual Conference of the European Society of Criminology which will take place in Cardiff/Wales from 13th to 16th September 2017. In addition to the annual meeting of the ESC Working Group on Balkan Criminology, themed panels focusing on current BC research projects will be offered.

Crime and Criminology in the Balkans: One-Week International Intensive Course, Dubrovnik/Croatia, 22-27 October 2017

The course, held at the Inter University Centre since 2014, provides participants with in-depth and up-to-date knowledge about the state of crime research in the Balkans. The main focus is on criminological methodology, phenomenology, and etiology. An additional programmatic element is a changing focal topic: 2017's focus is imprisonment. Throughout the course, participants can take advantage of excellent networking opportunities with colleagues from the region and beyond. They will also have the possibility to present their Ph.D./Master/Diploma thesis before internationally renowned experts.

The course is accredited by the Zagreb Faculty of Law and offers 4 ECTS credits. Completion requires regular attendance and the delivery of a participant presentation in oral and written form. The program includes keynote lectures, student presentations, soft skills training, and extensive exchange and discussion. In addition, a Dubrovnik city tour is offered. Special feature: the best student paper of the Course will be awarded and selected for the publication in the European Journal of Criminology.

The course fee is 150 €. It includes enrolment, participation in the lectures and student materials. In addition to the course fee, a separate 50 € fee has to be paid to the IUC Dubrovnik upon arrival. Participants are expected to make their own travel and accommodation arrangements and to cover these costs by themselves. For early registration by 2nd July 2017, a reduced early bird fee of 100 € is available.

For the program and further practical information please visit **www.balkan-criminology.eu** or contact the course manager Ms. Reana Bezić at: r.bezic@balkan-criminology.eu.

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