

Chapter 3

Gender and Crime in Croatia: Female Criminality in Context



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1 Introduction with Criminologically Relevant Context

Although Croatia is amongst the first European countries to institutionalise criminological education and research – in fact it is the second one globally – notably by founding the *Chair for adjunct criminal law sciences and sociology*¹ in 1906 at the University of Zagreb's Faculty of Law (Getoš, 2009, 2011),² systematic and continuous criminological research that could live up to the state of the art found in numerous other European countries is still largely missing, in terms of both quantity and quality (Getoš Kalac & Bezić, 2017; Getoš Kalac & Karlović, 2014). In this

¹Lat. *artes adiutrices juris criminalis et sociologia* (Pavić, 1996, p. 408 and 414).

²The first academic criminological institution was founded in 1905 at the University of Ferrara, closely followed in 1906 by the University of Zagreb in Croatia and the University of Lausanne in Switzerland, where in 1909 the *Institut de Police Scientific* was also established. In 1910 a criminological institute was established at the University of Paris, and in 1912 criminology was firmly institutionalised, both in Italy and at the University of Graz in Austria, followed only after the Second World War by other countries (Kaiser, 1996, p. 70).

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regard, Croatian criminology fits into the research profile of most Balkan states (Getoš Kalac, 2021, p. 28–30; Getoš Kalac, 2014), although throughout the past decade the state of the art in criminological and victimological research has improved tremendously, both in Croatia and in the Balkans.³ Nevertheless, many areas have yet to be empirically explored, amongst them most definitely also that of female criminality.

Traditionally, female criminality has not been studied as a unique type of criminality but rather as a small(er) share of overall criminality that is predominantly committed by males. Accordingly, much of what we know about crime, criminal justice responses to crime, theories of crime and even victimisation has a strong male offender focus, whereas there is (still) a clearly observable dichotomy between *crime as male* and *victimisation as female* (Davidson & Chesney-Lind, 2009, p. 76–77 and 78). Such a discourse about female criminality also has a strong foothold in Croatia, where the most notable finding about it comes down to the notion that female criminality is on the rise, that females commit far less crime than males and that the crimes they commit are typically less dangerous or severe than the crimes committed by males (Derenčinović & Getoš, 2008, p. 163–169; Derenčinović, 2004, p. 176–185; Singer, 1994, p. 166–192). The accuracy of these (and comparable) basic findings notwithstanding, there is little if any in-depth research on female criminality in Croatia, particularly none that would surpass the typical (largely normative) study of ‘female crimes’, such as infanticide (Pastović, 2016; Milotić & Vlačić, 2021; Kurtović Mišić, 2011; Novoselec, 2009; Grozdanić et al., 1997; Grozdanić & Karlavaris-Bremer, 1996) and prostitution (Mihaljević, 2020; Krnić et al., 2021; Pastović & Željko, 2016; Prlenda, 2008), with the exception of a few focus studies on homicides (Grozdanić, 2011; Mužinić, 1998), recidivism (Žakman-Ban, 1993) and imprisonment (Grozdanić & Šelih, 2001).

In a first attempt to change this and provide a general first impression of female criminality in Croatia, we will analyse female criminality outside of the commonly conducted comparisons with male criminality. In order to do so successfully, it is first necessary to provide for some basic contextual information about Croatian society, general crime and punishment trends and structures and basic features of the changing perception of female criminals by criminal law.

³One of the major novelties that boosted criminological, victimological, penological and more generally speaking criminal justice research in Croatia and throughout the Balkans has been the establishment of the Balkan Criminology research group at the University of Zagreb’s Faculty of Law back in 2011. Funded by the Max Planck Society and in cooperation with the Max Planck Institute for Foreign and International Criminal Law (nowadays the Max Planck Institute for the Study of Crime, Security and Law), Prof. Dr. Hans-Jörg Albrecht (the institute’s director) and Prof. Dr. Anna-Maria Getoš Kalac (head of the research group) together with a highly enthusiastic group of academics from all over Southeast Europe managed to revive criminological research, which is best documented through a series of publications, numerous international conferences and regional empirical studies, to name but a few. See in more detail: Max-Planck-Institut für ausländisches und internationales Strafrecht, Freiburg i.Br. 2018, p. 186–190; Meško, 2018; www.balkan-criminology.eu

1.1 *Croatian Society*⁴

Croatia is positioned on the crossroads between Central and South-Eastern Europe. It has a long coastline on the Adriatic Sea to the south and borders with Slovenia and Hungary to the north and with Serbia and Bosnia and Herzegovina to the east. Croatia's population is approximately 3.9 million people, with roughly one-fifth of the population living in Zagreb, the country's capital (DZS, 2021). In 1990, after the Communist Party of Yugoslavia fell apart, the first democratic elections became possible in Croatia. In 1991, Croatia became independent from the Socialist Federal Republic of Yugoslavia. The same year the Yugoslav People's Army, which was in reality a Serbian army, attacked Slovenia and then immediately after this Croatia and then Bosnia and Herzegovina. The atrocities that followed affected the whole region and left deep divisions along ethnic lines that are visible even today. The war in Croatia was accompanied by an overnight transition to a market economy; economic crime in the process of privatising state-owned property and war profiteering; a large population immigration (primarily from Bosnia and Herzegovina) and emigration (refugees from Croatia leaving for European countries and Serbs from Croatia leaving for Serbia); widespread personnel changes in the judiciary, police, military and governmental offices; swift legal reforms; and so on. The majority of the Croatian population has personal experience of the past atrocities, widespread violence, mass victimisation and the displacement of persons, to name just a few long-term consequences of the war. This, as well as the ongoing heated discussions on these topics in Croatia and throughout the region, must be acknowledged as an important factor when it comes to the overall criminologically relevant sociopolitical context.

As in most European countries, the Croatian population shows a clear trend towards ageing. The present average age in Croatia is 44.3 years, which places it amongst one of the oldest nations in Europe (EUROSTAT, 2022a). With respect to gender, the population is 48.2% male and 51.8% female (DZS, 2021). Presently, overall unemployment in Croatia is 7.5%, and as many as 20.1% of the unemployed in July 2021 were aged <25 years, whereby the unemployment rate for women is 7.2% (EUROSTAT, 2022b). The vast majority of Croatia's inhabitants are Croat by ethnicity (91.6%), followed by Serb (3.2%) and Bosnian (0.7%) (DZS, 2021). Accordingly, most inhabitants are Catholic by religion, followed by Orthodox, non-religious/atheists and Muslims. We say 'accordingly' because those who declare themselves to be Croat by ethnicity are most commonly Catholic by religion, whereas Serbs are usually Orthodox and Bosnians mainly Muslim. Ethnicity and religion are tied together closely in Croatia and throughout the region. This is of particular criminological relevance when analysing specific types of crime, such as hate crimes. Even today in public and political discourse, religious and ethnic affiliations, as well as the related gender stereotypes these identities commonly imply,

⁴This section is based on prior findings about Croatian criminologically relevant context data (Getoš Kalac & Bezić, 2017, p. 242–243) and has been updated with regard to the newest available facts and figures.

play an important role. Compared with this, immigration plays a relatively small role in Croatia. Croatia, throughout the past decade, has displayed consistently negative net migration flows with foreign countries (DZS, 2022a). Around two-thirds of all immigrants to Croatia were foreigners (the other third were Croatian citizens), and more than half of the foreign immigrants had a regional citizenship background (DZS, 2022b). Prior to 2019, Croatia has not attracted any meaningful immigration and therefore lacks the typical criminological discourse about immigration and crime. From 2019 onwards, there has been an increase in work-related migration by immigrants from Asia (DZS, 2022b). Even in light of the ongoing migration crisis, Croatia has not become a country of destination for migrants but rather remains one of transit and first entry to the European Union.

1.2 *Crime and Punishment in Croatia*

Croatia, just like the rest of the countries of Southeast Europe,⁵ does not fit the profile of a high crime region and appears to be much safer in terms of officially registered street and urban crime (Aebi et al., 2010, 2014, 2021; UNODC, 2008). Looking at Croatian official crime statistics over the past 70 years, there is a clearly detectable declining trend in the rate of adult persons who have been *convicted* of having committed a criminal offence (see Fig. 3.1), especially if one disregards the ‘war-time drop’ occurring during the 1990s (Getoš Kalac & Bezić, 2017).⁶ In that

⁵Southeast Europe ranges from the western part of the former Kingdom of Hungary, the present Slovakia, over Hungary and the Republic of Moldova to approximately Odessa on the Black Sea, and everything that lies below this line is Southeast Europe (Sundhaussen, 2014).

⁶The Croatian Bureau of Statistics defines **crime** in terms of statistical surveys, ranges from reporting a criminal offence to the valid conclusion of legal proceedings by a public prosecutor’s office, that is, to pronouncing a valid court decision. **Adult persons reported** as known perpetrators are adult perpetrators of a criminal offence against whom proceedings based on crime report and interlocutory proceedings have been concluded with a decision by which either the crime report is rejected, or the investigation was interrupted, or the investigation was terminated, or the indictment was submitted. **Accused persons** are adult persons against whom an indictment, accusatory motion or private suit is filed before the court, against whom criminal proceedings have been concluded with a valid court decision by which the proceedings are terminated, the indictment is dropped, the person is acquitted, the accusation is rejected, a mentally incompetent person is assigned to a coercive accommodation or outward treatment or a perpetrator is convicted. **Younger adult persons** are persons who turned 18 but not yet 21 years of age at the time of committing a criminal offence to whom the court may pronounce educational measures consisting of special obligations, increased supervision and juvenile imprisonment. In the case a perpetrator did not turn 21 years of age, the court may also pronounce educational measure of assignment to a centre for disciplinary development and correctional institution measure. To a perpetrator who turns 21 years of age during the trial, a court may pronounce imprisonment instead of a juvenile imprisonment sentence, within the boundaries that apply for the duration of the juvenile imprisonment. Finally, **convicted persons** are convicted adult persons against whom the following criminal penalties or other measures have been pronounced: imprisonment, fine, educational measures, judicial admonition (milder act principle) and a convicted person, but no sentence has been imposed (cit. Croatian Bureau of Statistics methodology, available online: <https://podaci.dzs.hr/2022/en/29161>).

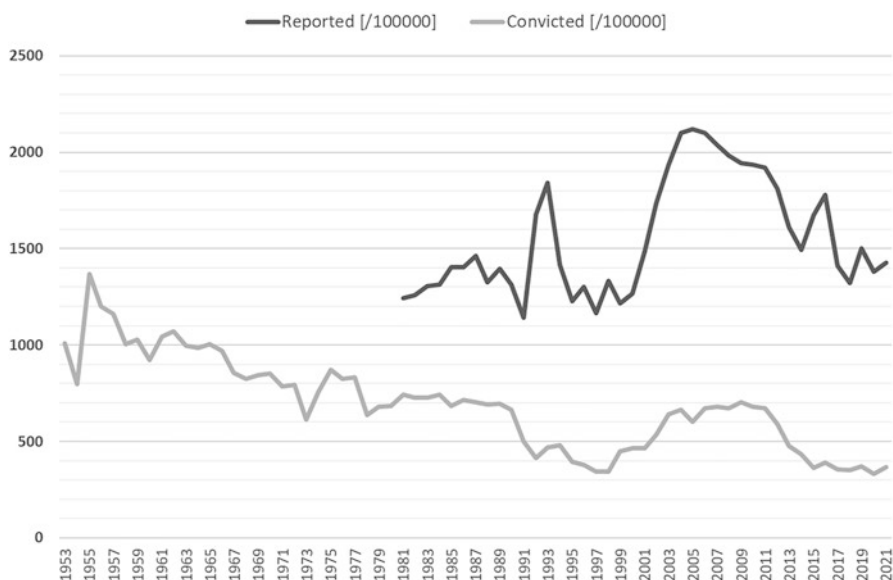


Fig. 3.1 Rates of reported and convicted adult persons per 100,000 of population. (Source of data: Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>) and Croatian Bureau of Statistics archive. The rates were calculated based on the number of reported and convicted adult persons in 1 year divided by the yearly estimated population numbers (excluding minors under the age of 18) and multiplied by 100,000)

case, the most noticeable drop in conviction rates occurred in 2011–2013 when Croatia introduced a major criminal law reform and thus liberalised its drug policy significantly.⁷ It is difficult to assess which of the major criminal law reforms exactly impacted on which area of the clearly noticeable, officially registered reduction in

⁷During the past two decades, the Croatian criminal justice system had to face several huge reforms, or better to say complete novelties, covering both large areas of society's basic repressive mechanisms for dealing with crime and criminals – the criminal procedure and the penal reaction. In 2008, a new Criminal Procedure Act (CPA/08) came into force, but then in 2013 the Croatian Constitutional Court assessed a rather large share of its provisions to be unconstitutional, which then led (again) to numerous changes to the CPA/08 in 2013. And as of 1 December 2017, major changes are apply again. In short – from having the main actor in the investigation phase being the investigative judge (prior to 2008) – Croatia moved to having the public prosecutor as master of the investigation (2008 until 2017) and finally now ended up transferring a greater role to the police, which has been given a new mandate to formally interrogate suspects (post-2017). Given that the provisions have only rather recently been adopted, it is yet to be seen how they will work in practice. Almost overlapping with these tectonic shifts in criminal procedure was the enacting of a completely new Penal Code (PC/11) as of 1 January 2013 and the confusion this created in relation to the question of applying the more lenient law for criminal offences committed prior to the enactment of the new PC/11. The PC/11 also introduced changes in terms of offences and proscribed sentence ranges, and as a general comment in the context of sentencing and imprisonment, the most influential novelty is the decriminalisation of drug offences (for personal use) in the PC/11 and its criminalisation as a misdemeanour.

crime, but there is no doubt that the reduction is a major consequence of large (normative) reforms – tectonic shifts in procedural and material criminal law – rather than a reflection of an actually changed crime situation in reality.

By introducing major penal liberalisation, Croatia ‘decriminalised’ the largest share of its criminal drug offences by down-tuning possession for personal use from a criminal offence to a misdemeanour (Derenčinović & Getoš, 2020). As the data show, this reform (together with other major criminal law and procedure reforms) had a huge impact on the scope (and structure) of Croatian overall crime but essentially when it comes to drug offences resulted merely in a relabelling of ‘criminal offences’ as ‘misdemeanours’ (see Fig. 3.2), which are also considered part of criminal law in Croatia (in the broader sense) and entail potential prison sentences. In the context of female criminality, this drug-related reduction might be quite interesting as females (prior to 2011) participated with a rather low share amongst adult persons convicted of drug possession (for their own usage): 9% out of all adult persons convicted of drug possession for personal usage in 2010, whereby this particular offence made up only 5% of all the criminal offences of which females were convicted in 2010. Therefore, the liberalisation of Croatian drug policy should not have had a major impact on female criminality from 2011 onwards – and it did not, as we shall see in the following sections. In particular, the drug-related reduction in conviction rates cannot on its own account for the rising trend in reported female criminality. Moreover, as the data in Fig. 3.2 show, the rate of adult persons *reported* for having committed a criminal offence has been constantly decreasing since the mid-2000s, whereas in particular the share but (less dramatically) of the number of females *reported* for having committed a crime has been rising (see also Fig. 3.3).

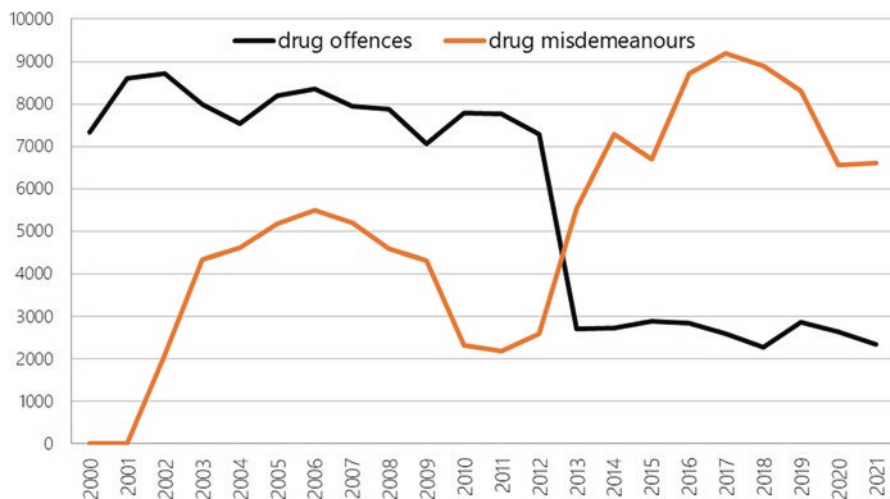


Fig. 3.2 Number of reported drug offences and drug misdemeanours. (Source of data: Ministry of Internal Affairs (2022) Statistical Overview of Fundamental Safety Indicators and Work Results from 2000 to 2021)

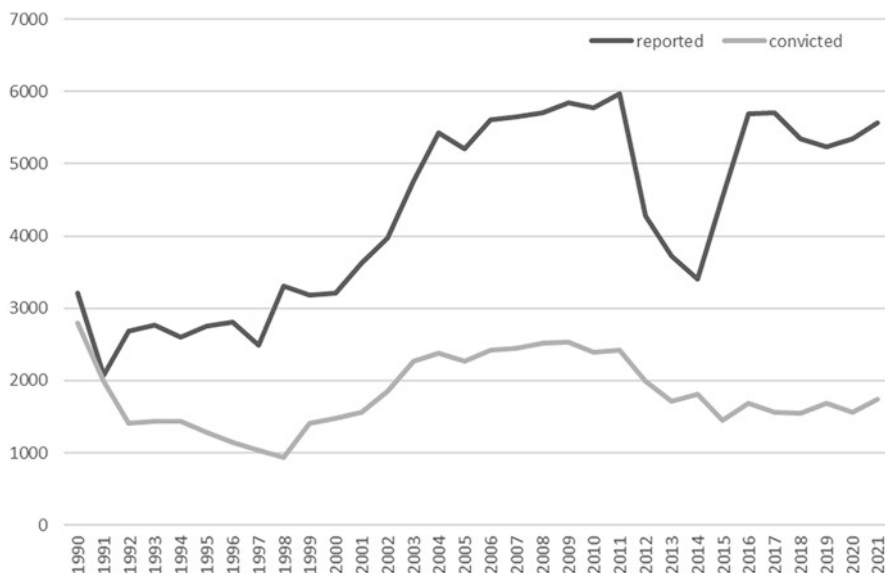


Fig. 3.3 Adult females reported and convicted for all criminal offences from 1990 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>) and Croatian Bureau of Statistics archive)

Overall, Croatian criminality can be described as mainly property related (25.6% theft⁸), with relatively low occurrences of violent crime (Aebi et al. 2021),⁹ particularly its most fatal kind – homicides – in which exceptionality seems to be more of a regional than a national trait (Getoš Kalac, 2021). Despite this rather positive crime situation, Croatia has in the past two decades repeatedly strengthened its penal response to crime by introducing harsher sentencing frameworks, in an attempt to toughen up the courts' sentencing practices, which are perceived as rather lenient, particularly when compared with the normatively proscribed sentencing frameworks. Now, one might assume that in light of this Croatian prisons are only not very full, but then one would be wrong. Although unconditional prison sentences are the exception (in 2021 they accounted for only 16.6% of all sentences), Croatian prisons are far from empty. Yet, their main occupants are not convicts but detainees who account for as much as 60% of all prison inmates (Getoš Kalac et al., 2021). Present public and media debate about crime in Croatia mainly focuses on

⁸ *European Sourcebook of Crime and Criminal Justice Statistics* (2021) presents the relative position of eight crime types (homicide, bodily injury, rape, robbery, theft, theft with means of burglary, fraud and drugs) for persons convicted. In Croatia, theft is the most common crime, with up to 25.6% of the total. Next comes theft with means of burglary, with 11.4% of the total, followed by fraud (7.4%).

⁹ *European Sourcebook of Crime and Criminal Justice Statistics* (2021) presents the relative position of eight crime types (homicide, bodily injury, rape, robbery, theft, theft with means of burglary, fraud and drugs) for persons convicted. In Croatia violent crime comprises 7.1% of the total.

corruptive types of crime and criminal state capture, whereby females do not seem to lag behind males when it comes to abuse of office and trade in influence. A closer look at females with regard to corruptive criminal offences in Croatia will definitely shed more light on the issue, although the ‘dark figure’ of this type of crime is a particular challenge in Croatia when working only with official crime statistics, owing to a chronic lack of victimisation surveys (Getoš Kalac et al., 2020).

1.3 Female (Criminals) and Croatian Criminal Law

After having provided for general sociological and basic criminological context data and background, a quick look at the criminal law response to female criminals through Croatian penal history up to the present state of affairs should help to understand contemporary developments and potential future trends. Grozdanić and Rittossa conducted an excellent analysis of the historical development of women’s status in (Croatian) criminal law (Grozdanić & Rittossa, 2011). Their findings clearly show that the first written codifications in Croatia (statute law) not only distinguished criminals according to their social status (commoners and nobles) but also according to their gender, which was most obvious when looking at the proscribed type of sentences for murder, poisoning, adultery, theft and insult by gender (hanging and decapitation were commonly reserved for male criminals, whereas female criminals faced burning), as well as the harsher or more lenient punishment of male and female criminals for the same type of crime. Grozdanić and Rittossa skilfully conclude that the historical development of criminal law provisions in Croatia reflects how (male) society defined women’s role in it and that those women who most dramatically acted against their assigned roles (murderers, perpetrators of infanticides, poisoners, adulterers or insulters of ‘questionable morals’) were punished more harshly, whereas ‘normal crime’, such as theft, when committed by women, could be punished even more leniently. In this sense, (criminal) law very much reflects a society’s system of values, as well as how these change over time. Nowadays, in Croatia, female criminals have the same status in criminal law as male criminals, with the exception of infanticide as a *delicta propria*, which is treated as a privileged form of murder.

2 Croatian Female Criminality

Throughout the following sections, basic facts and figures on female criminality in Croatia are provided. In terms of methodology, it has to be pointed out that these are almost exclusively based on official crime statistics as made available by the

Croatian Bureau of Statistics¹⁰ and the Ministry of the Interior.¹¹ Where other sources of data on particular types of crime and related to female delinquency are available (e.g. self-report delinquency and victimisation surveys,¹² case studies,¹³ qualitative data from interviews¹⁴), this is used to contrast official crime data. In general, the lack of regularly conducted crime victimisation surveys poses a chronic challenge for any meaningful crime analysis in Croatia, which is particularly tough when it comes to female criminality, where (in contrast to male criminality) empirical research is truly the exception. Therefore, we first present a general overview of overall female criminality in terms of trends and structure, as well as age (adults and minors and girls) and the severeness of delinquency (crimes and misdemeanours). This is followed by an in-depth analysis of the most frequent types of female criminality, which in particular covers white-collar crime, domestic violence (child abuse), prostitution, pimping and pandering. Last, we present data on the Croatian criminal justice system's response towards female criminals, hereby addressing in particular their prosecution, conviction and sentencing, as well as their imprisonment and position within the prison system. Clearly, neither the chapter at hand nor these first findings are comprehensive in terms of providing answers to all the questions about the *hows* and potential *whys* of female criminality in Croatia. They are however a (far overdue) first step and a necessary criminological basis for the further explorations and future research that will hopefully follow.

2.1 Overall Female Criminality

2.1.1 Adult Female Criminals

Looking at the past three decades (and again bearing in mind the anomaly of the 'wartime drop' in the 1990s), there was a noticeable increase in overall female criminality (both in terms of reported and convicted females) in the 2000s, followed by a dramatic decrease between 2011 and 2014/2015, when the number of reported and convicted females started to rise again (see Fig. 3.3). In 1990, females made up 10.5% of all reported adult offenders in Croatia. Their lowest share amongst reported persons during the observed period was captured for 1992 (7.5%). Twenty years later, in 2021, reported adult females accounted for as much as 18.9%, which is an 80% increase compared with 1990. After 2016, the share of reported females never

¹⁰The Croatian Bureau of Statistics is the main producer, disseminator and coordinator of the official statistics system in the Republic of Croatia and the main representative of the national statistical system before the European and international bodies competent for statistics. Data available at: <https://dzs.gov.hr/>

¹¹Data from the Ministry of Interior are available at: <https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>

¹²Bezić (2020).

¹³Getoš Kalac (2021).

¹⁴Mihaljević (2020).

dropped below 18%. Similar trends can be observed in female conviction rates (after 2016 they never dropped below 12%). In 1990, females accounted for a share of 11.5% amongst convicted adults. The year with the lowest share of convicted females during the observed period was 1998 (7.7%). Interestingly, 2021 was the year with the highest share of convicted females, accounting for as much as 14.1%. Comparing the share of convicted females in 1998 with their share in 2021, we find an increase of roughly 83%. It needs to be pointed out that during the observed period there were no major changes in Croatia's demographic statistics, especially none that could account for such an *increase* when it comes to female criminals. Croatia's overall population has been continuously decreasing – during the past two decades from 4,437,460 in 2001 (DZS, 2001) to 3,888,529 in 2021 (DZS, 2021).

Interestingly, the highest number of convicted females during the observed period appears in 1990 (2,791). After that year, the number of convicted females rather consistently 'followed' the number of reported females, with a nicely detectable stable share of 'dropouts'. However, after 2014, the trend of convicted females no longer 'follows' the trend of reported females so strictly, or perhaps it simply picked up the trend noticeable prior to the 2011–2014 anomaly. Future analysis of the years ahead will surely provide for more conclusive data. Although in 2021 the share of convicted females was highest (14.1%) for the observed period 1990–2021, the number of female convicts has remained around the average number. Apparently, the number and trend of convicted females are not dropping as noticeably as in the case of convicted males, or put differently, although male criminality has been steadily decreasing over the past two decades, female criminality seems much more stable and possibly even on the rise.

2.1.2 Delinquency of Juvenile Females¹⁵ and Girls¹⁶

Juveniles in 2021 made up a share of around 2% of all reported, 2% of those accused and 2% of convicted persons for criminal offences in Croatia and 2% of reported and 0.05% of convicted persons for misdemeanours. Looking at the overall trend of

¹⁵The Croatian Bureau of Statistics defines **juvenile perpetrators** of criminal offences as persons who turned 14 but not yet 18 at the time of committing the criminal offence, against whom legal proceedings have not been initiated (crime report dropped), interlocutory proceedings have been terminated or a proposal for a criminal penalty or other measure has been filed. Legal proceedings have been validly concluded by issuing the decision on termination of proceedings or pronouncing of criminal penalty or other measure. **Younger juveniles** are persons who turned 14 but not yet 16 at the time of committing a criminal offence and who may not be sentenced to juvenile imprisonment but may only be given educational measures. **Older juveniles** are persons who turned 16 but not yet 18 at the time of committing a criminal offence and who may be given educational measures, but may also be sentenced to juvenile imprisonment, if the Code foresees any conditions for that (cit. Croatian Bureau of Statistics methodology, available online: <https://podaci.dzs.hr/2022/en/29163>).

¹⁶In Croatia, children who commit a criminal offence or a misdemeanour under the age of 14 years are not criminally liable but may be subject to measures imposed based on the Social Welfare Code and Family Law Act. Because of this, there are virtually no official (criminal/misdemeanour) statistics on child delinquency in Croatia.

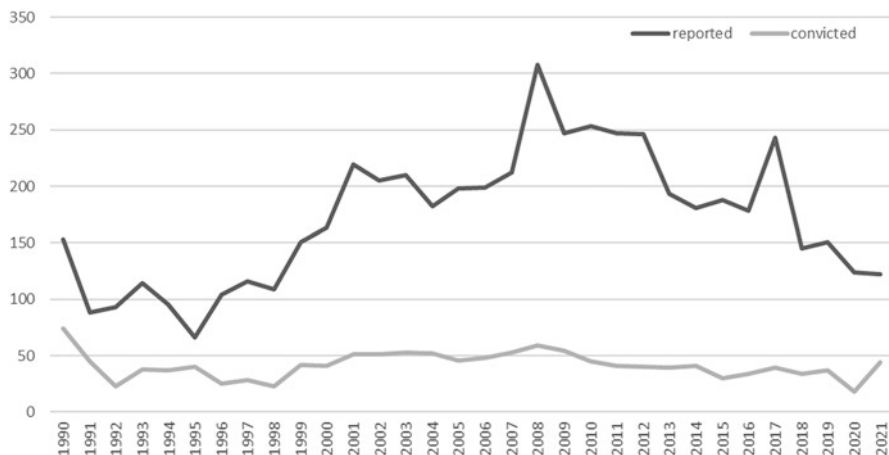


Fig. 3.4 Juvenile females reported and convicted for criminal offences from 1990 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>) and Croatian Bureau of Statistics archive)

juvenile criminality during the past decade, there is a clear declining trend in all three categories (reported, accused and convicted).¹⁷ Now, looking only at female juvenile criminality during the past three decades (see Fig. 3.4), the aforementioned decreasing trend is far less obvious, which can most likely be attributed to the very low real numbers of juvenile female delinquents (around and less than 50 convicted annually). In Croatia we register a rather large dropout (reported versus convicted) for juveniles in general, as well as for female juvenile delinquents, which is a direct consequence of an extremely frequent dismissal of criminal charges by the state prosecution based on the ‘opportunity principle’. So, for example, in 2021 out of all prosecutorial decisions following a criminal report of a juvenile, more than 60% resulted in proceedings not even being initiated, whereby in as much as 65% of cases this was because of ‘the interest of the defendant or society’.¹⁸

Figure 3.4 displays the number of juvenile females reported for and convicted of a criminal offence between 1990 and 2021. The trend of reported female juveniles is not straightforward. From 1995 to 2008, there was an increase in reported female juveniles. After 2008, we see a decrease (with the exception of 2017). In 1990, the share of juvenile females within all reported juveniles was 5.7%. The year with the lowest female share was 1995 (3%). However, the year with the highest share was 2015 (15.4%). In 2021, the share of reported females in overall reported juvenile crime was 12.2%. Comparing the number of reported female juveniles in 2008 with 2021, we find a decrease of as much as 60%. The share of convicted female juveniles in 1990 was 6.7%. In the observed period, their share increased from 3% to 6% until 2013, after which their share remained constantly above 7%. The year with the

¹⁷ See: Croatian Bureau of Statistics database, available online <https://podaci.dzs.hr/2022/en/29163>.

¹⁸ See: Croatian Bureau of Statistics database, available online <https://podaci.dzs.hr/2022/en/29163>.

highest share of convicted female juvenile delinquents is 2021, accounting for a staggering 16.6%. Although the *share* is impressively high in 2021, the *number* of convicted females is as it was in 2010 and 2011 (44 female juveniles). Therefore, the increase is on the one hand a direct result of the decrease in convicted male juveniles and on the other hand a slight increase in convicted female juveniles, which displays strongly owing to their overall very small real numbers.

Now, when looking at girls and delinquency in Croatia, the only presently available source of data is the Croatian component of the International Self-Report Delinquency Study (ISR3) conducted by *Getoš Kalac* and *Bezić* in spring 2013 and winter 2014 (Bezić, 2020). The survey's findings show that girls most frequently commit property crime. Compared with other countries of the Balkans, it is particularly interesting that girls even more than boys commit graffiti. The third most common delinquent act amongst girls in Croatia is shoplifting. The share of girls reporting to have committed serious offences such as drug dealing, burglary, robbery and assault is very low. The age-crime curve for the lifetime prevalence of different types of offending throughout the region (as in Croatia) shows a peak at 17 years of age.¹⁹ Thus, the ISR3, being a self-report survey, also clearly showed that the overall prevalence of boys' and girls' delinquency in Croatia is different from the recorded official statistics. The ISR3 shows that boys commit only slightly more offences than girls (49.6% for girls compared with 50.4% for boys). In contrast to this, official crime statistics for reported juveniles in 2021 captured only 11.5% females and in the case of convicted juveniles only 16.6% females. Now, before we jump to the conclusion that there is a high dark figure²⁰ of girls' criminality and female juvenile delinquency, it is important to point out the differences between the ISR3 methodology and (juvenile) criminal legislation in Croatia. Self-report surveys focus mostly on petty crime (such as illegal downloading, graffiti, etc.), and that is why the number of self-reporting in the ISR3 is much higher than in official statistics. In contrast, Croatian juvenile criminal legislation, as noted earlier, uses the principle of opportunity extremely frequently and does not commonly prosecute juveniles, especially in the case of petty crime.²¹

As a final note and in light of more recent very negative demographic trends in Croatia, it is necessary to question Croatian crime policy regarding juvenile delinquents in general but much more specifically female juvenile delinquents. Owing to the extremely low number of convicted female juveniles and an even far smaller number of those serving a juvenile imprisonment sentence,²² it seems far overdue to reconsider the state's response towards such truly exceptional cases. Is it even possible (and thus feasible) to have a special form of imprisonment for these few cases,

¹⁹ See in more detail: Bezić (2020).

²⁰ See in more detail: Getoš Kalac and Pribisalić (2020).

²¹ See in more detail: Dragičević Prtenjača et al. (2021).

²² Although there are no data on the imposed sanction of juvenile imprisonment according to gender, if we look at the data on persons serving juvenile imprisonment in 2019 and 2020, only one female juvenile was reported to be serving this type of sentence (flow data), whereas there were none from 2016 to 2018 (CPA Statistics).

or would it not be much more appropriate to consider more individualised and non-institutional measures?

2.1.3 Adult Females and Misdemeanours²³

The share of adult females reported for having committed a misdemeanour amounted to 18% in 2021 (a total of 95,436 persons), whereas females made up a share of 16% amongst adult persons found guilty/convicted (total 80,070).²⁴ Now, at first thought, one might conclude that the dropout for females when it comes to misdemeanours is considerably less drastic than the dropout in the case of criminal offences. However, ‘reported’ for criminal offences and ‘reported’ for misdemeanour in Croatia do not have the same statistical or procedural meaning, because ‘reported’ for a misdemeanour in fact also means ‘charged’ with a misdemeanour, so it should be considered in line with ‘accused’ when considered in the context of the criminal offence statistics.

Looking at the trend of adult females reported for and found guilty of a misdemeanour (see Fig. 3.5), we see a clear declining trend throughout the past two decades that was only briefly interrupted by a considerable increase in 2013, which was as anticipated earlier not related to a significant influx of drug offences (for personal use) owing to their liberalisation but is more likely the result of an increase in several other misdemeanours (e.g. rowing, shouting or impolite behaviour). The most recently detectable rise in females reported for and convicted of misdemeanours in 2021 essentially comes down to a drastic increase in the category of misdemeanours committed against the safety of road traffic, and this increase is also seen in males.

Looking at the type of misdemeanours for which females were most frequently reported in 2021 (total 16,934), as with males, these are misdemeanours against the safety of road traffic (46%), followed by those against public order and peace and general safety (27%). Now, whereas females more frequently commit misdemeanours against the economy (15%), followed by those against financial activities (12%), it is the other way around with males, where misdemeanours against financial activities account for 14% and those against the economy for only 8% of all male misdemeanours, compared with 28% traffic and 51% public order/safety

²³The Croatian Bureau of Statistics defines **misdemeanours** as *conduct that violates or threatens public order, social discipline or other social values guaranteed and protected by the Constitution of the Republic of Croatia, national and international laws, the protection of which is not possible without the misdemeanour system of sanctions and is not achieved through the penal coercion and further explains that in regard of statistical surveys, misdemeanours cover an occurrence that starts with reporting a committed misdemeanour and ends with a valid conclusion of proceedings done by a competent misdemeanour body* (cit. Croatian Bureau of Statistics methodology, available online: <https://podaci.dzs.hr/2022/en/29165>).

²⁴See: Croatian Bureau of Statistics database, available online <https://podaci.dzs.hr/2022/en/29165>

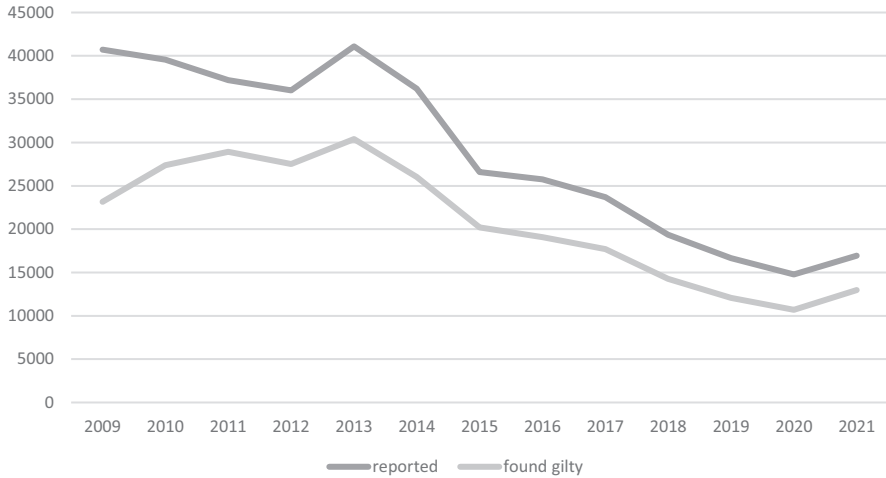


Fig. 3.5 Adult females reported for and found guilty of misdemeanours from 2009 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>))

misdemeanours.²⁵ Apparently, when looking at the type of misdemeanours most frequently committed by adult females and males, we see no striking differences, although a slight one detected related to economy versus financial activities might be explained by the fact that financial activities are more work-related misdemeanours, and economy are more related to everyday life, such as violation of regulations on Croatian Radio and Television. Therefore, it comes a bit as a surprise that the share of females found guilty in 2021 was 77%, whereas for males it was 86%. One can only speculate about the reasons for this slightly lower conviction probability, and whether it is grounded in more complex evidence requests for misdemeanours in economic and financial activities committed by females, or more severe types of misdemeanours in public order and peace and general safety committed by males, or simply a more lenient approach towards females with regard to misdemeanours.

2.2 Most Frequent Types of Female Criminality

In the following passages, we will discuss female criminality and do so mainly outside the context of male criminality, as it is common knowledge that males and females display comparable or similar criminal behaviour neither in terms of quantity nor in terms of quality. Therefore, it makes little (if any) sense to contrast one

²⁵ See: Croatian Bureau of Statistics database, available online <https://podaci.dzs.hr/2022/en/29165>

with the other, especially given the narrow scope available for the discussion of female criminality in Croatia within the framework of this book. Focusing on female criminality as a *sui generis* form of criminal behaviour, we analysed the most frequent types of crimes committed by females and strived to determine the *hows* and *whys* in the Croatian social, cultural, historical and overall normative context.

Methodologically speaking, we conducted a two-step analysis. First, we determined the types of criminal offences most frequently committed by adult females (disregarding juveniles as they make up only an extremely small share) as classified by the criminal code's headings in its special part (see Table 3.1). Then we looked at the most frequent single criminal offence within each type in order to get a clearer sense of what exact crimes females in Croatia commit most frequently (see Table 3.2). Therefore, we were not interested as much in long historical trends but rather wanted to find out what the present picture looks like. That is why we focused on the most recently available data for the past 6 years. This turned out to be a sensible approach because not only could we identify the most frequently committed single criminal offences within each group of offences (criminal code headings), but this also turned out to identify the single most frequently committed criminal offences by females overall (when looking at the frequency of all other single offences). Thus, single offences that also pop out as very frequent ones are the false report of a criminal offence and aggravated larceny – a finding that fits nicely into the picture we get when looking at the data in Table 3.2.

The most frequent six groups of criminal offences for which females are reported cover 77% of all criminal offences committed by females during the past 6 years. Roughly one-third of females are reported for having committed property offences (mainly larceny and aggravated larceny), followed by the 'verbal delict' of threat. The Croatian female criminal also frequently commits crimes against marriage, family and children (mainly by violating children's rights). Interestingly, another, 'verbal delict' (false statements and false reports), is quite frequent in female criminality but also corruptive crimes and economic crimes. Clearly, Croatian female criminality is characterised by less severe types of criminal behaviour in the sense that it does not pose a high risk to the imminent physical wellbeing of other people (with the exception of the domestic context and in particular children). It seems that women in Croatia, owing to the considerable share of 'verbal delicts', pose a threat to their victims rather than an actual danger to the victims' physical integrity.

Based on the discussed findings (see Tables 3.1 and 3.2) in the following sections, we shall briefly discuss in more detail females in the context of committing white-collar crime and domestic violence (particularly child abuse) as well as prostitution and pimping. As the incidence of infanticides in Croatia is exceptionally low, we did not investigate the issue at all.²⁶

²⁶From 2016 to 2021, only one female was reported for the criminal offence infanticide in 2020. Therefore, there is no reason to include this criminal offence in the discussion.

Table 3.1 Adult females reported for criminal offences by most frequent type of crime (criminal code heading) from 2016 to 2021^a

	In total	2016	2017	2018	2019	2020	2021
Females reported for all criminal offences	32,894	100% 5,695	100% 5,703	100% 5,345	100% 5,240	100% 5,347	100% 5,564
Against property	10,327	31% 2,062	36% 1,834	32% 1,745	33% 1,708	33% 1,482	28% 1,496
Against personal freedom	4,020	12% 637	11% 725	13% 635	12% 648	12% 694	13% 681
Against marriage, family and children	3,971	12% 513	9% 662	12% 627	12% 683	13% 750	14% 736
Against official duty	3,353	10% 489	9% 602	11% 548	10% 509	10% 593	11% 612
Against the judiciary	1,904	6% 310	5% 331	6% 339	6% 296	6% 278	5% 350
Against the economy	1,823	6% 402	7% 358	6% 251	5% 240	5% 303	6% 269

^aCroatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>)

Table 3.2 Adult females reported for criminal offences by the most frequent single criminal offence (within the criminal code heading and amongst all criminal offences) from 2016 to 2021

	In total		2016		2017		2018		2019		2020		2021	
		% within		% within		% within		% within		% within		% within		% within
Larceny	3,688	36%	666	32%	644	35%	622	36%	628	37%	553	37%	575	38%
Threat	3,199	80%	521	82%	566	78%	504	79%	515	79%	561	81%	532	78%
Abuse of office and official authority	3,133	93%	447	91%	557	93%	518	95%	460	90%	558	94%	593	97%
Violation of a child's rights	2,005	50%	244	48%	299	45%	281	45%	356	52%	408	54%	417	57%
Making a false statement	824	43%	137	44%	151	46%	164	48%	125	42%	119	43%	128	37%
Abuse of trust in economic business operations	580	30%	115	29%	117	33%	79	31%	79	33%	104	34%	86	32%

Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>)

Note: % within displays the share of the single offence within the corresponding type of crime (heading in the criminal code), namely, in order of appearance: against property; against personal freedom; against official duty; against marriage, family and children; against the judiciary; against the economy

2.2.1 Females and White-Collar Crime

Sutherland (1949, 9) defined white-collar crime as *a crime committed by a person of respectability and high status in the course of his occupation*. Despite the improvements women have made in the business workforce during the past decade in Croatia, males still occupy higher positions than females. Therefore, females have lower chances of committing white-collar crime as frequently as males. Daly (1989) popularised the term pink-collar crime. It involves low- to mid-level employees, primarily women, who steal from the workplace. The concept is about position, not gender.

Figure 3.6 presents females reported for and convicted of criminal offences against the economy from 2013 to 2021. It shows that the number of reported females increased slightly from 2014 to 2016 and then there was a decrease from 2016 to 2019. The peak in 2016 can be explained by significant conceptual changes in the normative framework regarding economic crimes. However, the same increase did not follow when looking at the number of convicted females. The cause of this kind of phenomenological picture partially lies in the fact that female perpetrators are more prone to commit less serious economic crimes, which is also noticed when looking at the share of females in the misdemeanours regarding financial activities

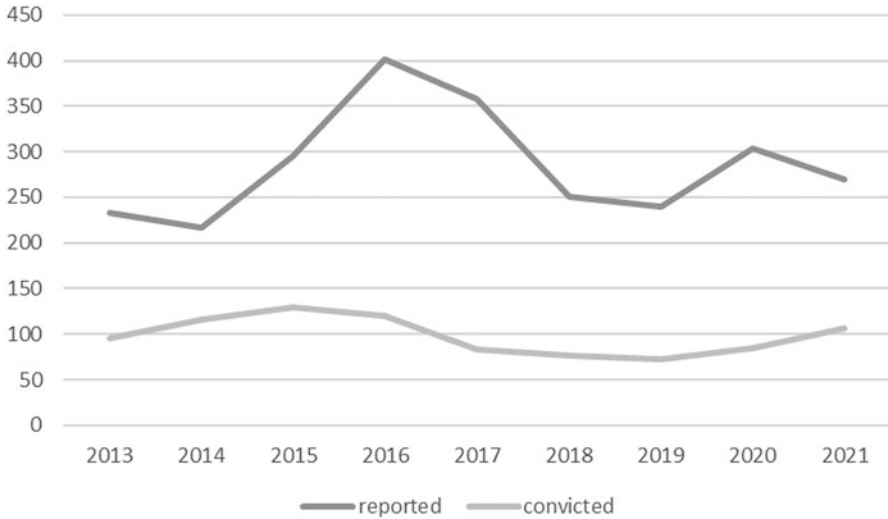


Fig. 3.6 Females reported for and convicted of criminal offences against the economy from 2013 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>))

and the economy. When looking at the share of females in economic crime, their share is higher in the area of misdemeanours than that in the area of criminal offences (while on average female perpetrators make up around 18% of economic criminal offences, their share of economic and financial misdemeanours is on average around 25%).²⁷ Also, one must be aware that economic crimes are associated with their challenging provability in comparison with other types of crime.²⁸

2.2.2 Females and Domestic Violence

In the context of domestic violence, females are predominantly perceived as victims and witnesses and far less frequent in their role as active abusers or passive guardians that fail to protect children from abuse. As the violation of children's rights accounts for a considerable share of female criminality and thus data from victimisation surveys indicate that Croatia is quite unique when it comes to domestic child abuse by female family members,²⁹ we will take a closer look at this type of crime.

²⁷The average share of females reported for economic criminal offences and economic and financial misdemeanours was based on calculations during the period 2016 to 2021 (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>)).

²⁸For example, the most common economic crime in Croatia is abuse of trust in economic business operations where the distinction between simple bad business decisions and criminal acts is often blurred.

²⁹When looking at childhood violent victimisation of women in Croatia in the FRA's gender-based violence against women survey, it is highly interesting to see that, compared with other countries,

Research focusing on the prevalence of gender differences amongst perpetrators demonstrates that mothers and females are generally more likely than fathers or males to commit physical child abuse (Sanchez-Rodriguez, 2021, p. 9), but when it comes to sexual abuse of children, women are far less likely to be perpetrators than men.

The perception of women as vulnerable victims rather than aggressive perpetrators is also frequent in the discourse surrounding domestic violence. Until recently, the thesis about female victims and male perpetrators of domestic violence was an indisputable scientific paradigm, but, recently, theoretical knowledge has raised doubts about the gender asymmetry of committing domestic violence. Archer's study of the gender symmetry in domestic violence cases proved that the aforementioned thesis was wrong – women are as violent in domestic settings as men (Archer, 2000). However, before criticising the long-standing dichotomy about violent husbands and vulnerable wives, one should be careful and say that this shift is most likely the result of social changes, rather than ignorance of the actual phenomenology of domestic violence. For example, one of the key features that gave men more power over women and provided them with a vulnerable setting was economic control.

In recent decades, the financial situation of families has undergone a significant change, so now it is often women who have the power over the finances within the family, which enabled them to leave their role as victims.³⁰ Also, gender differences in domestic violence modality might blur the picture when it comes to incidence, especially if we look at the crime statistics. Namely, female perpetrators of domestic violence are more prone to commit verbal abuse (Hester, 2009, p. 8), which is usually perceived as a more lenient form of domestic abuse than the physical form. Even though experts insist that physical violence is an equally harmful form of violence as verbal violence, the practical approach may reveal that cases of verbal violence tend to make it difficult to distinguish between situational couple violence and intimate terrorism.³¹ Consequently, the aforementioned begs the question whether the prosecutors would be more often hesitate to proceed when it comes to verbal abuse, assigning them a feature of a common relationship dynamic. Also, it

the majority of perpetrators are not male but female (72%), with mothers accounting for as much as 64% of the perpetrators. See in more detail: Getoš Kalac, Roksandić Vidlička & Burić (2020, p. 223–276).

³⁰Although the gender employment and pay gap is still a European reality, numbers for women have changed drastically in the last few decades in a positive manner. For example, in the space of 8 years, between 2012 and 2020, an EU gender pay gap was reduced from 16.4% to 13.0% (Eurostat, 2022c).

³¹According to Johnson, there are three main types of intimate partner violence: intimate terrorism (occurs when one partner uses coercive control and power over the other partner by using threats, intimidation and isolation), situational couple violence (involves a relationship dynamic in which conflict occasionally gets 'out of hand', leading usually to 'minor' forms of violence and rarely escalating into serious or life-threatening forms of violence) and violent resistance (a form of self-defence, which is violence perpetrated by victims against their partners who have exerted intimate terrorism against them). See: Johnson (2006).

is worth mentioning that research suggests that men might be unlikely to report experiences of abuse owing to sociohistorical influences (Dutton et al., 2005, p. 8).³²

When it comes to Croatia, judicial statistics show that women are significantly more frequently in the role of the victim than they are in the role of the perpetrator when it comes to domestic violence. In 2021, a total of 81 (11%) females were reported for committing the criminal offence of domestic violence (Art. 179a of the Criminal Code³³) but 1,430 female victims of domestic violence (Ministry of Justice and Public Administration, 2022). However, women are reported as perpetrators in a far higher share when it comes to domestic violence misdemeanours (in 2021 around 25%),³⁴ than in the case of domestic violence criminal offences (in 2021 around 11%). There was also an increase in the number of child victims of domestic violence, which in 2021 amounted to 546, whereas in 2020 there were 341 child victims (Ministry of Justice and Public Administration, 2022 (Fig. 3.7).

2.2.3 Prostitution, Pimping and Pandering

One of the ‘traditional’ topics commonly covered when discussing female criminality is definitely prostitution. That is also why we decided to briefly cover the phenomenon in this chapter, although prostitution in addition to pimping and pandering are obviously not amongst the most frequent crimes and misdemeanours that females in Croatia are reported for, accused of or convicted of. Thus, within the framework of the Balkan Criminology research group, rather recently, an original

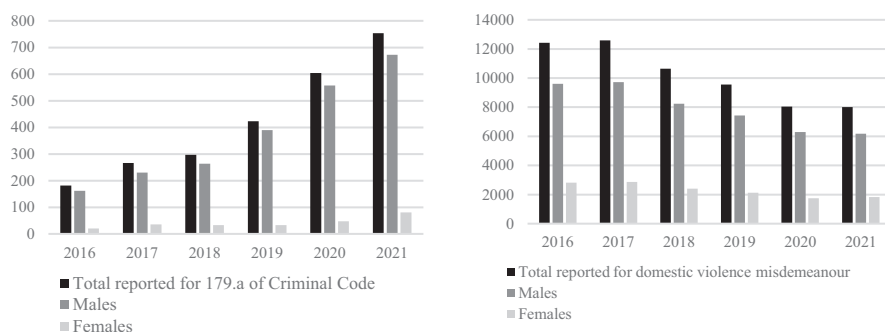


Fig. 3.7 Males and females reported for and convicted of the criminal offence (left) and misdemeanours (right) of domestic violence from 2016 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>))

³² See also: Straus and Gelles (1992).

³³ Criminal Code Official Gazette No. 125/11, 144/12,56/15, 61/15, 101/17, 118/18, 126/19 and 84/21.

³⁴ Ministry of Justice and Public Administration (2022), available online: <https://mpu.gov.hr/izvjesce-o-radu-povjerenstva-za-pracenje-i-unaprjedjenje-rada-tijela-kaznenog-i-prekrasnog-postupka-i-izvravanja-sankcija-vezanih-za-zastitu-od-nasilja-u-obiljezju/26212>

empirical study of prostitution in Croatia was successfully finalised (Mihaljević, 2020), which enables us to provide data that sharply contrasts official crime and misdemeanour statistics; it also grants a unique qualitative insight into the present sex market and where this might be heading. In Croatia, pimping and pandering are criminal offences (regardless of whether prostitution is voluntary or not), whereas prostituting oneself is a misdemeanour. Interestingly, throughout Croatian (legal) history (1214–present), the act of prostitution was criminalised as an offence for only a rather short period of time (1640–1977), whereas since 1977 it has consistently been penalised as a misdemeanour (Mihaljević, 2020, p. 105).

The study's findings show that females make up as much as one-third of all persons reported for **pimping and pandering** between 2000 and 2014, which is rather significant (Mihaljević, 2020, p. 150). They also show that recidivism is very common and that most persons reported fall within the age group 40–49, followed by those aged 30–39 and 50–59 (together 87%), followed by those aged over 60 and the least in the age group 18–29 (Mihaljević, 2020, p. 149). The vast majority has only mid- and lower levels of education (high school and lower education make up for roughly 80%), lives outside of a relationship and has Croatian citizenship (96%) (Mihaljević, 2020, p. 150–151). When looking at sentencing practices, it is quite obvious that pimping and pandering is looked upon rather leniently – between 2009 and 2018, only 26% of prison sentences were unconditional and the vast majority of these was less than 1 year (Mihaljević, 2020, p. 160).

Looking at **prostitution** as a misdemeanour (and part of criminal law in the broader sense) registered by the police between 2010 and 2018, there is a clear declining trend in reported persons (mainly females 98%) starting in 2013, whereas in almost all instances (98%) the act in question is prostitution itself, not enabling or housing it (Mihaljević, 2020, p. 164). Persons (almost exclusively females) registered by the police for prostitution are mainly Croatian citizens, aged 40–49 (48%) and 30–39 (28%), followed by those aged 50–59 (12%), 18–29 (8%) and older than 60 (4%) (Mihaljević, 2020, p. 164). Taking these findings together with the findings from the field research, it becomes clear that in instances of registered (and penalised) prostitution, this relates mainly to street prostitution, which has meanwhile become quite the exception in Croatia (Mihaljević, 2020, p. 164, 189). Nowadays, the *classical street prostitution* is characterised by a withdrawal from the street into indoor spaces (apartments/flats), whereas those females still to be found in street prostitution are largely older females, often with several children, single providers living on the margins of society with low socioeconomic status, earning very little from prostitution (Mihaljević, 2020, p. 189). It is therefore truly questionable whether it makes sense at all to respond to street prostitution with penal misdemeanour sanctions instead of social services measures – particularly considering that conducted interviews show that many of the females engaging in street prostitution have a history of abuse and/or addiction problems (Mihaljević, 2020, p. 189). The most common type of prostitution in Croatia is found to be *midlevel prostitution* that takes place in apartments/flats, massage salons or via hostess agencies and provides more income, better security and a low risk of detection, either as a side job or as a primary occupation, with an increase in IT solutions (Mihaljević, 2020, p. 191).

High-level prostitution is dominated by young to middle-aged females, mainly single, in high school or university, who engage in prostitution in order to upgrade their income; they mainly have no history of abuse/trauma or negative family histories (Mihaljević, 2020, p. 192).

In sum, there is clear empirical evidence on a considerable dark figure when it comes to prostitution, as well as pimping and pandering, with the most visible type of prostitution (street prostitution) apparently also being the most detected and penalised part of the sex market. Whether such a crime policy approach to a female-dominated type of crime/misdemeanour is still meaningful, particularly considering the profile of females engaging in street prostitution in Croatia, is highly dubious (at best). As proposed in the study's conclusions – an immediate relief for the most vulnerable group of females engaging in street prostitution could be the issuing of an order by the police directorate ensuring that police officers in the field be granted the mandate to abstain from misdemeanour charges in such instances. At least for now there is no initiative in sight that may generate enough momentum to address this issue and perhaps even advocate for evidence-based crime policy in this extremely sensitive moral and value system of Croatian society.

2.3 Croatian Criminal Justice System's Response To Female Criminals

After having provided an insight into the phenomenology of Croatian female criminality and discussed several aspects of its potential aetiology, we now take a closer look at the criminal justice system's response to female criminals. Here, three large areas are of interest: first, the process of immediate response to female criminality through prosecution, conviction and sentencing; second, the implementation/administration of punishment; and, third, the post-penal treatment. Ideally, all three areas would be covered and thus female recidivism discussed as well, but owing to the limitations in scope of this chapter, we focus on the immediate response to female criminality and the penal treatment of women in Croatian prisons.

2.3.1 On Prosecuting, Convicting and Sentencing Female Criminals

Bearing in mind all the (dis)advantages of official crime statistics, it is, however, useful to take a brief look at Croatia's response to female criminality over the past four decades (see Fig. 3.8a, b). Looking at both figures, one immediately spots a rather strange occurrence between 1980 and 1994 that would at first thought be assessed as a data entry error (which it most definitely is not). During a period of at least 15 years in Croatia, we had more females registered as being accused of a criminal offence than being reported of having committed one, whereby the difference for the whole period is indeed huge (36,434 females).

There is no sensible explanation (yet), and it keeps puzzling the authors of this chapter how it might be explained that during this period ‘only’ 49,840 females were *reported* for having committed a crime, compared with 86,274 *accused* females and 43,749 *convicted* ones (see highlighted section in Fig. 3.8a). Clearly, the number of reported, accused and convicted females for each year does not completely overlap in terms of a female criminal being convicted and accused in exactly the same year in which she has been reported for a crime. Nevertheless, the detected discrepancy is far too long and concerns far too many females for it to simply be attributed to the length of criminal procedures stretching over several years. Thus, between the years 1980 and 1983, we find not only more accused than reported females but even more convicted than reported females. Only from 1995 onwards do Croatian crime statistics display a sensible difference between the numbers of reported, accused and convicted females as one would expect.³⁵

For the past four decades, we see that the dropout of proceedings against female criminals (share of those who have been reported for having committed a crime versus those accused) has been constantly growing, whereas the share of convicted female criminals has remained around 20–25% over the past four decades (see Fig. 3.8b). A crime victimisation and/or self-report study would be needed in order to determine whether the dramatic changes we see in the growing share of reported female criminals are to be attributed to a rise in actual female criminality or other factors such as citizens’ reporting behaviour, law enforcement activities, etc. One thing is however sure – presently, female criminality assessed based on the number of accused and convicted female criminals remains (rather) stable.

2.3.2 Female Criminals in the Prison System

The Croatian prison system has been struggling with several major challenges throughout the past two decades, most notably overcrowding, especially between 2004 and 2014, and the dominance of detainees over convicts for the past few years (Getoš Kalac et al., 2021, p. 90, 102–103). Exact analysis is hindered by the fact that not all relevant data are made publicly available as both *stock* and *flow* data,³⁶ but it

³⁵ Consultations and further analysis into this atypically statistical filtering through the criminal justice system reveal that the anomaly can also be detected for male criminality. However, this does not help to explain the anomaly. Further research into the issue is needed and should include consultations with prosecutors who might help to detect potential changes in crime statistics reporting to the Croatian Bureau of Statistics in the early 1990s.

³⁶ Most recent available *stock* data show that on 31 December 2020 the total number of inmates in Croatian prisons was 3,531, whereas the prison capacity was set at 3,919. Based on this, the prison administration concludes that there is no overcrowding. However, considering that *flow* data show a total of 11,607 inmates during the year 2020, with more detainees than convicts, and in light of the fact that detainees are being placed in closed types of prisons, which, compared with semi-open and open types of prison, have the highest ‘booking’, it is safe to assume that during the year there is an issue with overcrowding, despite positive findings on 31 December 2020. Source of data: CPA Statistics (2021).

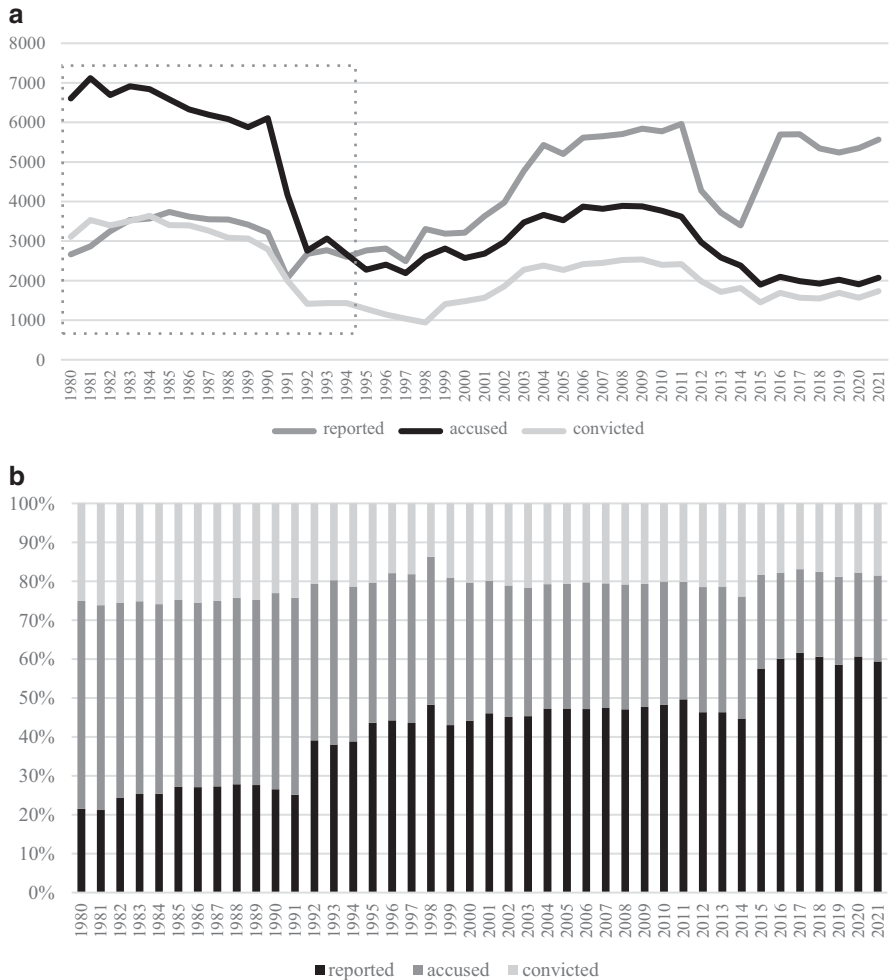


Fig. 3.8 (a, b) Females reported for, accused of and convicted of all criminal offences from 1980 to 2021. (Croatian Bureau of Statistics online database (<https://podaci.dzs.hr/en/>) and Croatian Bureau of Statistics archive)

is fair to assume that none of the issues has been resolved in the past few years. Females made up a share of 6% of all prison inmates during 2020 (flow data: 664), whereby this share has been rather stable over the years (CPA Statistics, 2021, p. 12). Out of these female inmates, only 34% (flow data: 223) were convicts serving prison sentences for a criminal offence and 3% serving (supplementary) prison sentences for a misdemeanour (flow data: 20), whereas 49% (flow data: 324) were detainees in criminal proceedings and 13% detainees in misdemeanour proceedings (flow data: 83), with only 2% of juveniles serving educational measures or juvenile prison sentences (flow data: 14) (CPA Statistics, 2021, p. 12). In short – less than 40% of female inmates during 2020 were actually serving a prison sentence, compared with more than 60% of them being detained in criminal/misdemeanour

proceedings. Present data on inmates/convicts regarding the criminal offences for which they have been convicted, length of prison sentence they are serving, age, education, conditional release, benefits and visits are not provided by gender, only as a total (CPA Statistics, 2021). Limited data on females are available for drug and alcohol addiction, parenthood, transfers, length of detention and age in the case of female detainees in 2020: 7% of female inmates (flow data: 47) are drug addicts and 6% alcohol addicts (flow data 41), whereby the majority of drug addicts are slightly younger (31–40 years) than the alcohol addicts (≥ 36 years); 53 of them were mothers of juvenile children (stock data only); the vast majority of female detainees spent between 3 and 6 months in prison, followed by those who spent less than 1 month and those between 1 and 3 months (stock data only), whereby most of them are aged 30–50 years (flow data) (CPA Statistics, 2021).

If female criminals are a minority in Croatia and thus understudied, then female convicts seem to be completely neglected and out of sight, of both society and penology. The only meaningful and extremely valuable study of females in (Croatian) prisons dates back to 2001 (Grozđanić & Šelih, 2001). Back then, just like today, one of the major shortcomings of female sentence serving is the geographical dislocation of the only Croatian prison in Požega, where female convicts ought to serve sentences longer than 6 months.³⁷ Considering Croatia's geographical shape, this for most inmates means that they face severe difficulties, probably even impossibilities, to maintain social and family relationships through visits. Whether and how this might be optimised is highly questionable, especially considering that the overall situation in Croatian prisons is far from optimal and that public discourse is commonly not favourable to (convicted and detained) criminals.

3 Key Findings and Conclusions

Female criminality in Croatia is obviously (as elsewhere throughout the EU) characterised by an increase, or to be more accurate by a slow but steady shrinkage of the gender gap in criminality. Nevertheless, criminality is still predominantly male, and, as in prior times, female criminality may well be characterized as commonly less severe and less dangerous for the immanent physical wellbeing of other persons, perhaps with the exception of domestic violence targeted at children, where the share of females (compared with other types of criminal and misdemeanour violence) is considerable. Interestingly, female criminality seems to play an increasingly important role with regard to white-collar crime and corruptive types of offences. Keeping in mind that there is a presumed large dark figure for this type of

³⁷ Exceptionally the prison administration might grant female convicts the possibility of serving their prison sentence in a county jail, where commonly only short-term prison sentences and detentions should be served. However, female convicts in such cases have to sign a statement agreeing to be placed in conditions that do not fulfil minimum prison standards and that they will not complain.

crime and that in Croatia women are becoming increasingly involved in government and private business operations, it is safe to assume that what we detect in official crime statistics is merely the tip of the iceberg. Recent corruptive scandals in Croatia have clearly shown that women do not lag behind men when it comes to abuse of office and appetite for trading in influence.

A Croatian-specific anomaly may be the detected discrepancy in the number of females reported for, accused of and convicted of having committed a criminal offence prior to 1995. Here, official crime statistics display an extremely strange picture of female criminality, where more females per year have been accused of (or even convicted of) than reported for a crime. There is no sensible explanation (yet), and it continues to puzzle the authors of this chapter how this anomaly might be explained. It remains a mystery where the surplus of accused or the deficit of reported females comes from – our best guess would be a methodological issue in terms of data collection and/or prosecutorial and law enforcement practices. To the authors' knowledge, the said strange anomaly has neither been scientifically detected thus far nor been provided with an explanation.

A major issue detected while conducting the research for this chapter is the lack of (statistical) data on female criminality. Owing to the small share of females in overall crime, many of the most interesting data are simply not available (e.g. conviction and sentencing statistics according to different types of crime, which would enable in-depth analysis of the criminal justice response to female criminality). This is particularly noticeable when looking at available prison statistics. This brings us to the position of female criminals in the Croatian prison system, which is both under-investigated and clearly suppressed, again because of their small number. Extremely frequent detentions are a Croatian speciality, and with more than 60% of all prison inmates being detainees (both female and male), the question arises whether Croatian prisons may still fit the general idea of the main purpose of prisons, namely, serving prison sentences, or whether they have sneakily transformed to detention facilities.

Finally, the conducted survey in addition to the presented findings clearly demonstrate that female criminality in Croatia has thus far only exceptionally gained the scientific and the policy attention it deserves. Women, female juveniles and girls are still almost exclusively viewed as victims of crime, and questions regarding their criminal and delinquent behaviour, ideal state response towards it or female prison incapacitation have largely escaped the public and academic discourse. We hope to have provided a contribution in this regard and that further studies will follow.

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