

CRIMINOLOGICAL **VIOLENCE** RESEARCH

Ideas • Challenges • Concepts • Solutions

VIOLENCE LAB MANUALS

Anna-Maria Getoš Kalac & Reana Bezić



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Summary

The purpose of this manual is to present the evolution of basic ideas, discuss challenges, develop concepts and present solutions for criminological violence research in the context of criminal justice systems. The manual is primarily intended for the Violence Lab as common grounds for conducting empirical violence research in Croatia. It is also intended to transpose our research ideas and approaches to our colleagues in the various field(s) of criminal justice practice, ranging from police and prosecution all the way to courts and prisons. Moreover, the manual's concepts and proposed solutions to challenges in violence research in more general, are also intended to generate constructive criticism, attract feedback and generate lively debates among experts in the field of violence research in various disciplines, both in Croatia and abroad. Finally, the manual is also the basis for developing much more practical guidelines for the Violence Lab field work to be used by the researchers conducting the data gathering (case analysis) for the study at hands. In its current version (February 2019) the manual is still an internal Violence Lab project document that has to be further critically reviewed, adjusted and fine-tuned, before eventually being made publically available on the Lab's web site. This finalised version will obviously include a full list of references as well as an overview of the state of art in current violence research, both nationally and internationally. The views presented in the manual are those of the authors.

The manual's first section provides a brief overview of the research that has already been conducted on lethal violence in Croatia and in the region (Balkan Homicide Study). Here the idea and motivation behind the study of lethal violence are presented, together with expected findings and the eventual disappointments regarding the data. Out of this 'misfit' expectations the idea for the study at hands evolved, together with countless challenges in terms of concept, definition, terminology, research subject and scope, methodology, sampling etc. These challenges will be presented and discussed before providing for a general conceptual framework for violence research in the manual's second section, which also includes a criminological/empirical working definition of violence and its explanation in the criminal law context.

In the third and fourth section of the manual preliminary solutions to the previously detected challenges are provided. This is done via normative and empirical aspects of criminological violence research. Whereas the normative manual provides for criminological ground rules for dealing with criminal law rules, institutes and figures such as e.g. criminal liability, insanity, intent/negligence, omission/commission etc., the empirical manual specifies practical and methodological questions of research operationalisation.

Obviously the ideas, concepts and solutions presented in this manual are still preliminary in their nature and will have to be tested in the field. Therefore, the conclusions can only be preliminary in their nature as well, with the need to fully disclose remaining challenges that could not be solved (yet). That is the aim of the final section. Finally, the manual in its extensive annex section provides for the crucial study documentation, that should allow any critical reader to review and discuss the presented ideas, developed concepts, implemented solutions and conducted preliminary analysis.

1. Introduction: From Idea to Realisation

A few years ago, actually in 2016, the Balkan Homicide Study was initiated. There is still a vivid memory present of reading a feuilleton in the Lufthansa Magazine back then. It nicely portrayed an image, or better to say an extremely negative stereotype of the Balkans, as a region inhabited by 'clan people', prone to wild, violent and revengeful behaviour, embedded in a culture of drinking slivovitz and running around with guns, and shooting at each other for no good reason.¹ Naturally, one might have been outraged, and once again puzzled about this well-known negative image of the Balkans. Although not crucial for initiating the whole study, the feuilleton has however been very helpful in serving as a) an example par excellence for popular perception and presentation of (the violence in) the Balkans, and b) a constant reminder of the kind of data, analysis and findings one would need in order to (dis)prove such a stereotype in regional comparison.

EN ——— *Time for a slivovitz* I was sitting over dinner with three women about ten kilometers east of Belgrade: my Serbian girlfriend, her sister and her sister's daughter. The men of the family – two brothers, two cousins – were in the city, and all of them were armed because one of the brothers had almost been attacked by an enemy family. Luckily, the police turned up in time. This had occurred in the afternoon, and it was now evening. My girlfriend's sister explained how it all started. A couple of years ago, drinking at his local, her husband's brother offered to buy a drink for a man who didn't like him. When the man scornfully declined, her brother-in-law pulled a gun and shot him in the leg, whereupon he went to prison for two years. Two weeks ago, he was released, and this afternoon, promptly ran into the man he had shot, surrounded by a group of friends. The house we were in stood all by itself, surrounded by snow. It snowed here day and night. The thought of what might happen next flashed through my mind. Instead of the men returning home, would their enemies come for the women? What would I do then? I had not spoken aloud, but the women read my thoughts. "I think Helge needs a slivovitz," my girlfriend's sister said. Then she thought I might need a second one. I helped myself to a third, and by the seventh glass, I was on my feet declaring that they would be fine because I would protect them. I was itching for a fight with a couple of Serbs. That's when my girlfriend's sister said: I think Helge's had enough now. Nothing happened, of course. Nobody met anybody in town, and the men all came home in one piece. I'm only telling this story to explain what slivovitz does to you.



In contradiction to the above sketched violent Balkan image, even a first glimpse at available data on lethal violence shows that the Balkans have no higher homicide rates than some other European regions, and that in international context Balkan homicide rates are well beneath the global average.² But what do such 'bare' homicide rates actually reveal, besides the obvious, the

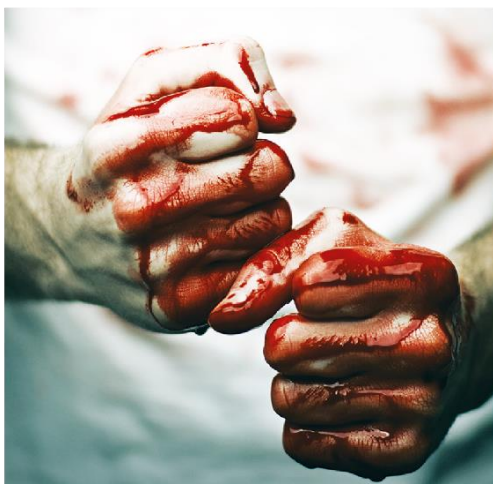
¹ Source of text: Timmerberg, H. (2016): Die Stunde des Sliwowitz. Lufthansa Magazin No. 1, p. 48; Source of graphic: Möller-Kaya, T. (2016), Illustration, Lufthansa Magazin No. 1, p. 48.

² UNODC (2013): Global Study on Homicide 2013. Wien. pp. 163.

incidence of homicides, esp. when considering their general unsuitability for cross-country comparisons? What is lethal violence, and who defines it? What are the consequences of the “power to define” lethal violence? How does one and how should one “capture” or even “measure” lethal violence? What would one see if we were able to look much more closely at lethal violence in the Balkans? Would an innovative methodological approach to lethal violence perhaps reveal a fundamentally different picture as the one we are currently looking at? Could it be that the Balkans are indeed more violent, just as the Balkan stereotype suggests, and in contrast to the available data? What would be plausible explanations for such findings and which theoretical framework could they be placed in? These are some of the core questions in the field of violence research, still longing for thorough investigation, esp. in a region like the Balkans that has so far been largely neglected by criminological research. Hence, the Balkan Homicide Study was born.

Finally, the data from the case file analysis started slowly dripping in. But as a big disappointment, the actual violence remained well hidden behind its normative construction. In other words, although extremely insightful in many ways, the study did not provide the desired answers about the actual violence, but rather about its normative perception by the criminal justice system. To be more precise, the study provided original empirical data on offenders, offences, victims, and the whole criminal procedure, but little (if any) data about the actual realities of violence.

It became obvious that in criminology, we study lethal violence by ‘counting’ homicides and then use homicide rates as a reasonable proxy for violent crime, or overall crime, or even as a robust indicator of levels of security.^{3,4} In psychology, we do not study violence, but aggression, assuming the same causes that instigate aggressive behaviour also generate violent behaviour.⁵ In evolutionary biology, we even estimate how violent humans are by looking at how violent other species are.⁶ One could list further examples, but that is not the point. The point is that violence research has been preoccupied with studying everything **around violence**, instead of taking more interest in **violence itself**. The idea of a Croatian Violence Monitor and the Violence Research Lab was born, with its main task to investigate core issues of violence in a truly multidisciplinary way.



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³ https://www.unodc.org/documents/data-and-analysis/Crime-statistics/International_Statistics_on_Crime_and_Justice.pdf

⁴ https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

⁵ https://link.springer.com/chapter/10.1007%2F978-0-306-48039-3_24

⁶ <https://www.nature.com/articles/nature19758>

And so in 2018, after a successful project application to the Croatian Science Foundation, the CroViMo project established the Violence Research Lab (short: Violence Lab). The Violence Lab's research team started working on ideas, approaches, methods and instruments that focus on the actual violence (in Croatia), rather than its normative context or social construction. The Violence Lab not only investigates the reality of violence, but also deconstructs the normative and social fiction of violence and the context of violent crime, as it attempts to terminologically and empirically capture violence at its essence. In order to do so the research team spent a significant amount of time on multidisciplinary approaches to conceptualising and also defining violence, as there is no generally accepted definition of violence. Basically, the Violence Lab struggled with the very basic question "what is violence?" in terms of concept(s) and definition(s). The results and main avenues of debate shall be presented in the next section.

2. Conceptualisation of Violence as a Criminological Research Subject

What is violence? Not its social or normative *construction* (murder or manslaughter), not the violent *behaviour* (stabbing or strangling), not its *consequence* (death or injury), nor its immediate *cause* or *motive* (revenge or self-defence), but violence at its *physical core*, its essence? We stipulate that violence is a real phenomenon and not merely a construct. The fact that violence might not be observed directly does not disprove its physical existence. That is an issue of 'capturing' and 'measuring' and consistency of findings across measurement methods. Just like gravity or magnetism, violence becomes apparent by its effect on other bodies, the human body. If one discovers what violence is, one ought to find the instruments and techniques for capturing it. And if one can capture it, one ought to find a way to measure it. And if one can measure it, one ought to analyse, classify and study it, in order to understand its *how* as a precondition to tackle its *why*.

In criminal law, we consider poisoning, even if causing no *physical suffering* to the victim, as an aggravating circumstance to 'basically killing another person'. It is an 'insidious murder' (*Mord*), even if it is a woman poisoning a physically far superior man against whom she would never have a chance in a bare-knuckled life and death fight. Choking the life out of someone that could last for an agonising 5 minutes or more, however, is considered a 'normal killing', a manslaughter (*Totschlag*). But if the killer was provoked by the victim into a state of extreme rage, then even a brutal knife stabbing might be considered a less serious case of manslaughter (*Minder schwerer Fall des Totschlags*). Moreover, all cruelty-killings are considered, just as poisoning, simple cases of 'insidious murder' (*Mord*). Ultimately, none of these 'considerations' take into account the *realities of the victims' suffering*, but focus on everything else around them (e.g., motive or justification). If we were to 'rank' these cases by the *physics of violence* and the *human suffering*, the 'ranking' would be exactly the other way round.

Now, in criminology, we commonly stick to the normative classification of violence and depart from there, although this eventually makes as much criminological sense as comparing apples and pears. Instead of further adhering to such a teleological classification, we ought to develop a *genuine violence classification system*, as well as an adequate methodological framework. This is the Violence Lab's basic task and should eventually enable us to address the main research questions: What constitutes the physical core of violence? What is a normal level of violence in one person killing another? Where does violence stop and cruelty start? What happens if we 'overlap' the normative with a genuine violence classification? Could new discoveries, such as sentencing prediction based purely on the physics of violence, innovate criminal law? Finally, by blending out (temporarily) everything surrounding violence and focusing 'just' on its physical core, our research becomes objective, unshackled from the limitations of speculations on motives, justifications or viciousness, not to mention the restraints of *political correctness in violence research*.⁷ In terms of conceptual decisions this means that one has to emancipate criminological violence research from the (criminal) law restraints and objectively as well as empirically readdress basic questions of definition, terminology, study subject, its scope, and finally, its operationalisation within the context of the

⁷ http://www.hfg.org/hfg_review/3/blanchard-hebert.htm

criminal justice system and the data this system creates (and criminological research wants to make use of). But, first things first - the definitional debate.

After countless unsuccessful attempts to define (delinquent) violence, or better to say drafting of definitions that seemed appropriate one day, but turned out to be misfit the next, I recognised that from the very onset we were not defining the subject of our research interest (violence), but adopting our research interest to normative constructs of "criminally relevant violence". The team would usually start off with a rather solid 'criminological' definition of real violence, but then (almost unconsciously) start adding definitional elements such as "unlawful", "intentional" or "with the exclusive or primary goal" etc., in order to make our criminological subject work in a criminal law setting. Thus, initially the focus was intended to cover 'only' physical violence, with an exclusive or primary goal to hurt or kill, meaning that criminal offences with a clear element of physical violence (such as robbery, rape, terrorism etc.) but without an exclusive or (at least) primary goal to hurt or kill the victim should have been excluded. This was initially based on the presumption that "pure" physical violence is phenomenologically and etiologically different than other forms of physical violence, where the physical violence is merely a means to an end, and not the goal itself. However, in reality there seems to be no such thing as "pure" physical violence. To be more precise, killing another person out of the motivation to "purely" kill him/her, or out of revenge or jealousy or greed or sexual gratification, well, it does not really matter in terms of in- or excluding such a killing, since it in any event is *real* violence. At the same time the concept of (single) motive and its detectability or even provability appear to be far too weak as to allow for determining our research subject.

Long story short - we eventually recognised that we were trying to work out an objective scientific definition of *real* violence by using concepts, parameters and language from a normative setting (criminal law), put in place specifically to socially construct and practically deal only with the *criminally relevant* violence, but not designed for the criminological or even general empirical study of violence. This criminal law setting was never intended to provide for scientific or objective concepts, parameters or language that might be useful for our purposes or ultimate goals. That is why every time we used concepts or language stemming from criminal law, we ended up with an inconsistent and highly subjective definition, thus not even closely identifying the actual subject of our criminological and thus empirical interest. This became particularly noticeable when discussing draft definitions in a multidisciplinary setting. Here the non-normatively biased researchers (psychologists, psychiatrists, sociologists, pedagogues etc.) quite frequently, actually constantly, questioned the normatively biased researchers' (criminal law scholars, criminologists, social workers, criminalists, expert practitioners from the criminal justice system) definitional elements like 'unlawful' or 'intent/negligence' or 'attempted/completed' or 'delinquent'. Although it took a while to start truly understanding the ideas and concepts from seemingly 'very distant' disciplines, eventually it was illuminating, eye-opening, to take the definitional discussion back to the zero point. Due to an approach that was open in terms of discipline, and unbiased in terms of preconceived worldviews, it was not only possible to resolve the definitional and terminological debate in a full consensus, but also to develop the idea of 'translating' criminological concepts into criminal law (and not the other way around). Now, first things first, and before jumping to the 'translation', one has to look at and

discuss the Violence Lab's criminological violence definition. As an empirical 'working definition' it was decided to define violence, and there for the subject of Violence Lab's research, as follows:

VIOLENCE IS ANY INTENTIONAL PHYSICAL HARMING OR KILLING OF ANOTHER PERSON

Of course, immediately the definition might strike one as far too simple or even obvious, but eventually that is the idea of an understandable and multidisciplinary transposable definition.⁸ The focus clearly is the intentional (human) act of harming or killing. With "intentional" we do not refer to criminal law concepts of intent in terms of *dolus*, but simply highlight that the physical harming or killing has to be intended/wanted in terms of a conscious and wilful human act. And again, with 'conscious' or 'wilful' none of the (criminal) law concepts or meanings of these words are being directly invoked. For example, although a driver causing physical harm or even death to a pedestrian he/she hit on a zebra crossing, might have acted negligent regarding the harming/killing of the pedestrian, the drivers harming/killing was still an intentional act if he/she was consciously and willingly driving the car. The violence in this case might have been an accident in terms of the driver's mental relationship to the criminal offence, but when it comes to visible consequences in the real world, there is no doubt that the driver intentionally physically harmed/killed the pedestrian. This would not be the case if another car would have crashed 'our' driver's car, leading his/her car hitting the pedestrian. In this case 'our' driver would have been an 'instrument' of the other driver, but then again, this other driver would be the one intentionally physically harming/killing the pedestrian, as well as 'our' driver... obviously regardless of his criminally relevant intent.

The result in terms of injury or death is not a determining circumstance of violence. That is why the definition focuses on the act/process of harming/killing and not on the result of causing injury or death. The harming however has to be physical, in distinction to verbal, psychological, financial, institutional, virtual/cyber etc. We clearly distinguish between violence, which in our understanding has a fundamental physical core (harming/killing), and other potentially related phenomena, such as for example harassment (non-physical). There is a categorical distinction between the undisputable physical core of violence (that has not been contested at all) and other phenomena that have been hyper inflating violence research, but should not be labelled with the term violence (although, they very commonly are). The distinction between violence (commonly also referred to as *physical* violence, although this would be a misleading redundancy in light of how violence is

⁸ As a contrasting example one could compare the Violence Lab's definition of violence to the World report on violence and health (WRVH) definition of violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation."
See: <https://www.who.int/violenceprevention/approach/definition/en>

defined here) and harassment (commonly referred to as verbal/psychological/financial/cyber etc. violence) is in no way an expression of non-severity or non-seriousness of harassment-phenomena. However, there seems to be some sort of scientific activism, even populism going on, when it comes to determining what violence is or is not, with the reasoning behind the fight for the 'violence-label' quite obviously rooted in the intended 'demonisation' of a certain (physically non-) violent phenomenon. One could compare such violence-labelling-activism to the terrorism-labelling-activism, whereby in both instances the activists/propagators use the labels to justify (overly) punitive (preventive) (re)action towards perpetrators and a broadening of the victim definition as well as the scope of their protection. And again, not questioning the harmfulness of certain harassment-phenomena, on a conceptual, definitional, but even daily basis there is a rather obvious and striking difference when it comes to actual violence: physical harm or death. Whereby both of these impacts also have a 'harassment' outlet in terms of psychological, financial, social etc. negative consequences on the victims and their families or even society as a whole. To conclude with - violence is defined as its physical core, whereas all non-physical harmful acts are considered 'harassments'.

For the purpose of distinguishing (when needed) between "harming" and "killing" violence, we introduce the term "lethal violence", as a narrower term of violence, obviously characterised by the intentional killing of another person, whereby the actual death is, as just previously already pointed out, not a determining circumstance of lethal violence. Why is this important? Well, because there is an obvious and significant difference between shooting at close range or brutally multi-stabbing someone in the abdomen (intentional killing - lethal violence), where only by chance or due to immediate and high quality emergency health care assistance no result (death) occurs. And instances of intentional harming, not aimed at killing. And this difference is neither primarily nor exclusively related to the lack of a lethal outcome. Later on we will see how this conceptual solution perfectly allows for dealing with normative constructs such as aggravated bodily injury with lethal consequence and homicide, or attempted homicide and aggravated bodily injury or even threat. Finally, at the very core of our attention is the actual violence, not its surrounding context (perpetrator, victim, offence, results, motives, justifications etc.).

Coming back to the elements of the violence definition it becomes obvious that the focus is on interpersonal violence, whereby the harming or killing of oneself is not considered violence. The focus on 'interpersonal' also means that the violence definition (for the time being) is restricted to intraspecies violence among human beings. Now, although this conceptual decision has been taken on the level of definition, that does not mean, that the issue as such should not be discussed, or may not be questioned throughout the course of the study at hands, and, potentially even adjusted to empirical research findings. The concept of 'speciesism', referring to the practice of discriminating against non-human animals because they are perceived as inferior to the human species (in much the same way that sexism and racism involve prejudice and discrimination against women and people of different race) seems to be an evolving one. Although animals, in criminal law terms, are basically still being perceived as 'things', there is no doubt that societies and lawmakers around the world have during the past decades started to grant them some sort of protection from violence and cruelty. The idea behind this protection of animals from violence and cruelty is not simply rooted

in the idea of protecting property or things, but goes a step further into the direction of 'species justice', a concept of justice that stipulates that the human species owes a responsibility to (protect) other species. Without further engaging into the issue and from there slowly slipping into 'green criminology', it should however be taken into account that there is a strong and seemingly very well argued school of thought that urges to include non-human species (and plants!) into the focus of violence research.⁹ Following this general line of thought the study will (although at this point not on the definitional level) include inter-species violence into the focus of its interest and then based on empirical findings assess the justification of such an inclusion.

Closely related to the above issue, but much more lively discussed is the question of 'personhood', or to be more straight forward, the question of the starting point of criminal law protection from intentional harm or killing. This is of extreme importance in terms of the criminological violence definition at hands, as the victim-status is connected to the 'personhood'. Now, although in Croatian (criminal) law 'personhood', as the fictitious granting of an autonomous ability to have rights/obligations to a living human being, starts with birth/delivery (Pavišić, Grozdanić, Veić 2007), a criminological or even empirical definition of violence is not blindly bound to such non-scientific and arbitrary teleological worldviews. The fact that such a normative conception of 'personhood', when it comes to the criminal law protection of the right to life, has been confirmed by European Court of Human Rights, when it decided that a foetus does not fall under the scope of Article 2. of the European Convention of Human Rights,¹⁰ does again not predetermine the criminological conception of a victim-status. Neither does the fact that the same normative practice is seen in most European countries, where the unborn child is not considered a 'person' and thus has no social protection whatsoever. In 2017 the Croatian Constitutional Court (after 26 years) decided that intrauterine life will not have criminal law's protection in the meaning of protecting the right to life. One might certainly doubt that a child in its mother's womb is worthy of autonomous legal and thus social protection.

The gravity of this question is a result of two (seemingly) colliding and mutually exclusive (legal) interests. On the one hand stands a woman's (mother's) legal interest to privacy in determining whether she will carry a foetus (her child) to term, and on the other stands the legal interest in protecting an unborn child's life (if one follows the legal fiction of the non-personhood of an unborn child, that as such cannot be the autonomous addressee of rights). And while it is fully permissible

⁹ Beirne, P., Brisman, A., Sollund, R., & South, N. (2018). Editors' introduction to the special issue: 'For a green criminology'—20 years and onwards. *Theoretical Criminology*, 22(3), 295–297; Goyes, D. R., & Sollund, R. (2018). Animal abuse, biotechnology and species justice. *Theoretical Criminology*, 22(3), 363–383; White, R. (2018). Green victimology and non-human victims. *International Review of Victimology*, 24(2), 239–255; Taylor, N., & Fitzgerald, A. (2018). Understanding animal (ab)use: Green criminological contributions, missed opportunities and a way forward. *Theoretical Criminology*, 22(3), 402–425.

¹⁰ Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950): Right to life: 1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. 2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

that the normative determination of the starting point of 'personhood' can be based on invoking significant medical events (such as conception, the cutting of the umbilical cord or the emergence of the head from the birth canal or the baby's first cry or with origination of consciousness) this is of little (if any) relevance when it comes to empirical violence research. Here the critical issue seems to be maintaining the coherence of the moral imperative against killing another human being, esp. if there is already an influential school of thought broadening (criminal law) protection towards non-human species (and plants). To contest the biological fact that a foetus in its mother's womb is a living human being would be 'estranged' at least.¹¹ This is not an expression of a certain religious, political or even general worldview, but simply an acknowledgement of the fact that prenatal medicine has tremendously advanced in the past decade(s), as has research into pain capability of unborn babies, and that based on such scientific findings, the start of a living human being's protection from harm and killing should be linked to the ability to suffer pain. In the context of violence research, it is of particular importance not to lose sight of the central research question, which in this case is the study of the phenomenology, aetiology, and prosecution of violence with focus on **protecting particularly vulnerable groups of victims**. Therefore, a blind adherence to the 'current' (criminal) law 'standard of birth' in determining 'personhood' seems inadequate for the purpose of objectively and scientifically determining victimhood and violence as real phenomena outside the framework of normative constructs. Unfortunately, there also seems to be no consensually determined starting point of a 'person' in medicine (yet), so that for the time being the Violence Lab will simply include all harming and killing of unborn babies as detectable within the criminal justice system via the offence of illegal termination of pregnancy. It seems plausible that the study at hand does not strive to answer the question "when does human life begin?" but rather aims to focus on detecting and investigating the harming and killing of a 'baby' in uterus throughout any phase of prenatal development (embryo, foetus, fully developed intrauterus baby etc.) as an act of violence, regardless of the 'baby's' legal status and without any connotation as to women's right to reproductive freedom.

In conclusion, regarding the definitional aspect of violence research, the just presented (and chosen) criminological violence definition might be contested and criticised. However, the conceptual idea behind it, namely to emancipate the criminological violence definition from normative constructs and figures, while at the same time re-focusing it towards the undisputed hard-core realities of actual violence, appears to be rock-solid.

Now, in a next step the challenge of making such an empirical definition of violence 'work' in a normative context has to be tackled. Put simply, we want to study "real violence", but have to look at it through the eyes of the criminal law, or better to say, we are doomed to look only at those incidents that the criminal justice system perceives as violence, as "criminally relevant violence". As if this were not challenging enough, in another step we then have to use a classification system, the criminal code, that is everything but compatible to criminological classifications. Finally, in the last

¹¹ Only a few months ago one of Europe's youngest pre-maturely born babies, Frieda, delivered before the 22nd week of pregnancy, turned 9 years old. She is healthy, attending school and living a rather 'normal' life, and thus through her mere existence vividly pointing out the artificiality and arbitrarily of the normative construction of 'personhood' entitled to protection from harm and killing.

step, this selective perception of reality, that has been scattered throughout a criminologically incompatible classification, gets distorted once again by the prosecutorial/judicial powers to define violence in combination with the sheer chance of “evidential provability”. This basically means, that in criminology we are interested in the real incident of one person killing another. But if our sources of data are prosecutorial or judicial case files, then we will capture this “real violence” only if it is also “criminally relevant violence” (e.g. the perpetrator is at least 14 years of age). The reality as perceived by criminal law then becomes our criminological reality. Depending on the normative classification, the powers to define violence and its provability, the same real violence can be normatively handled as grave bodily injury with a lethal consequence, manslaughter or murder, perhaps even a robbery gone wrong. But, the reality of a violent act does not change, nor does it become criminologically irrelevant, just because the perpetrator is a child, is found insane or is within the limits of his/her authority when harming or killing another person. Whereas there might be commonly accepted reasons for dismissing such incidents from “criminally relevant violence” and the attention of the criminal justice system, there is no doubt that such incidents clearly remain “real violence” and should as such be in the focus of criminological violence research.

At the core of the whole “misunderstanding” when speaking criminology to criminal law is that criminal law has not been created for criminological research, as a realistic, objective, or for that matter even scientific classification of reality. Criminal law strives to regulate, it sets the norm, foresees unlawful and punishable behaviour. Criminal law does many things and makes much sense within its own discipline, thus it is of undisputable practical value. However, it is in its very essence teleological in nature and irreconcilable with any empirical discipline like criminology. The difficulties arise when we want to empirically study the criminological reality of a certain phenomenon, like violence, but in doing so have to make use of data generated by the criminal justice system. Basically we then have to use the normative classification of criminal law’s perception of violence, although it does not use the same criteria like any of the empirical disciplines.

Finally, we can either tailor our criminological research subject and scope to fit the normative construct and its perception of reality, squeezing and stretching real violence until it starts to fit the criminal law construction of violence, eventually adapting our criminological subject to fit the logic of criminal. Or we can transpose the criminological reality of violence into the criminal law setting and make the normative constructs, principles and figures ‘work’ in line with the criminological violence definition. In order to do so, ideas of subject-elasticity and scope-flexibility are developed and a set of criminological ground rules has been developed for dealing with general criminal law rules, institutes and figures. This will be further explained in the next section introducing the normative operationalisation of the study’s research subject and scope.

3. Normative Aspects of Criminological Violence Research¹²

3.1. Introduction

This manual analyses common (and less common) normative challenges surrounding criminological or even general empirical violence research. The manual's aim is to provide for a systematic review of principle as well as practical normative questions that arise when designing and conducting criminological violence research within the criminal justice system and all its inherent normative constraints of reality. The manual should serve as kind of a violence-focused translation tool from criminology to criminal law, practically enabling one to keep the focus on the criminological realities of violence, in terms of research questions, subject and scope, while working within the limitations of the criminal justice system and its normative constructs.

The manual provides for an overview of the truly interdisciplinary¹³ discussions, which facilitated the identification of challenges in "translating" criminological research ideas into a criminal law environment. These discussions, although held within the framework of the Violence Research Lab's scientific work and related to the project "Croatian Violence Monitor",¹⁴ are basically a snapshot of long ongoing disputes in and across many disciplines, all of them still struggling with the subject of and approach(es) to violence research, usually within the limitations of single disciplines. Topics covered range from definitional and terminological ones, all the way to highly dogmatic and even nomotechnical ones. From a process perspective the topics are addressed in the context of research design, as well as its operationalisation, but probably most interestingly also in view of expected implications on data gathering, analysis and eventually findings. Obviously, this is not something ground-breaking, as all empirical research projects into violence should deal with the same or similar questions. And most of them do.

However, what appears to be new and rather innovative is, that an attempt is made to translate criminology into criminal law, and not the other way around. Out of necessity or convenience most criminological or empirical violence research related to the criminal justice sector has been doing the opposite, stretching and shrinking the subject and scope of criminological interest until it finally, somehow fit the criminal law constructs and classifications of reality. It seems that the (unconscious) leading research question so far has not been "what is (lethal) violence and how does it present itself in reality?", but much more along the lines of "what normative perceptions of reality might be considered actual (lethal) violence and how can criminological violence-realities best be tailored to fit into normative violence-constructs?".

¹² Note: This section of the manual is the 'uncut' version of the Violence Lab's normative manual, authored by A.-M. Getoš Kalac & P. Šprem.

¹³ To name just a few of the disciplines covered in the framework of the discussions, besides criminology and criminal law (both substantive and procedural): criminalistics, psychology, sociology, psychiatry, pedagogy, forensic medicine.

¹⁴ The Violence Research Lab, with its central lab at the University of Zagreb's Faculty of Law and 3 regional labs at the Universities of Split, Rijeka and Osijek, has been established by the Croatian Violence Monitor (Violence Lab), a national competitive research project funded by the Croatian Science Foundation (UIP-2017-05-8876). Violence Lab is a study of the phenomenology, aetiology, and prosecution of delinquent violence with focus on protecting particularly vulnerable groups of victims. For more details visit the Violence Lab's homepage: www.violence-lab.eu.

The manual takes of as a starting point from the Violence Research Lab's consensual definition of violence, a definition that focuses on the realities of violence, rather than on the limited, normatively constructed, perception of violence by the criminal justice system. The idea behind a rather "simple" violence-definition is to keep the research focus on actual violence, a phenomenon that can be well captured terminologically if understood primarily outside the normative complexities of concepts such as objective and subjective elements of the offence, criminal responsibility, intent, neglect, guilt, culpability, punitivity, provability etc.

The manual thus provides for actual guidelines on handling the (in) compatibilities of criminological violence-realities and normative violence-constructs. It deals both, with the level of normative perception of real violence as either criminally relevant or irrelevant (hence excluded from further empirical research based on data from the criminal justice system), as well as with the next level that normatively classifies the criminally relevant violence. In principle, there are three normative filters of criminological violence-reality. The first one defines whether an incident of actual violence gets perceived as normatively and therefore criminally relevant by the criminal justice system. The second filter then classifies all normatively perceived violence into different categories and subcategories using as sole criteria for classification the legally protected good/interest/right. So much for the *ideal* normative filters of violence-reality. On a last level, a *practical* normative filter is added, determining if at all, and how, resp. under which normative label, any given criminally relevant violence will be finally and uncontestably eternalised. None of these normative violence filters follow principles of scientific objectivity and it would be a major mistake to use the filters or any of their features for conceptualising or defining the criminological realities of violence. A mistake that seems to be quite common. A mistake that has initially also been made by the Violence Research Lab, when defining the subject of the Violence Lab study as *delinquent* violence, basically focusing criminological and empirical attention only on the criminally relevant violence. A mistake that has been recognised as such and is being dealt with, among other things, through providing and making use of the manual at hands.

Finally, all empirical research is imperfect and flawed. However, the least one should do is to ensure that on the conceptual, definitional and principal level all the relevant issues are set up coherently and addressed consistently, bound by principles of scientific objectivity, preferably flawlessly. Compromises and conveniences on this ground level due to practicalities of normative filters are simply impermissible. The manual strives to strictly follow this leitmotiv. In the long-run only the field work and data analysis with critical review of methodology and findings will prove it either right or wrong. In the short-run, continuous constructive discussions of the challenges in violence research and the manual's proposed solutions should further advance our knowledge and finally equip us with the tools to tackle violence research in a truly scientific way.

3.2. Dealing with Normative Constructs: Subject-Elasticity & Scope-Flexibility

The actual challenge in terms of normative aspects of violence research is not to come up with a perfect normative definition of violence, that will in one single sentence, though probably extremely long one, unravel centuries of criminal law dogmatics, legal figures, principles and constructs. This does not only seem highly impossible, but also rather pointless, as such a normative violence-definition would be subject to the contexts of its own space and time. The real challenge is to take a criminological violence-definition and "make it work" in a specific normative context. A promising approach to successfully handling normative constructs for the purpose of criminological research might be to work with "subject-elasticity" and "scope-flexibility". Subject-elasticity refers to broadening boundaries (in terms of transitional areas or grey zones), whereas scope-flexibility refers to dissolving boundaries, and while both are quite similar, they are however not the same.

In nature blurred boundaries and continuous transitions are ubiquitous phenomena. This particularly applies to the case of human behaviour and as such to violence. A sharply circumscribed normative definition of violence would certainly not eliminate violence's flowing transitions and blurry boundaries as a phenomenon in nature. Acknowledging this fact, we focus on the criminological 'working definition' of violence and then use "subject-elasticity" and "scope-flexibility" in the process of the normative operationalisation. Basically this means related to subject-elasticity on the level of material/substantive criminal law, that not only those criminal offences or misdemeanours that fully fit the criminological definition will be considered as 'violence' (e.g. murder), but also all those that only partially fit the definition (e.g. attempted murder), as well as those that actually fail to fit the definition (e.g. threat, but which in practice might be (mistakenly) used for normatively handling actual violence (e.g. attempted murder).

In contrast to most of violence research, that usually takes a deliberate narrow subject approach (only what "fully fits"), we deliberately take an extremely broad, an elastic subject approach, in order to make sure we capture all the criminally relevant violence, even at the risk of capturing more than just violence, including the non-violence. The advantage of such subject-elasticity should be obvious - we will surely capture all the border-line cases and even the 'lightest' of the cases from the grey zone. And this is an area that has not only received little if any attention so far, but it is also a society's violent context to the more severe violence that is usually in the focus of criminological research. Similarly to (but not the same as) subject-elasticity, with adopting scope-flexibility at the level of procedural criminal law, we will be able to capture not only those cases that have been normatively proven to fit our criminological violence-definition (e.g. finally adjudicated cases with accused perpetrator found guilty), but also those cases that had 'only' the potential to be normatively proven to fit our definition (e.g. cases dismissed due to lack of evidence or statute of limitation), and even the cases that have been normatively proven not to fit our definition, but might very well still be cases of actual violence (e.g. accused perpetrator wrongfully found not guilty).

Again, we deliberately take a much broader, a flexible approach, in addressing the question of where and when throughout the whole criminal procedure to capture criminally relevant violence. This not only follows the same line of thought as with subject-elasticity, but also matches the

project's aim to tackle the dark figure of violence, as well as the power to normatively define violence by criminal justice actors throughout the whole criminal procedure.

To give an example for subject-elasticity, the study of homicides in a society looks 'only' at homicides, usually defined in accordance with normative concepts of intention, accountability, unlawfulness etc. It limits itself to intentional killings with lethal consequence, but usually disregards infanticides, robberies gone wrong, justified killings, bodily injuries with (unintentional) lethal consequences etc. But without a simultaneous study of this severe violence's violent context, such studies eventually appear as meaningful as if one were to study the most severe cases of aggravated theft in a society, but without any knowledge about that society's property crime. This does not make such studies meaningless per se, 'only' denies their findings to be understood and interpreted in their relevant context. Using the same example to explain scope-flexibility, one would not limit the approach only to those homicide cases that have been finally adjudicated before court with the accused perpetrators found guilty. This is only the tip of the iceberg.

So, as a criminological 'working definition' we eventually decided to define violence, and there for our subject of research interest, as follows:

VIOLENCE IS ANY INTENTIONAL PHYSICAL HARMING OR KILLING OF ANOTHER PERSON

Conducting violence research using data from the criminal justice system (police, prosecution, courts, prisons, probation etc.) makes it unavoidable to work with criminal law concepts and even more general normative constructs. So the idea is to transpose 'a piece of reality' into the criminal justice environment by using normative language. Criminal law and criminology largely overlap in their subject, but have a completely different purpose and goals. While criminal law strives to fairly determine guilt and sentence for perpetrators of certain criminal/misdemeanour offences, criminology aims to detect the phenomenology and aetiology of delinquency. These goals, as we will see later on, very much determine the differentiation in structure, concepts and definitions of a certain appearance. Basically, the subject of interest is not the violent criminal/misdemeanour offence as such, but the actual violence "behind" the offences.

The first step was to look at the Croatian Criminal Code (later on: CCC), as the main source of criminal substantive law. However, the CCC neither contains the definition of violence, nor is there a chapter on "Offences of Violence" which could guide us where to look for violence inside the CCC. The reason for this is simple – the CCC's structure in its special part focuses on a specific legal good/right (primarily) protected with a specific chapter's provisions. For instance, Crimes against humanity and human dignity, Criminal offences against life and limb, Criminal offences against human rights and fundamental freedoms, Criminal offences against labour relations and social insurance etc.

The problem appears when striving to study a certain phenomenon (like violence) and translate it into its normative language.

If violence is defined as physical harming or killing another person, reasonable expectation would suggest to look for it in the CCC chapter of offences against Body or Limb and find there all the violent offences. And although in this chapter of offences against body and limb there is covered violence, this does not mean that the work is done. This chapter contains only a smaller part of all the criminal offences that actually deal with violence. Even though violence means that the perpetrator has obviously taken away the victim's life or hurt his/her body ("against life and limb"), offences with a psychological violence component are speckled all over the CCC and may be found in different chapters. These other chapters are primarily protecting other legal goods, other values, and only indirectly might (sometimes also) protect the body and limb. For example, murder, as obviously the most fatal act of (physical) violence, is situated in chapter "Crime against body and limb". However, the killing of other persons (murder) also appears in chapters like "Crime against humanity and human dignity" (war crimes, terrorism), and also "Criminal offences against a foreign state or international organisation" (murder of an internationally protected person). The logic of this criminal law systematic, which classifies all offences according to the criteria of protected legal good/value makes perfect sense in the criminal law world and its purpose. But in the criminological research of violence it is not applicable, since here the classification criteria is not the protected good/value, but the actual real-world behaviour/act: the violence. It is irrelevant if the victim of a killing is a 'normal person' or an internationally protected one or a person killed in war. That is why the main task for the Violence Lab has been not to ignore, but rather reorganise the offence positioning throughout all the different chapters. Put simple – the Violence Lab has created its own CCC chapter on "Offences of Violence" and within this new chapter collected all the offences with violent elements extracted from all other chapters.

Further challenges of normative operationalisation are the result of the imprecise/general/generic description of the prohibited behaviour in an extremely broad manner or in its potential wrongful qualification in practice. Following are few examples of complexity of this task. Some offences do not differentiate physical violence from other forms of violence, but cover everything in the same paragraph/article. For example, 'Workplace mistreatment' defined in the Article 133. Of CCC. "Whoever insults, humiliates, mistreats or otherwise disturbs another in the workplace or in relation to work and by doing so damages his or her health or violates his or her rights shall be punished...". This normative description obviously covers violence as well as non-violence, but only by looking at the case itself one can determine if a real case under this classification is of interest to the Violence Lab. Another challenge is when the *actus rei* of one offence is already completely covered by another one. In other words, the 'content' of one criminal offence is at the same time also fully part of another criminal offence. E.g. Article 116. 'Female genital mutilation': "Whoever partially or totally removes or permanently alters the external female genitalia, shall be punished..." This act is already prohibited with the incrimination of 'Bodily injury'.

3.3. Determining the Normative Scope of Criminological Violence Research

Determining which crimes contain a reasonable expectation of violence is not black and white, as dozens of them exist in grey areas. Their classification as violent or nonviolent varies from time to time and is sometimes limited by the natural constraints of nomotechnics. In the following sections this will be further explained by looking at offences and perpetrators.

3.3.1. Criminal and Misdemeanour Offences

All criminal and misdemeanour offences have been analysed in terms of legal description by studying the CCC and the misdemeanour codes, as well as in terms of practical application by looking at relevant case law. The key question was whether and to what extent the criminologically defined violence is covered by the offences (either legally or practically). Based on this, 3 categories of violence-offences have been created. 1st category includes obviously violent offences that are without a doubt violent crime in the sense of intentionally harming/killing another person. These offences legally as well as practically 100% fit the criminological definition. These kinds of offences are for example: genocide, terrorism, murder, rape etc. The 2nd category includes offences that can be characterised as borderline offences. They do fit the criminological definition, but not 100%. For example, attempted murder. Borderline offences will be included in order to detect their nature, meaning and demarcation in reality. Although the legal definition of the offences in the 2nd category does not 100% fit the criminological definition, the actual incident that might be incriminated by using this offence might very well be a 100% match to the criminological definition. This cannot be decided on the level of normative analysis but has to be seen on a case by case basis looking at the files. In one instance an attempted murder might not be criminologically relevant violence (e.g. A shoots at B and misses). Yet in another instance an attempted murder will 100% fit the criminological definition (e.g. A shoots B who gets injured but does not die). The 3rd category consists of offences that legally do not fit at all – they are actually a misfit when looked at purely normatively. However, in practice actual incidents of violence might be found behind these incriminations. At least the 1st and 2nd category of offences have to be covered by the study in order to really understand violence in its violent context (see Annex 7.1. for complete list of offences within each group).

Similar logic is applied to misdemeanour offences since these are (intended to be) a less severe form of delinquency. The biggest challenge and doubts in practice refer to domestic violence. Domestic violence is incriminated in criminal as well as in misdemeanour law. The recent European Court for Human Rights adjudication *Maresti v. Croatia* again started the public debate about simultaneous criminal and misdemeanour proceedings (violation of the principle *ne bis in idem* – double jeopardy).

According to the dominant opinion, the difference between criminal act and misdemeanour is quantitative and depends on criminal-political will of the legislator, taking into consideration the level of their severity (Horvatić, 1999; Veić & Gluščić, 2009). According to this criteria, criminal law would penalise more severe incidents, which would be meaningful considering criminal law as *ultima ratio*, whereas misdemeanours would include acts that are unlawful and prohibited but attack legal

goods in a less severe way with less severe consequences and therefore sanctions. Good example of legislator's inconsistency in that manner are criminal offences which do not have prescribed prison sentence (like e.g. insult), and most severe misdemeanour offences with criminal sentencing (e.g. boldly and indecent behaviour in public place).

Regardless of such systematisation and its imperfections, domestic violence seems to be the spot of arguing among academic and broader community. If we look at CCC and articles regarding domestic violence, we can recognise an offence which further directs us to another law "Law on protection from domestic violence" which then defines what is considered to be domestic violence as "committed by a family member who gravely breaches regulation on protection of domestic violence (e.g. grave physical and sexual molesting) and by doing that causes victim's feeling of fear for personal safety or safety of another close persons or puts her in humiliating position". Also, it is important to emphasise that with the formulation "and thereby did not commit more severe criminal offence", this offence is defined as a subsidiary criminal act, which means it will be relevant only if a more severe criminal offence is not applicable (e.g. serious bodily injury). But also, if we look at the 'Law on protection from domestic violence', we find misdemeanour offence which includes physical domestic violence and hence creates concurrence between criminal and misdemeanour systems. To conclude, it should be said that domestic violence, since 2015 regulated as an independent offence in the CCC, but also as a misdemeanour act, will both be included in the study. Practical differentiation between the two, sometimes is not based on the right content of the perpetrator's behaviour, but rather on the simplicity and urgency of misdemeanour proceedings contrary to sometimes slow criminal justice apparatus.

Therefore, Violence Lab will study domestic violence and might test whether is the current framework of this offence adequate and its practical implementation.

3.3.2. Perpetrators (adult/juvenile/legal persons)

Both juvenile and adult perpetrators will be included in Violence Lab research. Ideally, children as perpetrators of violence (if they were criminally liable) should also be included. Not only would this be in line with the criminological definition, but also with the focus on the violence itself, irrespectively of individual attributes of the perpetrator (old, young, insane, male or female).

Taking into consideration that the main research focus is violence, it is clear that legal persons are not typical perpetrators of violent crime, since legal persons themselves are not able to actually display harming/killing acts. This does not mean they cannot be criminally liable for harm or death caused. Since main focus of the project is an interpersonal violence (human to human) and because of the specific nature of its phenomenology, legal persons will not be under the research focus of Violence Lab.

3.4. Criminological Ground Rules for Dealing with Legal Rules, Institutes and Figures

This chapter deals with general criminal law rules (e.g. attempt, negligence/intent, concurrence etc.), basic institutes of criminal law (e.g. self-defence, insanity etc.) and criminal law figures (e.g. presumption of innocence, finalisation, statute of limitation etc.). The necessity of discussing general criminal law rules, institutes and figures arises from the fact that the violence research is being conducted in a criminal law environment. Although the research itself will not be ruled by these general criminal law rules, institutes and figures, it is still of utmost importance, in fact even crucial, to analyse and understand them in the context of the criminological research at hand. When conducting empirical research using data created by the criminal justice system, one cannot simply adhere to these normative rules, institutes and figures, but has to truly understand them and on that basis create criminological ground rules. Criminological ground rules that will manoeuvre the reality focused research undertaking through the complexity of normative fiction.

Essentially this means that the criminal law figure 'presumption of innocence' (everyone is innocent until proven otherwise), although of prominent importance and with undisputable purpose in the criminal law setting, is completely irrelevant when it comes to the empirical study of violence. The presumption of innocence guarantees that only perpetrators who had a fair trial resulting in a final conviction may be regarded as guilty of a certain offence. This makes perfect sense in the criminal law context. If one were to simply adopt this criminal law figure in researching actual violence, then that would basically mean that only those incidents where perpetrators have been finally convicted may be considered relevant. Only perpetrators found guilty for an offence have actually committed violence. Only violence that has been finally adjudicated by a court (guilty verdict) has actually occurred. Now, that really sounds very wrong, doesn't it? Empirical violence research should be interested in answering questions such as "how many offences of violence have occurred in a certain period?" or "how many persons have become victims of violence?", instead of dealing with data on questions like "how many offences of violence did courts finally adjudicate in a certain period?" or "for how many victims of violence did the criminal courts establish that they 'really' are victims of violence?".

3.4.1. Almost- & Maybe-Violence: Preparation, Attempt and Endangerment

The process of committing an offence can normatively be divided into 4 consecutive phases: decision (to commit an offence), preparation, attempt, completion. Thus, there is the figure of 'endangerment' offences. Criminal law systems usually incriminate the last phase, the completion of an offence. But in certain cases, out of different reasons of criminal policy, legislators decide to incriminate one or even all of the earlier phases of offence commission (like preparation). The incrimination of preparation acts (as *delicta preparata* or *delicta sui generis*) is reserved for the most severe crimes (like terrorism) where the legislators consider that these offences are, if completed, so dangerous that criminal law should react in the early phase of their commission. The next phase is attempt, which also is not always incriminated. According to the CCC attempts are incriminated only for those offences for which a sentence of 5 or more years of prison is proscribed, or when the

incrimination of attempt is explicitly stated in the statute of the offence (*expressis verbis*). The reasoning behind this is a 'mixed theory', arguing that these acts (of attempt) should be incriminated because of the expression of the perpetrator's criminal will, regardless of the lack of an actual consequence. A last important criminal law figure to mention here is 'endangerment', where in real world no actual consequence, nor an attempt have been caused by the perpetrator, only a risk/potential of a consequence. The justification behind incriminating such endangerment offences (e.g. wanton driving, endangerment to life and property by a generally dangerous act or means etc.) lies along the same lines as incrimination preparation and attempt.

Regarding the normative rules of attempt, preparation and endangerment, something one could term 'almost- & maybe-violence', the criminological ground rule says "yes, if violence has actually occurred!". Since the normative perception of attempt, preparation and endangerment is much broader than the criminological/empirical one, in order to access those cases that are actual violence, one must first look at the total of all such normative cases and then filter out the 'real ones'. For example, A shoots at B, but misses, or A actually shoots B, but B does not die – in both instances, normatively, this is an incriminated attempted murder. Criminologically however, only in the instance where A actually harms B physically, violence has really occurred. When studying violence one would obviously want to include such cases. And although the other (the non-violent) attempts, preparations and endangerments do not fit the criminological violence definition, these group of offences should be analysed in terms of basic characteristics in order to empirically confirm or disprove the idea of a substantial difference between the actually violent and the non-violent group of such offences.

3.4.2. Criminally Insane Perpetrators

As already mentioned, insane perpetrators cannot be punished for criminal or misdemeanour offences. From a normative – criminal law point of view based on the principle of culpability this kind of rule is reasonable and justified. One cannot be held reliable if they cannot be 'blamed' for their actions, and insane person cannot be 'blamed' since their behaviour is not something they can fully (or at all) control due to their mental illness or disorder. But in practice, insane people also do violent crimes and they indeed act violently regardless of their (mis)interpretation of their own act and/or (im)possibility of appreciating the meaning of their conduct. This is a good example of a differentiation between criminal law focused primarily on perpetrator and criminology focused on an objective appearance freed from subjective concepts hard to test scientifically. That is why, Violence Lab includes insane persons in the research.

3.4.3. Omission/Commission

Offences can be committed in an omissive (not-acting: letting a baby starve to death) and commissive (acting: throwing the baby off the balcony) way. Omissions might be perceived less severe than commissions which is why the CCC sometimes prescribes the possibility to mitigate the sentence (more lenient sentencing in cases of non-acting). Both, omissions and commissions, fall under the criminological definition of violence. Moreover, since one of the research aims is to measure the severity of violence, the inclusion of omission creates the possibility to test soundness of such more lenient normative attitude towards omissive violence offences. Thus, here appears the possibility to detect 'errors' in the legal qualification of certain omissive offences. E.g. the abandonment of a helpless person ("Whoever leaves a helpless person entrusted to him or her unassisted in circumstances in which his or her life or health are at risk") shows that this act can in reality compete with an attempted (omissive) murder.

Distinguishing those two categories in most cases relies (again) on the perpetrator's intent or to be more precise, on what the perpetrator had in mind when undertaking his action. For example, a 2-year-old child is left alone for 2 hours in an apartment during summer on the 7th floor, whereby there is an open balcony. According to the description of the offence in question, the essence of the offence (*actus reus*) of an abandonment of a helpless person is fulfilled. The perpetrator has been entrusted to take care of the child, the child is definitely a helpless person and the circumstances are dangerous for its life (the open balcony in summer!). However, the perpetrator might be charged for either abandonment of a helpless person or an attempted (omissive) aggravated murder, depending on the provability of intent: did the perpetrator intend to kill the child, or recklessly neglected his/her role of a guarantee who is obliged to take care of the child).

This is a perfect example of how a violence offence can be committed in exactly the same way (same *modus operandi*), with exactly the same volume of criminal energy and quantity of violence. Depending only on provability the same act of violence can normatively be qualified very differently, leading up to sentences ranging from 6 months to 3 years for the abandonment or from 7 years to 40 years¹⁵ for the attempted aggravated murder. The difference between the two is enormous and the two alternative qualifications for the exact same behaviour might result in a sentence as lenient as 6 months in one case, and as harsh as 40 years in the other.

¹⁵ Actually, the proscribed sentence for aggravated murder is 10 to 40 years, but applying the mitigating rules for attempt, the sentencing framework is pushed downwards.

3.4.4. Exclusion of Unlawfulness – ‘Justified’ Violence

There are different cases of the exclusion of unlawfulness prescribed in the CCC. The most well-known refers to ‘self-defence’. Besides that, there is also justified violence by police (e.g. police officer kills a terrorist) or necessity (e.g. a lifeguard during rescuing a person from drowning knocks out that person in order to save his/her life). In all these instance the unlawfulness of violence is excluded due to some sort of justification (right to defend oneself from harm, lawful use of force, error/mistake).

Although it is undisputable that the act of a police officer killing a person is a real incident of violence, criminal law does not perceive it as violence (given that the killing was in fact ‘lawful’). The public prosecutor will not initiate criminal proceedings against such a police officer for which it has been established during investigation that he/she acted in line with his/her authority. However, in practice it will very often happen that the reasons for the exclusion of unlawfulness will on such level of certainty be detected only before court. Then the perpetrator would be acquitted. If the criminological research would adhere to this normative principle, then such cases should not be regarded as actual violence (although they obviously are).

3.4.5. Negligence

The complexity behind differentiation of intent and negligence falls within the core questions of criminal law dogmatic. It is one of the most difficult and disputable concepts of modern law. The differentiation is based on one of the main principles of criminal law – the principle of culpability (guilt). Basically, the difference between an offence been committed intentionally or negligent corresponds to a higher or lower degree of the perpetrators guilty. This differentiation has an impact on the severity of punishment, since the legislator always prescribes a more lenient punishment for negligence.

Notwithstanding the normative meaningfulness of the differentiation between intent and negligence, as well as all their different subcategories (direct intent of first and second degree, indirect intent, advertent and inadvertent negligence), in the real world it makes no difference in terms of the existence of violence if a person kills another with intent (*dolus*) or out of negligence (advertent one/ *luxuria*, or inadvertent one/*negligentia*) – the victim is dead anyway and the act is obviously one of violence. Thus, distinguishing between intent and negligence is more often than not rather fictions, since only the perpetrator really knows his/her intentions, thus sometimes not even they do. Empirical violence research has to focus on all violent acts, regardless of the level of perpetrator awareness/carelessness. So, the criminological ground rule is to look at negligent as well as intentionally committed violence offences. This will thus enable the study of the different qualifications that are a consequence of normative negligence/intent labelling, together with their practical implications (e.g. heavily bodily injury resulting in death vs. murder).

On a last not, and as explained in more detail earlier, the word ‘intentional’ used in the criminological violence definition, only indicates the exclusion of cases like reflex or force majeure (*vis absoluta*), as such cases are in fact no ‘interpersonal violence’.

3.4.6. Instigation

Instigation is one person's mental impact on another person, whereby his/her goal is to persuade this other person to decide committing a criminal offence, without personally getting involved in actual committing of the offence itself (Novoselec, 2009). Basically, instigation means that one is liable for forming the decision of another person to commit an offence. Criminal law punishes the instigator as if he/she himself/herself has committed the offence. In practice, this may lead to a more severe punishment for the instigator than for the actual perpetrator, potentially even to the situation where the instigator is punished, although the solicited person did neither commit nor attempt to commit the offence.

This last constellation is rather interesting (attempted incitement), because here the instigator could be convicted (and punished) for attempted murder, even though the instigated person has not even attempted to actually commit the murder. The justification behind the same sentencing framework for both instigator and perpetrator is based on the idea of punishing the instigator's criminal will, as he/she is the 'spiritual father' of the offence (Novoselec, 2009). Finally, instigation in essence presents nothing more than a (perhaps) morally questionable influence on the perpetrator. When looking at what actually happened, there occurs no instigator in the violent act. Since the instigator is really very distant from the real act of violence, both in terms of abstract decision making phases, as well as space and time, an empirical investigation of such 'influences' upon the perpetrator does not seem feasible nor justified.

3.4.7. Insignificant Offences

The figure of 'insignificant offences' demonstrate a lack of the legislator's interest to punish acts that are not severe enough to be dealt with by criminal law. The assessment of insignificance of a certain act is left up to the judges, or might be solved within the criminal proceedings in accordance with the prosecutor's assessment (principle of opportunity). In any event, the Violence Lab aims at detecting cases of insignificant offences, although it is highly unlikely such cases will be detected, since the whole point of 'insignificant offences' is that these are acts falling under the threshold of criminal law attention. Violence offences clearly do not qualify for such a lack of attention. However, this presumption is yet to be tested.

3.5. Violence Flow Data, Clearance Rates & Drop-Outs

During criminal proceedings, there are many actions to be carried out that might artificially narrow reality and shape it in the line with the rules and principles of criminal law. These actions (according to the purpose of criminal proceedings) should result in a fair trial for the perpetrator, but are not necessarily reflecting the actual appearance.

To put it simple, one might conclude that the criminal procedure law also has its filter points, in which reality is being shaped in accordance to strict rules of criminal proceedings. This appearance has an impact on every criminological scientific research that uses court files/prosecution files as a source of data. That is because in such cases, criminology has to rely on the facts provided within the court/prosecution adjudications/decisions as a base for the research, although they might contain different picture of a certain appearance than the reality that actually occurred. However, if we keep in mind all these filters and barriers, studying violence should be enough precise, holistic and comprehensive to analyse data and make right conclusions.

Some of these filters refer to rule of *In dubio pro reo* (if in doubt, judge will decide in favour of accused person), *Illegal evidence rule* (if a crucial evidence is gathered in illegal way, court cannot use it), *key witness* (when a person obtains a key witness status, his delinquent acts will not be proceeded), no reopening the case after acquittal adjudication (if a person was found innocent – acquittal adjudication- and afterwards some new evidences appear pointing out his guilt, there is no possibility to reopen a case), *agent provocateur* (if a person commits an offence under the status of agent provocateur – an investigator infiltrated in a criminal group in order to collect information about the group and offences they commit within it, these offences will not be a subject to a criminal proceedings)¹⁶.

¹⁶ For detailed explanation of criminal proceeding filters please look at Annex 7.3. of this manual.

4. Empirical Aspects of Criminological Violence Research¹⁷

4.1. Introduction

This manual analyses empirical challenges and considerations of criminological empirical violence research. The aim of the manual on empirical operationalisation of the research subject and scope is to provide an insight into the used research technique and underlying considerations. Moreover, the purpose of this manual is to deliver specific guidelines for Violence Lab field workers/researchers who will collect the data from court and prosecution case files.

This manual depicts the rationale that guided the development of the research method and how the research tool, the questionnaire for measuring violence, has been devised. In addition, it provides for detailed description and instruction of how to use the questionnaire. An important building block of this manual is the sampling procedure. According to the research project's subject and scope both criminal offences and misdemeanours are potentially relevant and to be included in the project. However, since the inclusion of all potentially relevant criminal offences and misdemeanours would have resulted in a tremendously large sample, an appropriate sampling strategy had to be developed.

Finally, achieving high levels of ethical standards is indispensable for every research project. Therefore, specific ethical and data protection concerns are addressed. In the annex of this manual, all necessary documents (e.g. questionnaire) are attached.

4.2. Theoretical Pre-Considerations

Defining violence is challenging because there is a lack of a commonly accepted definition of the term. Usually, violence itself is considered socially undesirable. However, this view largely depends on the cultural and situational context. Thus, in some jurisprudences it is still considered as lawful that a husband uses violence against his spouse (e.g. marital rape, see Randall & Venkatesh, 2015), whereas in other jurisprudences this might well be outlawed, but is however still widely socially accepted.

There are substantial differences in what is considered key for the definition of violence (Tolan, Gorman-Smith, & Henry, 2006). Depending on what kind of definitional feature is emphasised, i.e. aspects of action, motivation, and impact, or social, psychological, and political meaning, a quite different definition results (Tolan, 2007, p. 5). In addition to the challenge of defining violence, the definition of *delinquent* violence changes over time. Both the scientific and popular understanding of what violence is, largely depends on the cultural and social perception and construction of violence and associated factors in a given era (Aebi & Linde, 2016). Currently, there is a trend towards indefinitely broadening the violence terminology and typology (e.g. psychological, verbal, economic, structural, symbolic, medial, object-related, institutional), up to the point where almost

¹⁷ Note: This section of the manual is the 'uncut' version of the Violence Lab's empirical manual, authored by G. Wössner, A.-M. Getoš Kalac & H.Gačal.

everything can be labelled as violence and therefore in the end, where almost nothing presents itself as violence (Meyer, 2002).

In line with the World Health Organization (WHO), violence could be considered as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation" (Krug et al, 2002, p. 5). In the given definition, emphasis is put on the physical aspect, either as a means to commit a violent act (physical force or power) or consequences of violent acts (injury or death). The problem with this definition, however, is the inclusion of violence against oneself and the lack of intent or motive to cause injury/harm/death. This is not only an issue for conceptual debates, but also a very practical one that has a tremendous impact when it comes to violence research. So for example, road traffic crashes and violence against oneself (suicide) are far more fatal than homicides (in terms of counts) when looking at globally leading causes of death (see WHO, 2008). Compiling one joint figure out of homicides, suicides and car traffic crashes seems misleading, whereas in terms of criminological soundness it makes little sense to phenomenological combine all three phenomena in one joint violence-phenomenon.

A definition comparable to the WHO's provided by Englander (2003, p. 2) determines violence as "aggressive behaviour with the intent to cause harm (physical or psychological)". Correspondingly, The National Research Council of the American Academy of Sciences defines violence as "behaviours by individuals that intentionally threaten, attempt, or inflict physical harm on others" (Reiss & Roth, 1993, p. 2). Although these definitions conceptualise violence differently (as use of physical force or power or as behaviour), they exhibit common and reoccurring elements: intent and physical harm. Thus, the common denominator is the physical aspect. This is fully in line with Violence Lab's underlying rationale to focus on violence defined as any intentional physical harming and/or killing of another person.

One of the central objectives of Violence Lab is to empirically capture and analyse the phenomenology, aetiology and prosecution of overall violence in Croatia, i.e. not only the most severe forms of violence like homicide or bodily injury, but also minor violent acts prohibited by law. Thus, Violence Lab should provide a detailed insight into the phenomenology of violence by empirically examining its incidence, structure, geographical distribution, perpetrator profiles, victim profiles and phenomenological profiles. By taking into consideration all kinds of violence, ranging from less severe misdemeanours (e.g. unacceptable, disturbing and indecent behaviour in public space) to more severe criminal offences (e.g. aggravated murder), the project strives to provide the violent context in Croatia. This is necessary in order to be able to interpret the findings on violence in their actual empirical and cultural setting.

In addition, Violence Lab aims to investigate aetiological factors of violence, related to specific (sub)types of perpetrators, victims and violence. The criminogenic and victimogenic factors are exceptionally relevant, especially in terms of practical implications, as they are important for preventing and managing violence and protecting particularly vulnerable groups of victims. The

findings should also enable Violence Lab to test specific criminological theories that have so far tried to explain delinquent violence.

The selection of appropriate research methods to study violence is a complex endeavour for many reasons. In criminology, in general, "collecting and making sense of the data we obtain from our research subjects may well be rather harder to handle than in some allied fields" (Gadd, Karstedt & Messner, 2012, p. 4) since criminological research includes a disproportionate number of individuals who are considered dangerous, deprived or vulnerable. In addition, violence is a particularly sensitive topic (Fraga, 2016). Today, experiments comparable to the famous Stanford Prison Experiment or the Milgram Experiment are nearly impossible and, for a number of reasons, the observation of violence in a "natural" setting is limited. The specific purposes of Violence Lab in mind, the methodological approach to measure violence was guided on the following considerations. First, using statistical data only, would not have met the aim of the project, since statistics are oriented towards normative conditions. In addition, they do not provide sufficient data on the real extent of violence, the used force and supplementary information that is required to investigate aetiological and phenomenological questions. Experimental research designs would not have yielded the comprehensive data base required to understand the phenomenology of violence. We also refrained from using qualitative research methods at this stage. An analyses on, e.g. on how the media convey and describe various violent phenomena would not have equipped Violence Lab with what is expected to be necessary to develop a violence classification system. Very often, violent acts (e.g. domestic violence) happen in private settings, behind "closed doors" (Cantos, Neidig, & O'Leary, 1994; Fraga, 2016; Wright & Benson, 2011). It is expected that a considerable number of violent offences remains in the dark field. Thus, surveys on self-reported delinquency (i.e. discovering and questioning perpetrators) and on non-reported victimisation are ostensibly promising research methods to grasp the real extent of violence. However, violence research has to meet certain ethical standards. Violence Lab is interested in the level and phenomenology of violent offences on a large scale. The latter means that Violence Lab is interested in a large data set that requires an economic research tool covering a great number of "cases". At the same time, this research tool is meant to gather extensive information on the phenomenology of what occurred during the offence. Confronting victims with such questions in an anonymised questionnaire would be ethically dubious, since the questions might trigger traumatic experiences. Violence Lab thus decided to rely on a case file study. It can be considered as an "unobtrusive measure" (Hagan, 2017, p. 44) while at the same time providing for a comprehensive data base. An additional benefit is the fact that with a case file questionnaire one can gather data on involved actors from a more objective level – even though it has to be taken into account that case files do not represent an objective reality but a "file reality" (Leuschner & Hüneke, 2016, p. 470). Finally, even though there are certain organisational issues to be solved in order to conduct a sound file analysis, the access to research data is comparatively easy by implementing a case file analysis study design (Leuschner & Hüneke, 2016, p. 479).

It should be emphasised that this core building block of Violence Lab will be complemented by additional research methods to compensate for the mentioned limitations of a study on reported

violent offences: First, a semi-structured interview guideline is devised to analyse the dark figure of violence including phenomenological features of non-reported violent offences via interviews with victims, perpetrators and “gatekeepers” (i.e. professionals who might report or not report violent acts) such as police, medical doctors, social workers or teachers, just to name a few. And second, to further elucidate the development of violent behaviour and its “societal” answer and framing in a kindergarten setting via the method of participant observation.

In line with these considerations and since Violence Lab is interested in studying violence devoid of a preliminary normative corset, the project will include both misdemeanours and criminal offences.

4.3. The Questionnaire

For the purposes of collecting specified data from court and prosecution case files, the Violence Lab team developed a questionnaire. The development of questionnaire and its specific parameters will be further explained in the following sections.

4.3.1. Development and Structure of the Questionnaire

As indicated above, the aim of the Violence Lab questionnaire is to collect data on the phenomenology, aetiology and prosecution of delinquent violence based on information obtained from the final court and prosecution case files. To this end, a questionnaire was designed including items on different levels of information on the case, the offence, the perpetrator, the victim and the victim-perpetrator relationship. This questionnaire is based on the research tool developed and tested through the Balkan Homicide Study (Albrecht & Getoš Kalac, 2016) and prior to that developed for a homicide study in Uruguay (Albrecht, 2015). The research tool has thus been further developed by the research tool used for the file analysis in the project “Sex offenders in the social therapeutic institutions in the Free State of Saxony” (Wößner, Hefendehl & Albrecht, 2013). Subsequently, it was extensively broadened and adopted to Violence Lab’s research questions. In doing so, considerations on measuring violence in general (e.g. Douglas, Burgess, Burgess, & Ressler, 1992; Landau, 2006; Sweeten, 2012; Walby & Towers, 2017) and domestic violence (McClennen, 2010; Myhill, 2017) as well as forensic medicine expertise (Schwerd, 1992; Brinkmann & Madea, 2004; Madea, 2007) were included. Further aspects such as time and location of an offence were taken into consideration. In addition, criminal geography aspects were included. According to Shaw and McKay’s (1942) so-called area approach, there are significant differences in scope and structure of criminal behaviour across different parts of a town with regard to the incidence, prevalence and modus operandi. It is claimed that such differences might be explained by economic and social factors. Our aim is to further elucidate geographical and contextual crime factors such as e.g. neighbourhood features, perpetrator proximity and “spillover-effects”. It is also of interest, whether such characteristics associated with a violent offence exert an influence on how serious the offence is perceived (e.g. by the jurisprudence in terms of the imposed sanctions). In addition, information on the duration of an offence is gathered. Suffering on the side of the victim is very

likely to be associated with the duration of an offence. New and Berliner (2000) found that the longer a sexual or violent assault lasted, the higher the probability that the affected victim makes use of mental health services subsequent to the victimisation.

The consequences of criminal victimisation are manifold. They range from short-term minor to long-term consequences with severe implications for a person's physical and mental well-being. First, there are the obvious physical effects of violent offences: immediate pain and suffering, temporary injury. They may result in long-term physical suffering, chronic pain, lasting incapacities and disfigurement. In addition, direct financial consequences might be associated with an offence (theft or robbery) or indirect financial burden may result (costs from further medical treatment, legal advice, financial problems due to sick leaves; e.g., Britt, 2001; Macmillan, 2001; Woessner, 2015). Moreover, victims are afflicted with psychological and emotional burdens such as direct anxiety and fear. Long-term emotional and behavioural implications may encompass emotion regulation deficits, an increased self-esteem and further psychological consequences (Woessner, 2015). One of the most frequent mental health disorders among victims of violent and sexual offences is a posttraumatic stress disorder, followed by adjustment disorders, mood disorders and anxiety disorders (New and Berliner, 2000). Being a victim of a criminal offence may also bear on a person's social environment and hamper his or her relationship with the family, friends and colleagues. Depending on the severity and intensity of an offence and the personality of the victim, victimisation may even result in a changed self-concept of a person and a person may adopt a victim identity (Rock, 2000, p. 13). Thus, a key building block of the questionnaire refers to mental health aspects that might be a result of the violent offences under scrutiny.

The questionnaire was developed with the aim to collect all necessary information in order to identify criminogenic and victimogenic factors of violence. It consists of four major parts:

- 1) Questions about the case,
- 2) Questions about the perpetrator(s),
- 3) Questions about the victim(s) and,
- 4) Questions about the victim-perpetrator-relationship.

Information on the case-level includes the following:

- Case termination level (which can either be court or prosecution level)
- Source (city where the case was processed)
- The most severe offence that was committed in the given case
- Information if the case is a criminal offence or misdemeanour
- Information if the perpetrator of the offence was treated as an adult or minor during the criminal proceedings
- Indications of bargaining or shortened procedure
- Dismissal date and dismissal reason if the case was dismissed by the prosecutor
- Dates of first and final adjudications
- Number of witnesses heard during the trial
- Number of perpetrators and number of victims and

- Short case description (to be completed by the researchers following specific guidelines: who did what to whom, indication of their relationship, which criminal offence was committed, with what instrument the crime was committed, indication of why the crime has been committed and what the perpetrator was convicted of and sentenced to, or why not).

The second part of the questionnaire about the perpetrator is divided into three units:

- 1) Questions about specific offence(s)
- 2) Background of the perpetrator and
- 3) Procedure related to the perpetrator.

Questions about specific offence(s) involve the following information of a case: number of the offences the perpetrator(s) committed, legal qualification of the offence (either attempt or completed), national legal qualification of the offence, qualification of the offence made by police, legal qualification of the offence made by prosecution, first instance court and in the final judgement. Moreover, it examines the use of physical force or harmful instruments and the perpetrator's intent as stated in the final adjudication. In addition, specific aspects referring to how exactly the crime was committed and the perpetrator's modus operandi are collected: offence location, offence date, day of the week, time at which the offence was committed and duration of the offence. In addition, we want to know to whom the offence was first reported, the date the offence was reported to the police, the accessibility of the offence location - private, semi-private, public or restricted public. This part of the questionnaire includes information on whether the perpetrator was known or unknown, the kind of the instrument and force the perpetrator used while committing the offence and whether he or she used an instrument multiple times (if so, how often). Furthermore, the questionnaire encompasses information on the main offence motive, the planning of the offence and on whether the perpetrator acted by stealth. In addition, data is collected on whether the perpetrator was intoxicated with a substance (alcohol, illicit and medicinal drugs). Some aspects of criminal proceedings are also examined, such as the pleading of the perpetrator, adjudication, conviction and sentence of the perpetrator, prison sentence length, suspension, mitigation, remission, substitution, additional and safety measures, mitigating and aggravating circumstances and fine.

Questions about the background of the perpetrator entail the perpetrator's demographic background at the time the offence was committed, such as sex, date of birth, age, citizenship, nationality, marital status, number of children, education, employment and income. In addition, the perpetrator's living situation is assessed as either appropriate or inappropriate in terms of a perpetrator's age and family situation. Results from a previous Balkan Homicide Study (Albrecht & Getoš Kalac, 2018) suggest that persons residing in such an inappropriate living situation might be more prone to committing a severely violent offence. Moreover, the criminal history of the perpetrator is investigated by collecting data on the number of prior police reports and convictions and prior prison sentences. This part also involves questions regarding the perpetrator's affiliation to specific social groups - refugees or migrants, persons in institutional custody, certain professions, LGBTQIA (an inclusive acronym that includes almost all sexual and gender identities: lesbian,

homosexual, bisexual, transgender, queer, intersexual and asexual), disabled, veterans and inmates. Finally, specific mental health issues of the perpetrator are examined: the perpetrator's history of mental health, whether he/she was diagnosed with and treated due to a mental health issues (at the time when the offence occurred), whether the person exhibited a substance use disorder (addiction) and whether he/she committed suicide after the index offence under scrutiny.

The procedural part of the questionnaire encompasses questions concerning both pre-trial and trial procedures related to perpetrator: the perpetrator's judicial defence (by himself, point chosen attorney, or assigned attorney), pre-trial detention, alternative to pre-trial detention, psychiatric expertise and the criminal responsibility of the perpetrator.

Questions in the victim(s) part of the Violence Lab questionnaire include questions about the specific offence and questions regarding the victim's background. The part with the questions about the specific offence corresponds to the perpetrator's unit of questionnaire: number of offences that are committed at the expense of the victim, qualification of the offence(s), use of physical force or harmful instrument and the kind of force the victim experienced. Moreover, clinical physical consequences for the victim, sexual aspects of the offence regarding penetration and targeted areas and victim's intoxication with alcohol and illicit or medicinal drugs are also inspected here. There are also questions on the victim's demographic background and the victim's affiliation to a specific social group. In addition, this part measures physical and psychological consequences of the offence for the victim including type and number of injuries counted in the criminal report and medical documentation, evidence of mental health issues after the offence, signs of cruelty towards victim, signals of substantial suffering and specification of the body regions affected by the offence. It is also of interest whether the victim committed suicide after the offence.

The last part of questionnaire examines the type of the relationship between the victim and the perpetrator with preceding factors including how close the relationship was and specific features of a given relationship (e.g. living together in the same household, prior reciprocal abusive behaviour, perpetrator's prior physical violence towards the victim and verbal confrontation prior to the offence).

Annex 7.4. provides an overview of the structure of the questionnaire and the research questions that are to be tested with the included variables.

In the following section of this manual, some of the items of the questionnaire will be explained in more detail. These items are pivotal for measuring the quantity and quality of violence and need some further elucidation. The Violence Lab questionnaire is attached to this manual.

4.3.2. Parameters for Measuring Violence

The Violence Lab questionnaire encompasses specific parameters for measuring the intensity of violence. There are two types of these parameters, quantitative and qualitative parameters. Quantitative parameters include, among others, information on the use of force and/or violent instruments, the duration of the offence, the multiple use of violent instruments, the extent of the victim's injuries, the number of injuries in the criminal report, the number of injuries in the medical documentation and signs of substantial suffering. Qualitative parameters include data such as the type of a specific instrument the perpetrator has used, the type of force a perpetrator has applied and a victim has experienced, clinical physical consequences for the victim and body regions affected by the offence.

As above indicated, the duration of an offence is very likely to be associated with the level of severity of a violent offence. It is hypothesised that the longer an offence lasts, the more violent and severe it might be perceived. It will also be investigated whether the duration of an offence is a potential indicator of its severity and related to the type of the offence or not.

The question on the multiple use of a violent instrument (question 2.23.) is designed to measure how often a perpetrator used an instrument. This is to test the hypothesis that offences in which a violent instrument is used multiple times are more violent than offences in which a violent instrument is used only once.

With regard to the planning of the offence (question 2.25.), Violence Lab analyses whether the fact that offences are planned or not can be considered as more violent than spontaneous offences or vice versa. Similarly, a crime committed by stealth might be considered to have or result in a higher degree of violence than other acts (question 2.26.).

The question regarding injuries of the victim (question 6.22.) was developed with the purpose of assessing the severity of the victim's injuries. Ranked from less severe to more severe, research assistants conducting the data collection can indicate no injuries, light bodily injuries, heavily bodily injuries, especially severe bodily injuries, later death and immediate death.

As above-indicated, a criminal offence can have very different consequences on a victim's mental health status. With the study's questionnaire it can be specified whether there is a mental health issue or not. In addition, the most severe and long-term psychiatric disturbances can be specified (question 6.23.). Thus, the relationship between the phenomenology of an offence can be correlated to the impact it has.

Question 6.24. is a string variable to find out more about the aspect of cruelty towards the victim. Measuring cruelty is a challenging endeavour. It might be very subjective what is to be considered as particularly cruel. In order to search for overarching and more objective operationalisation categories, it was decided to include an explorative step in the pilot phase (see below) of testing the questionnaire. The research assistants will be asked to provide their subjective assessment of cruelty in the specific case. They are reinforced to substantiate their answers and specify why they referred to the case as cruel or not cruel. The content of their answers will be analysed after the pilot study in order to further develop and provide specific questions regarding

cruelty for the main data collection procedure. They are also asked to indicate substantial suffering of the victim (question 6.25.) based on the expert testimony/opinion cited in the verdict.

As indicated by Violence Lab team members and experts from the field of forensic medicine, the number of injuries identified in the criminal report often differs from the number of injuries provided in the medical documentation. Therefore, the Violence Lab questionnaire was designed to further investigate this difference with two separate questions (questions 6.26.a. and 6.26.b.). This items serves to assess the extent to which this difference is systematically present or not. Likewise, the variable may contribute to the understanding of who has the power to define violence and determine the level of violence. In addition, a greater number of injuries of the victim implies a greater level of violence, but this parameter should also be examined along with the affected body regions explained further in the manual.

Question 2.20. pertains to the instrument a perpetrator used to commit the crime: Hands, feet, blunt object, glass object, knife, firearms, poison, ligature, corrosive chemical substance, axe, fire, explosive device, radioactive substance, motor vehicle, animals or another person. This variable also provides the category "omission" for those cases where the offence was committed by any act of omission or inaction. There are hardly any studies on violence conducting such a differentiated approach to the applied violence. A key aspect of Violence Lab is to investigate the degree of violence that is associated with these different forms of violence used.

The type of force a perpetrator has applied and the type of force a victim has experienced relates to two separate questions presented under the questions about the perpetrator(s)' and also under the questions about the victim(s)' parts of the Violence Lab questionnaire (questions 2.22. and 5.5.). Possible answer alternatives to both these questions are identical: None, pushing, beating, hitting, kicking, scratching, stabbing, shooting, poisoning, deprivation of food and drink, deprivation of medication, burning, strangulation, smothering, drowning, electricity, compression and other. In contrast to the other questions, these items are included with the aim to look at the different phenomenology.

Regarding the clinical physical effects (question 5.6.), the following alternatives are provided: none, light bodily injuries, heavily bodily injuries, especially severe bodily injuries, cosmetic defect (mutilation), diseases, disability, termination of pregnancy and death. Here the central research question to be tested is the severity of violence. The assumption is that the severity of the measured violence should correspond to the severity of the physical effects. Together with the control of the violence severity by the researchers in the field, this control should serve as another safeguard that "strange" cases or inconsistencies get red flagged. In a next step during the analysis it will be of utmost importance to add as a last point of control e.g. the severity of the perpetrator's punishment.

In addition, it is to be investigated if the attack towards different body regions (question 6.27.) might indicate a different level of violence (none, head, neck, trunk, which includes chest, belly and back, extremities, sensitive parts which include genitals and breasts and whole body which can be affected if the perpetrator uses explosive devices or poison). The assumption obviously would be that the severity of violence should correspond to the vitality or sensitivity of the body regions.

4.4. On Minimising (Human) Data Collection Errors

There is no such thing as perfect or unflawed empirical research, yet every scientist strives to make his/her study as excellent as possible in terms of the research design, the implemented methodology and the quality of the collected data. In this section, some of the aspects which are important in order to minimise (human) errors in the data collection phase will be discussed.

In the court case file analysis, some type of empirical data is easier to collect than other. In addition, this study utilises students as research assistants which should act as a mediator in the process of data collection. This is not an issue for most of the data collection, since the majority of inquired data deals with simply transferring data from the case files into the questionnaire (e.g. date of the offence, age of the perpetrator). A much more challenging task in this regard is the detection of the data and its localisation in the case file (e.g. a certain sheet within a set of prosecution or court files). For this task, law students are far more qualified than non-legally educated research personnel (this is further discussed in the next section regarding the procedure). Even in instances where they will be faced with difficulties in handling large court files for the first time, it is safe to assume that (due to their knowledge of the criminal procedure, the specific terminology, the different actors and legal qualifications) they will better and quicker handle this task. However, in some instances the process is more complex since the inquired data is not provided in the case file as such, so that the students have to make assessments on their own (e.g. level of cruelty).

Another example refers to collecting a short case description (see question 1.15. in the annex 7.6.). These short descriptions should provide a quick general idea of the violent offence (e.g. "A woman, the perpetrator, called her boyfriend, the victim to come to her house. She waited for him outside and she started arguing. She thought he was cheating on her, and she stabbed him with a knife. She was convicted of manslaughter and sentenced to three years"). They should be uniform and mutually comparable with regard to the basic information provided, the order in which it is presented and the terminology used. To secure this, every research assistant should write the short description of a given case in the same manner capturing all the relevant information: who did what to whom, i.e. who is the perpetrator and who is the victim, indicating their relationship and the criminal offence that was committed. In addition, the description should include information on the instrument the crime was committed with, on why the crime was committed and on what the perpetrator was convicted for and sentenced to.

Another important issue is the collection of the perpetrator's motive (see question 2.25.). Collecting data on the motive can be difficult as in some cases the motive might be explicitly stated, but in others not. Thus, the research assistant needs to draw conclusions from the description of the offence in the case file. That is why they will be familiarised with a list of motives in the questionnaire and with most common examples from the judicial practice.

The appropriateness of the perpetrator's living arrangement (question 3.21.) refers to the subjective assessment of his/her living arrangement in terms of age, family situation etc. The initial finding from the Balkan Homicide Study is that there are a lot of cases of severe violence where the perpetrator is a mid-aged male, still living with his parents (usually his mother), not rarely suffering

from some sort of mental disorder. Similar patterns were found repeatedly in this situational context and proved to be extremely violent. In order to verify this assumed relationship and thus to provide a different perspective on both phenomenology and aetiology of violence, Violence Lab decided to gather relevant data. Although this question demands an assessment based on the evaluation by the students, they will be provided with some examples of 'common' inappropriate living arrangements in order to ensure a common and objective understanding of the purpose of this question and the logic behind it.

One of the research aims is to capture cruelty in every individual case file with its specific features (question 6.24.). The degree of how cruel a violent offence was is to be based on the manner in which a perpetrator committed a crime. Some potential indicators of cruelty are torture of the victim, mutilation of the victim's body, excessive attacks and attack on a vulnerable/defenceless victim. When assessing whether there is a certain amount of cruelty in a specific case, the research assistants should also provide reasons why they considered that case cruel or not. Based on the provided reasons for their cruelty assessment the research team should be able to further develop its own cruelty classification, which will be used for more detailed cruelty assessments after the pilot study.

In conclusion, these are some of the methodological challenges of this study in association with the data collection process. In order for the project to overcome the above-mentioned difficulties, adequate solutions in terms of guidelines and on-site intensive training of research assistants are provided.

4.5. Procedure

The data collection for the questionnaire is Violence Lab's field study component. As far as possible, all data will be collected from the prosecution office case files (both for the cases of juveniles and adults – see below). In Croatia, the prosecution offices have the identical case files as the court. In addition, the prosecution offices have both closed and terminated cases at their disposal – but not so the courts. Thus, data collection via the prosecution offices allows for the access to cases that were closed at the prosecution level (e.g. dismissed by the state prosecutor). The only exception is in the case of offences which are prosecuted by private action (e.g. Bodily Injury, Article 117. Paragraph 1. Croatian Criminal Code). All this will be implemented through Violence Lab's central lab at the University of Zagreb and three regional Violence Lab labs at the Universities of Split, Rijeka and Osijek ensuring a multisite methodological approach and data collection process (see below).

First, a pilot study with the attached Violence Lab questionnaire will be conducted. This step is necessary to test the feasibility of the questionnaire. It is to be tested whether the variables are comprehensible and properly operationalized. In addition, it has to be verified whether the data that are to be gathered with the questionnaire are available in the field. Finally, it has to be tested whether the file information can be objectively assigned to the item categories in the

questionnaire. In order for this pilot study to be economic, it will be exclusively conducted in the Zagreb region. In addition, the questionnaire will be tested on a variety of offences.

The research assistants will collect the data with the help of a custom-developed software. The questionnaire can be accessed via personal androids. This custom-developed software has been programmed exclusively for the purpose of this research project. All data collected via this custom-developed software during the research project will be stored in the application database. This software is a web-based application that will be hosted on a secure server owned by the Faculty of Law, University of Zagreb (frontend technology: Angular 7; whereas the backend technology node.js).

Prior to the pilot study, the research assistants will receive an on-site intensive training by Violence Lab members for the process of data collection. The aim is to thoroughly familiarise them with the Violence Lab questionnaire, above all, the purpose of each question, the intended information to be gathered, the different meanings of alternative answers, as well as protocols on personal data protection etc. This is to guarantee an efficient, safe and valid data collection. In this pilot phase, two research assistants will assess the cases in terms of e.g. severity and cruelty in order to test inter-rater reliability. Moreover, after the pilot, the research assistants will undergo a debriefing in which they will provide feedback on the data collection process and the Violence Lab questionnaire. This procedure will allow for the optimisation of the questionnaire, its operationalisation guidelines and the data collection process.

4.6. Sample

The initially targeted number of cases within the project application was a total of 8,000-10,000 prosecution and court files obtained from all relevant prosecutorial and both criminal and misdemeanour judicial institutions (full national sample). The idea was to investigate the phenomenology and prosecution of violence in Croatia in its overall context. This means that not only specific subtypes of serious violence should be targeted with the sample (violence against women, finalised homicides etc.) but violence as a whole (ranging from least severe forms of violence like misdemeanour affray all the way to finalised homicides). However, the initial working definition of violence focused 'only' on "pure" violence, meaning that the primary or exclusive motive of the perpetrator should be the physical harming/killing of the victim. This initial understanding excluded all offences with different motives (sexual, financial, political etc.). However, while discussing conceptual questions of violence, its definition, questions of intent and motivation, it turned out that there is no such thing as "pure violence". Even if the decision would have been to stick to this narrow "pure violence", in cases of aggravated homicide there are "motivations" other than the pure motive to hurt/kill another person (e.g. revenge, financial gain or jealousy). Eventually this then resulted in a tremendously larger range of possible cases to be analysed than was initially anticipated. As a consequence, the subject as well as the scope of the study have thereby been largely extended.

In order to cope with the huge amount and rather different phenomenology of the long list of includable offences (created as a result of this definitional debate), three main offence categories were created. The 1st category refers to offences that are unambiguously violent in terms of harming/killing another person. The 2nd category includes borderline offences, which do fit the criminological definition, but not 100%. Finally, the 3rd category refers to offences that do not fit the definition, but there is a possibility that some violent act is in practise misclassified as an offence from that category (for more detailed information on this categorisation, see section 3.1. and the annex 7.1. provided in normative manual).

In order to develop a sampling procedure, official crime statistics from the Croatian Bureau of Statistics (Croatian: Državni zavod za statistiku, DZS in the further text) have been analysed. The main findings will be briefly presented here in order to explain the main sampling decisions on inclusion and exclusion of offences, whereas a much more detailed descriptive analysis is provided in annex 7.7. of the joint manual. Before considering the obtained findings, it is important to emphasise that the counting unit used by DZS is based on the perpetrator/person, not the offence or the victim/injured person. Hence, if a perpetrator commits several criminal offences (concurrency), only the main, i.e. the most severe offence, is counted. Likewise, if several perpetrators participate in one single offence, each participant is a single unit of observation. Therefore, the number of case files that will be finally analysed will be somewhat different than the number of actual perpetrators, since it cannot be predicted how many perpetrators committed a crime aiding or how many offences are perpetrated in concurrence. Based on the findings of the Balkan Homicide Study (Albrecht & Getoš Kalac, 2016) the ratio of perpetrators per offence is approx. 1:0.90 (623:563) in Croatia. These are obviously only the most severe cases of violence offences, but still they do indicate that it is reasonable to expect more perpetrators than cases. Based on the number of perpetrators of certain types of criminal offences and misdemeanours the underlying population of cases and the appropriate sample size will be estimated.

Table 4.6.1: Category 1 adult perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported		815	1,053	1,006	2,874
Accused	Case closed	18	18	4	40
	Terminated criminal proceeding	116	99	106	321
	Judgement of acquittal	107	111	84	302
	Judgement rejecting charges	74	55	59	188
	Mentally incompetent persons	21	23	45	89
Convicted		1,283	1,298	1,172	3,753
SUM		2,434	2,657	2,476	7,567

Table 4.6.2: Category 2 adult perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported		684	936	1,071	2,691
Accused	Case closed	6	4	2	12
	Terminated criminal proceeding	39	49	42	130
	Judgement of acquittal	56	27	51	134
	Judgement rejecting charges	32	20	35	87
	Mentally incompetent persons	3	7	10	20
Convicted		1,520	1,756	1,573	4,849
SUM		2,340	2,799	2,784	7,293

Table 4.6.3: Category 3 adult perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported		3,020	3,745	3,782	10,547
Accused	Case closed	11	10	15	36
	Terminated criminal proceeding	152	140	188	480
	Judgement of acquittal	111	127	141	379
	Judgement rejecting charges	98	117	125	340
	Mentally incompetent persons	33	29	45	107
Convicted		2,699	2,744	2,758	8,261
SUM		6,124	6,912	7,054	20,090

The data presented in tables 1, 2 and 3 demonstrate that the number of adult perpetrators of criminal offences for the covered three-year period largely outnumbered our initially targeted sample, especially in the third category of offences. When looking at the number of perpetrators by the stage of criminal proceedings it is obvious that there is a large share of reported persons who were not further prosecuted (accused or convicted). Possible underlying reasons are that the criminal report is not credible, or that there is no (sufficient) evidence that the perpetrator committed the offence.

Table 4.6.4: Category 1 juvenile perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported	Proceedings not initiated	198	163	177	538
	Interlocutory proceeding terminated	12	15	14	41
Accused - Proceeding terminated		15	14	13	42
Convicted		98	72	62	232
SUM		323	264	266	853

Table 4.6.5: Category 2 juvenile perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported	Proceedings not initiated	29	31	49	109
	Interlocutory proceeding terminated	0	2	3	5
Accused - Proceeding terminated		2	2	3	7
Convicted		24	24	33	81
SUM		55	59	88	202

Table 4.6.6: Category 3 juvenile perpetrators by stage of criminal proceedings

		2015	2016	2017	SUM
Reported	Proceedings not initiated	472	419	355	1,246
	Interlocutory proceeding terminated	31	14	1	46
Accused - Proceeding terminated		39	26	18	83
Convicted		170	152	114	436
SUM		712	611	4,88	1,811

The data in tables 4, 5 and 6 present juvenile perpetrators by type of the decision for three categories of criminal offences. Comparing this data with the data for adult perpetrators considered above, it is evident that juvenile perpetrators of criminal offences are fewer in number. The ratio of adult and juvenile perpetrators in total (all 3 categories) is 1:0.12 (23,121:2,866), whereas the ratio in category 1 is 1:0.11 (7,567:853), in category 2 1:0.02 (7,293:202) and in category 3 1:0.09 (20,090:1811).

Table 4.6.7: Convicted adults of misdemeanours

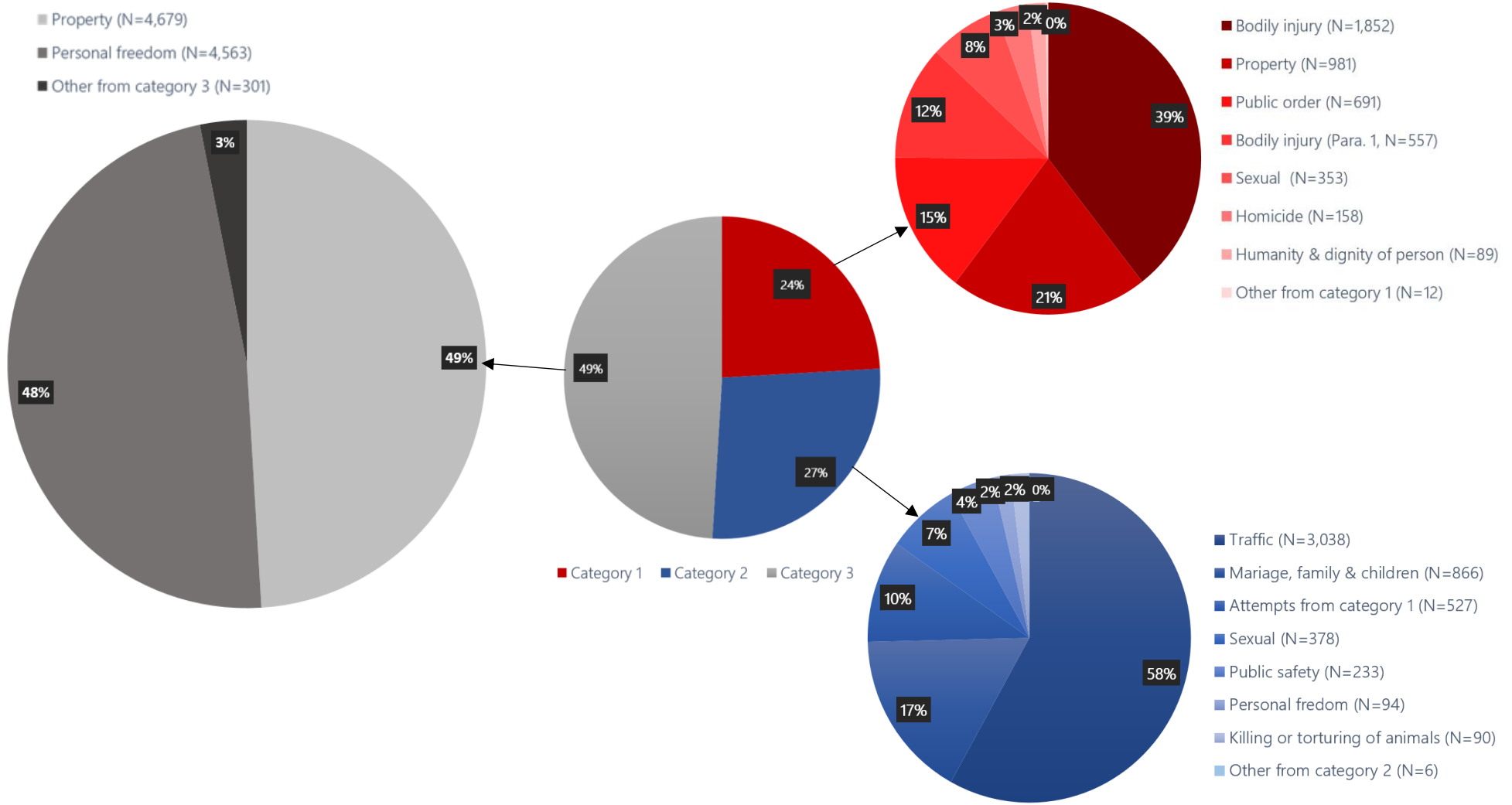
	2015	2016	2017	SUM
Exceptionally arrogant or impolite behaviour	2,463	2,362	2,645	7,470
Row, shouting or impolite behaviour	10,121	8,413	9,058	27,592
Fight	1,458	621	281	2,360
Prostitution, procuring or leasing facilities for prostitution	88	37	33	158
Violent behaviour in family	11,137	948	10,080	22,165
Violation of reg. on preventing disorders at sports events	809	677	852	2,338
SUM	26,076	22,058	22,949	71,083

Table 4.6.8: Convicted juveniles of misdemeanours

	2015	2016	2017	SUM
Exceptionally arrogant or impolite behaviour	5	5	6	16
Row, shouting or impolite behaviour	26	6	16	48
Fight	3	1	1	5
Prostitution, procuring or leasing facilities for prostitution	0	0	0	0
Violent behaviour in family	14	10	9	33
Violation of reg. on preventing disorders at sports events	2	1	0	3
SUM	50	23	32	105

In tables 7 and 8 adult and juvenile perpetrators of misdemeanours are presented. Other than an extremely large number of adult persons convicted of different types of misdemeanour, it is evident that the number of adult and juvenile perpetrators differs disproportionately from each other.

Graph 4.6.1: Violent offences by categories and structure of categories by offence type



The crime statistics presented in graph 1 demonstrate that between 2015 and 2017 approx. 24% of all violence offences according to the Croatian Criminal Code are category 1 offences (i.e. they fully match the adopted violence definition). Furthermore, approx. 27% of offences come under category 2 and approx. 49% are those from category 3. Based on the provided findings on the structure of violent offences, a sampling decision in terms of including and excluding offences was made. In an ideal study one would analyse all 3 categories of criminal offences. However, since the obtained numbers exceed initially targeted sample of 8.000-10.000 case files, and since the research resources are constrained in terms of funds and time, the list of offences entering the subject scope should be reduced or the study should draw a subsample of the overall sample to focus on.

Based on experience and findings from the Balkan Homicide Study (Albrecht & Getoš Kalac, 2016), it was decided to focus on those offences that are a 100% match of the definition and also at least indicted (and also convicted). In the Balkan Homicide Study, the case file analysis showed that many dismissed cases or cases that dropped out at a very early stage of the proceedings were not actual cases of violence, but rather false reports or threats. It would be a waste of resources to include this (huge) category on the expense of investigating cases that have a much higher probability of containing actual violence. Thus, the analysis of the data collected in the Balkan Homicide Study showed that, in the cases in which perpetrators were not accused or convicted (only reported), approx. 80% of the data was missing (in some cases not a single information about the victim was found). Therefore, it is reasonable to expect that in cases of less severe criminal offences, obtaining the inquired data will be more challenging or even impossible. It is reasonable to exclude all cases of adult perpetrators who were not prosecuted beyond the criminal report. However, reported juveniles should enter the sample, since, in their cases, criminal proceedings are carried out differently than in the cases of adult perpetrators. That difference is apparent in the flexibility of the juvenile justice system and its purpose of rehabilitating juvenile perpetrators and providing positive impact on the further development of their personality. For example, in comparison with regular proceedings against adults, in much more cases the principle of opportunity is applied. Furthermore, it has been decided that category 3 should be completely excluded from the research scope. As above-mentioned, this category might include offences for which there is a slight possibility that some violent acts are "hidden" behind a normatively non-violent classification (due to a mistake!). Hence, this category is the least likely to provide the study with meaningful data on the aetiology, phenomenology and prosecution of violence.

Consequently, category 1 is fully included, whereas from category 2 all the groups of offences are included except for criminal offences against traffic (without criminal offences against traffic N=6,882). Eventually, a total sample of 8,000 cases may be roughly expected based on these estimations.

A final challenge for an appropriate sampling strategy is how to "treat" the large number of persons convicted of misdemeanours. It is important to note that the method of DZS for gathering data on misdemeanour cases is not unambiguous with regard to which exact article it refers to. In 2017, for instance, 10,080 persons were convicted of violent behaviour in the family. However, the pertinent document does not state which law(s) and article(s) are included in this statistics. Assuming

that they are referring to Article 10 of the Law on Domestic Violence Protection, some of the cases should be excluded as they do not contain physical but psychological, economic and verbal violence - which would not belong to the focus of our research. Since data obtained from the DZS does not explicitly mention which article was violated, one cannot predict the number of violent cases to be captured by analysing misdemeanours. That poses a high risk for potentially losing valuable resources. However, what seems alarming is a high rate of adult persons convicted of violent behaviour in family (see table 7). Therefore, it was decided to investigate these cases while at the same time pursuing an efficient procedure. Thus, only every second case will be included, i.e. approx. 18.80% percent of overall cases which are under the territorial jurisdiction of the misdemeanour courts of Zagreb (15.45% of overall cases), Rijeka (4.90%), Osijek (7.80%) and Split (9.45%) and only for the most recent year (estimation is made for 2017, N=1895.5 cases). The total count of misdemeanours should amount up to 2,000 cases.

Moreover, some articles of the Croatian Criminal Code specify more than one kind of violation and not all are physically violent. For instance, Article 133 (Criminal Code of the Republic of Croatia, Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17) referring to Workplace Mistreatment states the following: "Whoever insults, humiliates, mistreats or otherwise disturbs another in the workplace or in relation to work and by doing so damages his or her health or violates his or her rights shall be punished by imprisonment not exceeding two years". In the given example, there are several variations of violation specified - humiliation, mistreatment or in otherwise disturbing way. Thus, it is not immediately evident whether a given case includes physical violence. In order to be able to distinguish between violent and non-violent offences as defined in the project, the Violence Lab questionnaire include the specific question - "Was physical force or a harmful instrument(s) used in the offence?" (see question 2.8. of the Violence Lab questionnaire provided in the annex 7.6.). There are multiple possible responses to the given question. Thus, the research assistants have the possibility to choose one or more of the following: No; yes: physical force; yes: threat of physical force and yes: harmful instrument. If the researcher who is responsible for the data collection has chosen a response indicating physical force and/or use of a harmful instrument, the specific offence is undoubtedly violent and is to be included into the project's sample.

To summarise: based on a cost-benefit analysis and in light of analysing available official crime statistics, a difficult decision regarding inclusion/exclusion of criminal offences and misdemeanours had to be made. An ideal research undertaking would cover all potentially violent offences and misdemeanours. However, due to funding and time restrictions it was decided to exclude: 1) adult perpetrators who were not prosecuted beyond initial criminal report; 2) offences from category 3 and 3) misdemeanours with an exception of violent behaviour in families (sampled down to 20% at the major misdemeanour courts). This procedure was chosen with the aim to avoid "false alarms" and we therefore excluded those categories that have the highest risk of not detecting the subject of our research - violence. In addition, in order to obtain the most recent data on violence in Croatia, the case files which became finally adjudicated in the three year period, from 2017 to 2019 (in cases of misdemeanours the year 2019 only) and not the three year period on which our projection is based will be analysed.

4.7. Ethical Considerations and Data Protection Issues

An important aspect of every research project is to guarantee ethical standards. Therefore, the Violence Lab questionnaire and procedure will be submitted to The Ethical Board of the University of Zagreb's Faculty of Law, which has already considered the Violence Lab project proposal and all its ethical aspects issuing a positive opinion and approving the research project. Nevertheless, it is important to disclose some specific ethical concerns with regard to the Violence Lab questionnaire and data collection.

With regard to data protection of the collected data, the procedure is as follows: As stated above, student research assistants will collect the data in the field studies and access the questionnaire via their androids. In order to guarantee protection of the collected data, the collected data will be automatically transferred to the server owned by the Faculty of Law at the University of Zagreb during the data collection process. It is important to emphasise that the collected information will not be stored on the students' personal androids. In addition, all collected data will be anonymised. Thus, at no point of the project, the names of the perpetrators, victims and other persons from the court case files will be collected.

Another important aspect refers to the collection of personal data of persons who have been a victim or a perpetrator of a criminal offence, in particular their Personal Identification Numbers (Croatian: osobni identifikacijski broj - OIB, OIBs in further text). It might seem unethical to collect the OIBs as the term itself implies that the OIB is used for the identification of a person and hence for its collection, analysis and utilization the regulations of the Act on Personal Data Protection (Official Gazette No. 103/03, 118/06, 41/08, 130/11, 42/18) have to be applied. Nevertheless, OIBs as such are unrevealing, they do not reveal any personal information such as date of birth, sex, or other personal information. In addition, collecting the OIBs is necessary for the Violence Lab project, since this is the only way to disclose multiple offending and multiple victimisation. OIBs of the perpetrators and the victims will be collected exclusively with this purpose and will not be published. After the data collection process, the OIBs are exclusively accessible to specially authorised members of the Violence Lab team. These researchers will transfer the OIB into a fictitious code (in order to conduct later analyses of multiple offending or victimisation). For other Violence Lab team members, on the online data server, OIBs will be hidden which will be established by the IT service in advance.

Locations of the offences will also be collected, in order to identify and map violent offending in Croatia. Mapping the distribution of different phenomena of delinquent behaviour can enable us to better understand different contexts of the criminological reality of violence. It might even help developing future preventive measures. It will be of interest whether there are differences in the scope and structure of violent crimes depending on different parts of towns. This will help us to further elucidate economic and social factors contributing to the phenomenon under scrutiny.

All data that will be published or made publically available will be aggregate statistics and do not reveal a person's identity.

5. Preliminary Conclusions & Reflection on Remaining Challenges

The initial idea of the study at hands was to investigate 'delinquent' violence, defined as "the unlawful use of force by one or more person(s) against one or more other person(s) against their will with the exclusive or primary intent to inflict physical harm or to kill". With this definition it was intended to focus the research attention 'only' on "pure" violence (exclusive or primary intent to inflict physical harm or to kill). This initial idea, however appealing at the time of writing it down, completely disregarded the fact that there is no such thing as "pure" violence. This became most obvious when discussing the concept of the study and definition of violence in a broad multidisciplinary setting of the Violence Lab's research team. Basically, the construction of "motive" in regard to "pure" violence was as misleading (and wrong) just as the term "delinquent", that was initially used in order stress that only criminally relevant violence should be of criminological interest (criminal offences as well as misdemeanours). This also proved to be a normatively biased concept that lacks justification in empirical debates. As a first, perhaps even most striking conclusion, it should be noted that a truly multidisciplinary discussion with peers covering a broad range of disciplines can fundamentally (and positively) change the course and concept of research, esp. in the case of violence research. This is a topic of central interest to numerous disciplines, not just criminology or criminal law, but social work as well as psychology, (forensic) medicine as well as psychiatry, pedagogy, sociology, criminalistics etc. Thus, discussing concepts, definitions and terminology truly engaged with colleagues from the criminal justice practice, provided further input and valuable advice on how the system works, as well as what would be useful in terms of improving early detection and prosecution of violence, esp. against particularly vulnerable groups of victims.

Many of the initial ideas and concepts had to be revisited, adjusted, or even completely abolished in light of multidisciplinary and practical input from the Violence Lab team. Although exhausting and 'painful' in terms of giving up on own preconceived normative and criminological worldviews, this was essential in order to come up with innovative solutions. This phase of the study implementation, the final conceptualisation of the subject and scope of research interest has been intended to provide exactly that - time and opportunity for exchange of perspectives, expertise and practical experience between the members of the Violence Lab. And just as many new aspects of violence that had (wrongly) been initially disregarded now have come to the focus of our attention (e.g. sexual offences, justified killings etc.), others got reclassified (e.g. (cyber) threats, (cyber) pornography etc.) as part of 'overall' violence, but also got partially disregarded as no longer relevant in light of the study's concept (e.g. cyber harassment as an 'overall' construct).

Instead of simply adopting the subject and scope of our research interest to current criminal law constructs, we went back to the zero point and asked the fundamental question: what is violence? Only after having answered this question on a conceptual and multidisciplinary level, issues of definition, terminology and research operationalisation were discussed. When defining violence and then further specifying the single elements of the definition the Violence Lab took an empirical and scientific worldview, that has in some instance been left open-ended intentionally (e.g. start of 'personhood' in light 'victimhood' regarding unborn children; species justice and animal cruelty etc.). The idea is that the empirical findings on violence in these 'border-cases' or 'grey-

zones' should be the decision making criteria, rather than ideological, teleological or political ones. This is even more important, the closer the issues in question are connected to particularly vulnerable groups of victims.

One of the biggest operational challenges has been to 'translate' the criminological violence concept and definition into the criminal justice context, but without adjusting the definition to the context itself. By developing criminological ground rules for dealing with criminal law rules, institutes and figures, it was possible to 'transpose' criminologically defined violence into criminal law. This 'transposition' is obviously not a simple 1 to 1 translation, but rather a first attempt to adopt criminal law constructs to fit a criminological research question (and not the other way around). This approach has already created a completely different classification of violence offences, which is probably best detected when looking at the list of criminal law offences that have been identified as relevant for the criminological study of violence. The fact that not the totality of all the offences throughout all 3 categories can be covered by the study at hands is a consequence of simple cost-benefit consideration. However, the conceptual value of the 3 categories, as well as the main idea behind them, should be further discussed and tested.

Finally, in terms of empirical operationalisation, the successful normative operationalisation provided for the basic offence categories needed to obtain and analyse the phenomenology of violence in Croatia. Based on official crime statistics (and being fully aware of all their short-comings) the study subject and scope could be identified in terms of empirical data, sampling and methodology. One of the major remaining challenges will be to test the instrument for the case analysis, the questionnaire that has been fully developed, and set up the Violence Lab for its next big endeavour: the empirical field study, aimed at collecting a full national sample of 8,000-10,000 cases of violence in Croatia.

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7. Annex

7.1. Classification Scheme of 'Violent Offence Chapter' with Breakdown into 3 Categories

CATEGORY	TITLE Criminal Offences Against	OFFENCE
1	Humanity and Dignity of Person	Genocide
		Crime against Humanity
		War Crime
		Terrorism
		Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
		Slavery
		Trafficking in Human Beings
		Trafficking in Human Body Parts and Human Embryos
	Life and Limb	Murder
		Aggravated Murder
		Manslaughter
		Negligent Homicide
		Participation in Suicide
		Unlawful Termination of Pregnancy
		Female Genital Mutilation
		Bodily Injury
		Serious Bodily Injury
		Particularly Serious Bodily Injury
		Serious Bodily Injury Resulting in Death
		Serious Bodily Injury Caused by Negligence
		Participation in an Affray
	Sexual Freedom	Non-Consensual Sexual Intercourse
		Rape
		Serious Criminal Offence against Sexual Freedom
	Sexual Abuse and Sexual Exploitation of Children	Sexual Abuse of a Child under the Age of Fifteen
		Sexual Abuse of a Child over the Age of Fifteen
		Serious Criminal Offence of Child Sexual abuse and Exploitation

	Health of People	Illicit Removal and Transplantation of Human Body Parts (Para.
		Unauthorised Possession, Manufacture of and Trade in Illicit Drugs and Substances Banned in Sports
		Allowing Consumption of Drugs
		Enabling the Use of Illicit Drugs or Substances Banned in Sports
		Serious Criminal Offences against the Health of People
		Serious Criminal Offences against the Environment
	General Safety	Misuse of Radioactive Substances
	Property	Robbery
		Violent Theft
		Extortion
	Official Duty	Extortion of Testimony
	Judiciary	Coercion against a Judicial Official
	Public Order	Coercion against a Public Official
		Attack on a Public Official
		Illegal Debt Collection
		Violent Behaviour
		Provoking Riots
Committing a Criminal Offence as a Member of a Criminal Association		
Republic of Croatia	Coercion against the Most Senior State Officials of the Republic of Croatia	
Foreign State or International Organisation	Murder of an Internationally Protected Person	
	Attack on an Internationally Protected Person	
2	Attempts	Offences from Category 1
	Humanity and Human Dignity	Crime of Aggression
		Infringement of Inviolability of Parlemtaires
		Cloning and Human Genome Changes
		Prohibition to Mix Human Sex Cells with Animal Sex Cells
Human Rights and Fundamental Freedoms	Violation of the Rights to Assemble and Protest	

	Labour Relations and Social Insurance	Workplace Mistreatment
	Personal Freedom	Unlawful Deprivation of Liberty
		Kidnapping
		Coercion
	Sexual Freedom	Lewd Acts
		Sexual Harassment
		Prostitution
	Sexual Abuse and Sexual Exploitation of Children	Satisfying Lust in the Presence of a Child
		Child Pandering
		Exploitation of Children for Pornography
		Exploitation of Children for Pornographic Performances
	Marriage, Family and Children	Forced Marriage
		Abduction of a Child
		Neglect and Abuse of the Rights of a Child
		Incest
		Domestic violence
	Health of People	Medical Quackery
	Environment	Killing or Torture of Animals
	General Safety	Serious Criminal Offences against General Safety
	Traffic Safety	Attack on an Aircraft, Vessel or Immovable Platform
Endangering Traffic by a Dangerous Act or Dangerous Means		
Endangering Special Types of Traffic		
Wanton Driving in Road Traffic		
Causing a Road Traffic Accident		
Foreign State or International Organisation	Kidnapping of an Internationally Protected Person	
Armed Forces of Republic of Croatia	Failure to Take Measures for the Protection of a Military Unit	
3	Life and Limb	Failure to Render Assistance
		Abandonment of a Helpless Person
	Personal Freedom	Threat
		Stalking

	Privacy	Violation of the Inviolability of the Home and Business Premises
	Sexual Abuse and Sexual Exploitation of Children	Introducing Pornography to Children
	Marriage, Family and Children	Abandonment of a Family Member in a Situation of Distress
		Child Desertion
	the Health of People	Spread and Transmission of Contagious Diseases
		Medical Malpractice
		Failure to Render Medical Aid in Emergencies
	General Safety	Endangerment to Life and Property by a Generally Dangerous Act or Means
Property	Aggravated Theft	
Foreign State or International Organisation	Threat to an Internationally Protected Person	

7.2. Complete List of Violence Offences

CRIMINAL CODE OF REPUBLIC CROATIA

First Group of offences

TITLE NINE (IX.) CRIMES AGAINST HUMANITY AND HUMAN DIGNITY

Genocide

Article 88

(1) Whoever with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. kills members of the group;
2. causes serious bodily harm to or severely impairs the health of members of the group;
3. deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. imposes measures intended to prevent births within the group; or
5. forcibly transfers children to another group,

shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever orders the commission of genocide.

(3) Whoever directly and publicly incites to the commission of genocide shall be punished by imprisonment from one to ten years.

Crime against Humanity

Article 90

(1) Whoever, in violation of the rules of international law, as part of a widespread or systematic attack directed against any civil population, with knowledge of the attack:

1. kills another person;
2. for the purpose of extermination inflicts on a civilian population conditions of life calculated to bring about the destruction of part of the population;
3. enslaves a person by exercising any or all of the powers attaching to the right of ownership over the person, including the exercise of such power in the course of trafficking in persons;
4. deports or forcibly transfers the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
5. unlawfully imprisons another person or otherwise unlawfully deprives the person of physical liberty;
6. tortures a person in the custody or under the control of the accused by intentionally inflicting upon the person severe pain or suffering, whether physical or mental, except such pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
7. rapes another person, holds another person in sexual slavery, forces a person into prostitution, unlawfully confines a woman forcibly made pregnant with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law, without the consent of another person and when this is not justified by medical reasons deprives the person of biological reproductive capability or inflicts on a person any other form of sexual violence of comparable gravity;

8. persecutes any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognised as impermissible under international law, and does this in connection with any act described in Articles 88 through 91 of this Code, by intentionally and severely depriving another person of fundamental rights contrary to international law by reason of belonging to a certain group or collectivity;

9. arrests, detains or abducts persons on behalf of or with the authorisation, support or acquiescence of, a state or a political organisation, followed by a refusal to acknowledge that deprivation of liberty or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time;

10. in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and with the intention of maintaining that regime commits an inhumane act described in this Article or an act similar to any of these acts (crime of apartheid); or

11. commits other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or health shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever orders any of the criminal offences set out above.

War Crime

Article 91

(1) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits any of the following grave breaches against persons or property protected under the Geneva Conventions of 12 August 1949:

1. killing;
2. torture or inhuman treatment, including biological experiments;
3. causing great suffering or serious injury to body or health;
4. unlawful deportation or transfer or unlawful confinement of a protected person;
5. compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
6. wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
7. taking of hostages; or
8. extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly

shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits other serious violations of the laws and customs applicable in international armed conflict or noninternational armed conflict, within the established framework of international law, namely, any of the following acts:

1. directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
2. directing attacks against civilian objects, that is, objects which are not military objectives;

3. directing attacks against persons, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
4. launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
5. attacking or bombarding, by whatever means, towns, villages, settlements or buildings which are undefended and which are not military objectives;
6. killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
7. making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
8. the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
9. directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
10. subjecting persons who are in the power of an adverse party to physical mutilation, the taking of tissues or organs for transplantation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor are carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
11. killing or wounding treacherously individuals belonging to the hostile nation or army;
12. declaring that no quarter will be given;
13. destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
14. declaring prohibited, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
15. compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
16. pillaging a town or place;
17. employing poison or poisoned weapons;
18. employing poisonous, asphyxiating or other gases, and all analogous liquids, materials or devices;
19. employing bullets which expand or flatten easily in the human body;
20. employing weapons, projectiles and material and other methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which, in violation of the international law of armed conflict, are incapable of distinguishing between military targets and civilian objects, provided that such weapons, projectiles, material or methods of warfare are the subject of a comprehensive prohibition;
21. committing outrages upon personal dignity, in particular humiliating and degrading treatment, collective punishment;
22. committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

23. utilising the presence of civilians or other protected persons to render certain points, areas or military forces immune from military operations;
 24. directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 25. intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including impeding relief supplies as provided for under the Geneva Conventions;
 26. conscripting or enlisting children into the national armed forces or armed groups distinct from the national armed forces or using them to participate actively in hostilities; or
 27. displacing the civilian population for reasons connected with the conflict, unless their security or imperative military reasons so demand shall be punished by imprisonment for not less than three years.
- (3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever commits any of the offences set out in paragraph 2 of this Article against a large number of persons or in an especially cruel or treacherous way, out of greed or other base motives.
- (4) Whoever orders the commission of an offence set out in paragraphs 1, 2 or 3 of this Article shall be punished as if he himself or she herself has committed it.

Terrorism

Article 97

- (1) Whoever, with the aim of seriously intimidating a population, or -compelling a government or an international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental constitutional, political, economic or social structures of a state or an international organisation, commits any of the following acts which may seriously damage a state or an international organisation:
1. attacks upon a person's life which may cause death;
 2. attacks upon the physical integrity of a person;
 3. kidnapping or hostage taking;
 4. causing destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, which is likely to endanger human life or result in major economic loss;
 5. seizure of aircraft, ships vessel or other means of public or goods transport;
 6. manufacture, possession, acquisition, transport, supply or use of weapons, explosives, nuclear, biological or chemical weapons as well as research into and development of nuclear, biological or chemical weapons;
 7. release of dangerous substances, or causing fires, explosions or floods, the effect of which is to endanger human life;
 8. interfering with or disrupting the supply of water, electricity or any other fundamental natural resource, the effect of which is to endanger human life; or
 9. possessing or using radioactive substances or manufacturing, possessing or using a device for the activation, dispersal or emission of radioactive material or ionising radiation, using or causing damage to a nuclear facility resulting in the release of radioactive materials or the danger thereof, or requesting, by using force or a threat, radioactive material, a device for activating, dispersing or emitting radioactive material or a nuclear facility,
- shall be punished by imprisonment from three to fifteen years.

(2) Whoever threatens to commit a criminal offence referred to in paragraph 1 of this Article, shall be punished by imprisonment from six months to five years.

(3) If extensive destruction or the death of one or more persons has been caused by the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for not less than five years.

(4) If, in the course of perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator intentionally kills one or more persons, he or she shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment

Article 104

A public official or other person who at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity inflicts on another severe pain or suffering, whether physical or mental, for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, shall be punished by imprisonment from one to ten years.

Slavery

Article 105

(1) Whoever, in violation of the rules of international law, puts another in a position of slavery or a similar position or holds him or her in such a position, buys, sells, hands over to another or mediates in the purchase, sale or handing over of such a person, or incites another to sell his or her freedom or the freedom of the person he or she provides for or takes care of, shall be punished by imprisonment from one to ten years.

(2) Whoever transports people who are in a position of slavery or a position similar thereto, shall be punished by imprisonment from six months to five years.

(3) Whoever commits the offence referred to in paragraphs 1 or 2 against a child shall be punished by imprisonment from three to fifteen years.

Trafficking in Human Beings

Article 106

(1) Whoever, by the use of force or threat, of deception, of fraud, of abduction, of abuse of authority or of a situation of hardship or dependence, or of the giving or receiving of payments or other benefits to achieve the consent of a person having control over another person or by any other means recruits, transports, transfers, harbours or receives a person, or exchanges or transfers control over a person for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of taking parts of the person's body or of using the person in armed conflicts or of committing an unlawful act, shall be punished by imprisonment from one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever recruits, transports, transfers, harbours or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of a child's body, or of using the child in armed conflicts.

(3) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or the criminal offence referred to in paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, or the said offence was committed against a large number of persons or the life of one or more persons was consciously endangered, the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, knowing that a person is a victim of trafficking in persons, uses the services of that person which are the result of one of the forms of exploitation set forth in paragraphs 1 and 2 of this Article.

(5) Whoever, with the aim of enabling the commission of offences set forth in paragraphs 1, 2 and 3 of this Article retains, seizes or possession, conceals, defaces or destroys another person's travel document or identification document, shall be punished by imprisonment not exceeding three years.

(6) The attempt of the criminal offence referred to in paragraph 5 of this Article shall be punishable.

(7) The consent of a victim of trafficking in human beings to the exploitation shall be irrelevant to the existence of this criminal offence.

Trafficking in Human Body Parts and Human Embryos

Article 107

(1) Whoever, for the purpose of removing body parts referred to in Article 106 of this Code, procures, possesses, transports, transfers, stores, receives or transplants a human organ, tissue, cell, embryo or foetus, provided he or she knew or should and could have known that they originated from a person who was a victim of trafficking in human beings shall be punished by imprisonment from one to ten years.

(2) Whoever, by the use of force or threat, deception, fraud, abduction, abuse of authority or a situation of hardship or dependence, procures, possesses, transports, transfers, stores or receives a human organ, tissue, cell, embryo, foetus or dead body for the purpose of removing body parts shall be punished by imprisonment from one to eight years.

(3) Whoever, by giving of payment or other comparable benefit, procures a human organ, tissue, cell, embryo, foetus or dead body shall be punished by imprisonment from six months to five years.

(4) The same punishment as referred to in paragraph 3 of this Article shall be inflicted on whoever, with a view to financial compensation, induces or helps another to give his or her organ, tissue, cell, embryo or foetus in exchange for payment or another benefit.

(5) Whoever removes or transplants a human organ, tissue, cell, embryo or foetus, where he /she knew or should and could have known that in exchange for it the donor had received payment or another benefit, shall be punished by imprisonment not exceeding three years.

(6) The same punishment as referred to in paragraph 5 of this Article shall be inflicted on whoever advertises the need for or availability of a human organ, tissue, cell, embryo, foetus or dead body for the purpose of offering or requesting payment or another benefit.

TITLE X
CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Murder

Article 110

Whoever kills a person, shall be punished by imprisonment for not less than five years.

Aggravated Murder

Article 111

A punishment by imprisonment for not less than ten years or long-term imprisonment shall be imposed on whoever:

1. murders another in a cruel or treacherous manner;
2. murders a person who is especially vulnerable due to his or her age, a severe physical or mental disorder or pregnancy;
3. murders a family member whom he or she has already abused;
4. murders another out of greed, ruthless revenge, hatred or other base motives;
5. murders another in order to commit or cover up another criminal offence;
6. murders an official person in relation to his or her performance of official duties.

Manslaughter

Article 112

(1) Whoever kills another after being brought, without his or her fault, by that person's attack, serious insults or maltreatment into a state of long-term suffering, severe irritation or fright , , shall be punished by imprisonment from one to ten years.

(2) A mother who kills her child under the influence of severe mental strain due to pregnancy or childbirth, shall be punished by imprisonment from six months to five years.

(3) Whoever kills another at the latter's express and earnest request, out of pity provoked by the latter's grave state of health shall be punished by imprisonment not exceeding three years.

Negligent Homicide

Article 113

Whoever causes another person's death by negligence shall be punished by imprisonment from six months to five years.

Participation in Suicide

Article 114

(1) Whoever induces another to commit suicide or out of base motives assists him or her therein and the suicide is committed or attempted shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against a child who has turned fourteen or a person whose capacity to appreciate his or her conduct is substantially diminished, shall be punished by imprisonment from one to eight years.

Unlawful Termination of Pregnancy

Article 115

(1) Whoever, contrary to the regulation on the termination of pregnancy, terminates pregnancy on a pregnant person, or incites a pregnant person to terminate her pregnancy or assists her therein with her consent, shall be punished by imprisonment not exceeding three years.

(2) If, as a result of the criminal offence referred to in paragraph 1 of this Article, a pregnant person has died or her health is severely impaired, the perpetrator shall be punished by imprisonment from one and ten years.

(3) Whoever terminates pregnancy on a pregnant person without her consent shall be punished by imprisonment from one to eight years.

Female Genital Mutilation

Article 116

(1) Whoever partially or totally removes or permanently alters the external female genitalia, shall be punished by imprisonment from six to five years.

(2) Whoever incites a woman to subject herself to procedures referred to in paragraph 1 of this Article or assists therein shall be punished by imprisonment not exceeding three years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article out of hatred against a child or family member, shall be punished by imprisonment from one and eight years.

Bodily Injury

Article 117

(1) Whoever inflicts a bodily injury on another or impairs his or her health shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the offence referred to in paragraph 1 out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority shall be punished by imprisonment not exceeding three years.

(3) The criminal offence referred to in paragraph 1 shall be prosecuted by private action.

Serious Bodily Injury

Article 118

(1) Whoever inflicts a serious bodily injury on another or severely impairs his or her health, shall be punished by imprisonment from six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority, shall be punished by imprisonment from one to eight years.

Particularly Serious Bodily Injury

Article 119

If, as a result of the criminal offence referred to in Article 116, paragraphs 1 and 2, and Article 118, paragraph 1, of this Code, the life of the injured person is endangered, or an important part of his or her body or an important organ is destroyed or permanently and significantly weakened, or the injured person suffers permanent work disability or permanent and severe damage to his or her health or permanent disfigurement or permanent reproductive disability, the perpetrator shall be punished by imprisonment from one to eight years.

Whoever commits the offence referred to in paragraph 1 of this Article out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority shall be punished by imprisonment from one to ten years.

Whoever intentionally causes any of the consequences set forth in paragraph 1 of this Article shall be punished by imprisonment from three to twelve years.

Serious Bodily Injury Resulting in Death

Article 120

If the criminal offence referred to in Articles 116, 118 and 119 of this Code results in the death of another person, the perpetrator shall be punished by imprisonment from three to fifteen year.

Serious Bodily Injury Caused by Negligence

Article 121

Whoever commits the offence referred to in Article 118 by negligence shall be punished by imprisonment not exceeding one year.

Whoever commits the offence referred to in Article 119 by negligence shall be punished by imprisonment not exceeding three years.

Participation in an Affray

Article 122

(1) Whoever participates in an affray or an assault by several persons which results in the death or serious bodily injury of one or more persons, for mere participation shall be punished by imprisonment not exceeding three years.

(2) Whoever organises or leads a group of three or more persons who participate in an affray or assault referred to in paragraph 1 of this Article or organises such an assault or affray shall be punished by imprisonment from one to eight years.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article if a person was drawn into an affray without his or her fault or if he or she only defended himself or herself or was separating other participants in the affray.

Violation of the Rights to Assemble and Protest

Article 128

(1) Whoever denies or limits the right of assembly or the right to peaceful protest organised in accordance with the law,

shall be punished by imprisonment not exceeding one year.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever prevents, renders impossible or significantly obstructs, by force, serious threat or otherwise, public assembly or peaceful protest organised in accordance with the law.

(4) If, as a result of the criminal offence referred to in paragraph 3 of this Article, a pregnant person has died or her health is severely impaired, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

TITLE XVI

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM

Non-Consensual Sexual Intercourse

Article 152

(1) Whoever engages in sexual intercourse or an equivalent sexual act with another person without this person's consent, or whoever induces another person to engage without his or her consent in sexual intercourse or an equivalent sexual act with a third party or to perform without his or her consent a sexual act equated to sexual intercourse upon himself or herself, shall be punished by imprisonment from six months to five years.

(2) A perpetrator who is avoidably mistaken as to the existence of consent referred to in paragraph 1 of this Article, shall be punished by imprisonment not exceeding three years.

(3) Consent referred to in paragraph 1 of this Article shall exist if the person decided of his or her own free will to engage in sexual intercourse or an equivalent sexual act and was capable of making and expressing such a decision. It shall be deemed that no such consent exists in particular if the sexual intercourse or the equivalent sexual act was performed by the use of force or threat, by fraud, by abusing one's position towards a person who is in a situation of dependence with respect to the perpetrator, by exploiting a person's condition due to which the person was unable to express his or her refusal or if it was performed against a person unlawfully deprived of liberty.

Rape

Article 153

(1) Whoever commits the offence referred to in Article 152, paragraph 1, of this Code by the use of force or by threat of an imminent attack on the life or limb of the raped or other person, shall be punished by imprisonment from one to ten years.

(2) A perpetrator who is avoidably mistaken as to the existence of consent referred to in paragraph 1 of this Article shall be punished by imprisonment from six months to five years.

Serious Criminal Offences against Sexual Freedom

Article 154

(1) The punishment of imprisonment from one to ten years shall be inflicted on whoever commits the offence referred to in Article 152, paragraph 1, of this Code:

1. against a family member;
2. against a victim especially vulnerable due to his or her age, illness, addiction, pregnancy, disability, a severe physical or mental disorder;
3. in an especially cruel or especially humiliating manner;
4. out of hatred;
5. together with one or more perpetrators, with several acts of sexual intercourse or equivalent sexual acts being committed against one and the same person;
6. by using weapons or dangerous instruments;
7. in such a manner that it resulted in serious bodily injury or pregnancy of the raped person.

(2) Whoever commits the offence referred to in Article 153, paragraph 1, of this Code under the circumstances referred to in paragraph 1 of this Article, shall be punished by imprisonment from three to fifteen years.

(3) If the criminal offence referred to in Article 152, paragraph 1, or Article 153, paragraph 1, of this Code, results in the death of the raped person, the perpetrator shall be punished by imprisonment not less than five years.

TITLE XVII
CRIMINAL OFFENCES OF SEXUAL ABUSE
AND SEXUAL EXPLOITATION OF CHILDREN

Sexual Abuse of a Child under the Age of Fifteen

Article 158

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a child under the age of fifteen, or induces a child under the age of fifteen to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse, shall be punished by imprisonment from one to ten years.

(2) Whoever commits a lewd act against a child under the age of fifteen, or induces a child to commit a lewd act with a third party or upon himself or herself shall be punished by imprisonment from six months to five years.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if the age difference between the persons engaging in sexual intercourse or an equivalent sexual act or a lewd act does not exceed three years.

(4) A perpetrator who was avoidably mistaken that the child referred to in paragraph 1 of this Article was at least fifteen years old shall be punished by imprisonment from six months to five years. If he or she was avoidably mistaken that the child referred to in paragraph 2 of this Article was at least fifteen years old, he or she shall be punished by imprisonment not exceeding three years.

(5) Whoever engages in sexual intercourse or performs an equivalent sexual act with a child under the age of fifteen by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence of the child on him or her,
shall be punished by imprisonment from three to fifteen years.

(6) Whoever under the conditions referred to in paragraph 5 of this Article commits a lewd act against a child under the age of fifteen shall be punished by imprisonment from one to eight years.

Sexual Abuse of a Child over the Age of Fifteen

Article 159

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a child over the age of fifteen with whose upbringing, education, custody, spiritual guidance or care he or she has been entrusted, or whoever induces a child over the age of fifteen with whose upbringing, education, custody, spiritual guidance or care he or she has been entrusted to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse,
shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a relative by blood in direct line or by adoption, a step-father or step-mother who engages in sexual intercourse or an equivalent sexual act with a child over the age of fifteen or who induces a child over the age of fifteen to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse.

Serious Criminal Offence of Child Sexual

Abuse and Exploitation

Article 166

(1) If as a result of the criminal offence referred to in Article 158, paragraph 1, Article 162, paragraph 1 or 2, Article 163, paragraph 1 or 2, or Article 164, paragraph 1, of this Code a child suffers serious bodily injury or his or her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner, the perpetrator shall be punished by imprisonment from three to fifteen years.

(2) If as a result of the criminal offence referred to in Article 158, paragraph 5, Article 162, paragraph 3, Article 163, paragraph 3, or Article 164, paragraph 2, of this Code a child suffers severe bodily injury or his or her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner, the perpetrator shall be punished by imprisonment not less than five years.

(3) If as a result of the criminal offence referred to in Article 158, 162, 163 or 164 of this Code a child dies, the perpetrator shall be punished by imprisonment not less than ten years or long-term imprisonment.

TITLE XIX

CRIMINAL OFFENCES AGAINST THE HEALTH OF PEOPLE

Illicit Removal and Transplantation of

Human Body Parts

Article 182

(1) A doctor of medicine, doctor of dental medicine or other health care worker who without the prescribed consent or for medically unjustified reason removes an organ, tissue, cell, embryo or foetus from a live donor, or transplants them to a recipient, or uses them for the medical fertilisation procedure, shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a person dies, the perpetrator shall be punished by imprisonment from three and fifteen years.

(3) A doctor of medicine, doctor of dental medicine or other health care worker who for the purpose of transplantation removes a part of a deceased person's body although he or she knows that this person, or his or her legal representative or guardian, gave during his or her life a written statement declining to donate organs, or whoever without the prescribed consent removes for the purpose of transplantation a part of a deceased child's body or a deceased adult incapable to exercise his or her judgment shall be punished by imprisonment not exceeding one year.

**Unauthorised Possession, Manufacture of and Trade in
Illicit Drugs and Substances Banned in Sports**

Article 190

- (1) Whoever without authorisation possesses substances declared by law to be illicit drugs or substances banned from use in sports shall be punished by imprisonment not exceeding six months.
- (2) Whoever without authorisation produces, processes, imports or exports substances referred to in paragraph 1 of this Article shall be punished by imprisonment not exceeding three years.
- (3) Whoever produces, processes, transports, imports or exports, procures or possesses substances referred to in paragraph 1 of this Article, that are intended for unauthorised sale or putting into circulation in some other way, or offers them for sale without authorisation, or sells or transports them, or mediates in their sale or purchase, or markets them in some other way shall be punished by imprisonment from one to ten years.
- (4) Whoever offers for sale, sells or mediates in the sale of substances referred to in paragraph 1 of this Article to a child, or does this in school or at another place providing education to children or at which children engage in sporting or social activities, or in its immediate proximity, or in a penal institution, or whoever in order to commit the offence referred to in paragraph 3 of this Article uses a child, or if a public official does this in relation to his or her function or public authority, shall be punished by imprisonment from three to fifteen years.
- (5) Whoever organises a network of resellers or dealers, shall be punished imprisonment for a term of at least three years.
- (6) Whoever by the criminal offence referred to in paragraph 3, 4 or 5 of this Article causes the death of a person to whom he or she sold the substance referred to in paragraph 1 of this Article or to whom the substance was sold through his or her dealing, shall be punished by imprisonment not less than five years.
- (7) Whoever produces, procures, possesses or gives to another for his or her use equipment, material or substances which can be used in the production of substances referred to in paragraph 1 of this Article, which equipment, material or substances he or she knows are intended for their unauthorised production, shall be punished by imprisonment from six months to five years.
- (8) Drug production shall also mean the cultivation of a plant or mushroom from which a drug can be obtained.
- (9) The substances referred to in paragraph 1 of this Article, the substances which can be used for their production, plants, mushrooms or parts of plants or mushrooms from which the substances referred to in paragraph 1 can be obtained, the means of their production or processing, the means of transport adapted for the purpose of concealing these substances and the paraphernalia for their use shall be confiscated.
- (10) If the perpetrator of the criminal offence referred to in paragraph 1, 2, 3, 4, 5 or 7 of this Article substantially contributes of his or her own free will to the discovery of the offence set out in this Article, the court may remit his or her punishment.

Omogućavanje trošenja droga (Prijevod)

Članak 191.

- (1) Tko navodi drugoga na trošenje tvari iz članka 190. stavka 1. ovoga Zakona, ili mu da ih troši on ili druga osoba, ili stavi drugome na raspolaganje prostor radi njihovog trošenja, ili mu na drugi način omogući njihovo trošenje,
kaznit će se kaznom zatvora od šest mjeseci do pet godina.
- (2) Ako je kazneno djelo iz stavka 1. ovoga članka počinjeno prema djetetu ili osobi s težim duševnim smetnjama ili u školi ili na drugom mjestu koje služi obrazovanju, odgoju, sportskoj ili društvenoj aktivnosti

djece ili u njegovoj neposrednoj blizini ili u kaznenoj ustanovi, prema više osoba ili ako je djelo z stavka 1. ovoga članka počinila službena osoba, zdravstveni radnik, socijalni radnik, nastavnik, odgojitelj ili trener iskorištavajući svoj položaj,

počinitelj će se kazniti kaznom zatvora od jedne do deset godina.

(3) Tko kaznenim djelom iz stavka 1. i 2. ovoga članka prouzroči smrt osobe kojoj je dao tvar iz stavka 1. ovoga članka,

kaznit će se kaznom zatvora od tri do petnaest godina.

(4) Tvari iz stavka 1. ovoga članka i sredstva za njihovo pripravljanje i trošenje će se oduzeti.

(5) Počinitelja kaznenog djela iz stavka 1. i 2. ovoga članka koji je dobrovoljno bitno pridonio otkrivanju kaznenog djela iz članka 190. i članka 191. ovoga Zakona sud može osloboditi kazne.

Enabling the Use of Illicit Drugs or Substances Banned in Sports

Article 191a

(1) Whoever induces another to use the substances referred to in Article 190 paragraph 1, of this Code or gives them to another so that he/her or another person may use it, or makes available to another premises in which to use them, or in some other way enables him or her to use them

shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or a person suffering from a severe mental disorder, or in school or at another place providing education to children or at which children engage in sporting or social activities, or in its immediate proximity, or in a penal institution, or against a number of persons, or if the offence referred to in paragraph 1 of this Article is committed by a public official, health worker, welfare worker, teacher, supervisor or trainer through abuse of his or her position,

the perpetrator shall be punished by imprisonment from one to ten years.

(3) Whoever by the criminal offence referred to in paragraph 1 or 2 of this Article causes the death of a person to whom he or she gave the substance referred to in paragraph 1 of this Article shall be punished by imprisonment from three to fifteen years.

(4) The substances referred to in paragraph 1 of this Article and the paraphernalia for their preparation and use shall be confiscated.

(5) If the perpetrator of the criminal offence referred to in paragraph 1 or 2 of this Article voluntarily substantially contributes to the discovery of the criminal offence set out in Article 190 or Article 191 of this Code, the court may remit his or her punishment.

Serious Criminal Offences against the Health of People

Article 192

(1) If as a result of the criminal offence referred to in Article 180, paragraph 1 or 2, Article 183, Article 185, paragraph 1 or 2, Article 186, paragraph 1, Article 187, paragraph 1, Article 188, paragraph 1, Article 189, paragraph 1, of this Code another person suffers a serious bodily injury or an existing illness considerably deteriorates, the perpetrator shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers a particularly serious bodily injury or a person's pregnancy is terminated, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If as a result of the criminal offences referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to twelve years.

(4) If as a result of the criminal offence referred to in Article 180, paragraph 3, Article 186, paragraph 3, Article 187, paragraph 2, Article 188, paragraph 2, or Article 189, paragraph 2, of this Code a serious bodily injury is inflicted on another person or the existing illness is considerably deteriorates,

the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If as a result of the criminal offences referred to in paragraph 4 of this Article another person suffers a particularly serious bodily injury or a person's pregnancy is terminated, the perpetrator shall be punished by imprisonment from six months to five years.

(6) If as a result of the criminal offences referred to in paragraph 4 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to eight years.

Serious Criminal Offences against the Environment

Article 214

(1) If as a result of the criminal offence referred to in Article 193, paragraph 1 or 2, Article 194, paragraph 1 or 2, Article 196, paragraph 1 or 2, Article 197, paragraph 1, Article 198, paragraph 1, or Article 199 of this Code one or more persons suffer serious bodily injuries, or changes brought about by pollution cannot be eliminated for a considerable period of time, or a major disaster occurs, the perpetrator shall be punished by imprisonment from one to ten years.

(2) If the criminal offences referred to in paragraph 1 of this Article result in the death of one or more persons, the perpetrator shall be punished by imprisonment from three to fifteen years.

(3) If as a result of the criminal offence referred to in Article 193, paragraph 3, Article 194, paragraph 3, Article 196, paragraph 3, Article 197, paragraph 2, or Article 198, paragraph 2, of this Code a number of persons suffer serious bodily injuries, or changes brought about by pollution cannot be undone for a considerable period of time, or a major disaster occurs, the perpetrator shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offences referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to eight years.

(5) If as a result of the criminal offence referred to in Article 200, paragraph 1 or 2, Article 201, paragraph 1, 2 or 3, or Article 202, paragraph 1 or 2, of this Code considerable damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(6) If as a result of the criminal offence referred to in Article 206, paragraph 1, Article 207, paragraph 1, or Article 208 of this Code considerable damage is caused, the perpetrator shall be punished by imprisonment from six months to five years.

(7) If as a result of the criminal offence referred to in Article 200, paragraph 3, Article 201, paragraph 4, Article 202, paragraph 3, Article 206, paragraph 2, or Article 207, paragraph 2, of this Code considerable damage is caused, the perpetrator shall be punished by imprisonment not exceeding three years.

TITLE XXI CRIMINAL OFFENCES AGAINST GENERAL SAFETY

Misuse of Radioactive Substances

Article 219

(1) Whoever with the aim of killing or inflicting a serious bodily injury on another person or of causing considerable damage to another person's property or the environment produces, processes, procures, possesses, stocks, transports, imports, exports, gives to another or enables another to acquire without authorisation radioactive substances or a device for activating, dispersing or emitting radioactive substances,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever with the aim of killing or inflicting a severe bodily injury on another person or of causing considerable damage to another person's property or the environment uses radioactive substances or a device for activating, dispersing or emitting radioactive substances, or uses or damages a nuclear facility, thereby causes danger the radioactive substances being released.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever by the use or threats of use of force demands without authorisation the handing over of a nuclear facility or of radioactive substances or of a device for activating, dispersing or emitting radioactive substances.

Robbery

Article 230

(1) Whoever, by the use of force against a person or by threat of imminent attack on his or her life or limb, takes away another's movable property with the aim of unlawfully appropriating it, shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or if during its commission a weapon or a dangerous instrument is used, the perpetrator shall be punished by imprisonment from three to twelve years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a person dies, the perpetrator shall be punished by imprisonment for not less than least five years.

Violent Theft

Article 231

(1) Whoever being caught in the act of committing theft uses force against a person or threats of imminent attack on his or her life or limb with the aim of retaining stolen property, shall be punished by imprisonment from one to ten years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article a weapon or a dangerous instrument is used, the perpetrator shall be punished by imprisonment from three to twelve years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a person dies, the perpetrator shall be punished by imprisonment for not less than five years.

Extortion

Article 243

(1) Whoever, with the aim of procuring for himself or herself or a third party an unlawful material gain by the use of force or by serious threat, coerces another to do, refrain from doing or suffer something to the detriment of his or her or another's property, shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or considerable damage caused, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If in committing the criminal offence referred to in paragraph 1 of this Article the perpetrator used force against a person or threatened to directly attack the life or limb of a person, he or she shall be punished by imprisonment from one to ten years.

(4) If during the commission of the criminal offence referred to in paragraph 3 of this Article a weapon or other dangerous instrument is used or if by its commission a considerable material gain is obtained or considerable damage caused, the perpetrator shall be punished by imprisonment from three to twelve years.

(5) If during the commission of the criminal offence referred to in paragraph 1 or 3 of this Article the perpetrator threatened to directly attack the life or limb of a larger number of persons or to severely damage facilities of great social significance, he or she shall be punished by imprisonment from three to fifteen years.

(6) If as a result of the criminal offence referred to in paragraph 1 or 3 of this Article a person dies, the perpetrator shall be punished by imprisonment for not less than five years.

TITLE XXVIII

CRIMINAL OFFENCES AGAINST OFFICIAL DUTY

Extortion of Testimony

Article 297

(1) A public official who during authorised interrogation uses force, threats or any other prohibited means with the aim that another person give or refrain from giving a testimony or other statement shall be punished by imprisonment from six months to five years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the suspect, defendant and the indicted person in criminal proceedings suffers especially severe consequences, the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XXIX

CRIMINAL OFFENCES AGAINST THE JUDICIARY

Coercion against a Judicial Official

Article 312

Whoever by the use of force or by threat of any kind of evil prevents a judge, state attorney, notary public or other judicial official from taking an action or making a decision within the limits of his or her authority or coerces him or her to take an action or make a decision within or beyond the limits of his or her authority, shall be punished by imprisonment from six months to five years

TITLE XXX
CRIMINAL OFFENCES AGAINST PUBLIC ORDER

Coercion against a Public Official

Article 314

(1) Whoever by the use of force or threat of immediate use of force prevents a public official from performing an official act falling within the limits of his or her authority or coerces him or her to perform an official act within or beyond the limits of his or her authority,

shall be punished by imprisonment from six months and five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article the life or limb of a public official is endangered or a public official is inflicted a bodily injury or if during its commission a weapon or other dangerous instrument is used, the perpetrator shall be punished by imprisonment from one to eight years.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article against a person assisting, with authorisation, a public official in the performance of an official act,

shall be punished as if he or she committed the offence against a public official.

(4) If the perpetrator of any of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article is provoked by unlawful, inconsiderate or rude treatment on the part of a public official or a person authorised to assist the public official, his or her punishment may be remitted.

Attack on a Public Official

Article 315

(1) Whoever by the use of force or threat of use of force, in cases not falling under Articles 312 and 314 of this Code, attacks a military person, police official, authorised public official of the Military Police, public official entrusted to guard persons who, under the law, have been deprived of liberty, in the performance of their official duties shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever by the use of force or threat of use of force puts up resistance to a public official in the performance of an official act or implementation of a lawful decision or measure of a state body.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article against a person assisting, with authorisation, a public official in the performance of an official act shall be punished as if he or she committed the offence against a public official.

(4) If as a result of the criminal offence referred to in paragraph 1, 2 or 3 of this Article the life or limb of a public official or a person assisting the public official in the performance of an official act is endangered or a bodily injury is inflicted on him or her or if during the commission of the offence a weapon or other dangerous instrument is used, the perpetrator shall be punished by imprisonment from one to eight years. (5) If the perpetrator of any of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article is provoked by unlawful, inconsiderate or rude treatment on the part of a public official or a person authorised to assist the public official, his or her punishment may be remitted.

Illegal Debt Collection

Article 323

(1) Whoever by the use of force or serious threat collects a claim from another that is owed to him or her or a third party by this person, shall be punished by imprisonment from six months to five years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article the perpetrator uses force or threat of immediate attack on the life or limb of the debtor or another person, shall be punished by imprisonment from one to eight years.

(3) If during the commission of the criminal offence referred to in paragraph 2 of this Article a weapon or other dangerous instrument is used, the perpetrator shall be punished by imprisonment from one to ten years.

Violent behaviour

Article 323.a

“Who by acts of violence, molesting or another type of specially insolent behaviour on public place puts another person in humiliating position, and no more severe act was committed,

Shall be punished by imprisonment not exceeding three years.

Provoking Riots

Article 324

(1) Whoever participates in a crowd that by the use of violence against other persons or property, or by use of threats of committing violence is jeopardising public order, or whoever incites the crowd to violence, shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed out of hatred, against a larger number of persons, by the use of weapons or dangerous instruments, or the life or limb of another person is thereby put at risk, or considerable material damage is thereby caused, the perpetrator shall be punished by imprisonment from six months to five years.

(3) The perpetrator referred to in paragraph 1 or 2 of this Article who moves away at the request of an official person before he or she himself or herself commits violence shall not be punished for the criminal offences referred to in paragraphs 1 and 2 of this Article.

Committing a Criminal Offence as a Member of a Criminal Association

Article 329

(1) Whoever, knowing about the aim of a criminal association or its criminal activities, commits a criminal offence as a member of such an association or incites another to commit a criminal offence as a member of such an association shall be punished by: 1. imprisonment from six months to five years in the case of a criminal offence for which a maximum penalty of three years is prescribed; 2. imprisonment from one to ten years in the case of a criminal offence for which a maximum penalty of five years is prescribed; 3. imprisonment from three to twelve years in the case of a criminal offence for which a maximum penalty of eight years is prescribed; 4. imprisonment from three to fifteen years in the case of a criminal offence for which a maximum penalty of ten or twelve years is prescribed; 5. imprisonment from five to twenty years in the case of a criminal offence for which a maximum penalty of fifteen years is prescribed; 6. imprisonment for a term not less than ten years or to long-term imprisonment in the case of a criminal offence for which a maximum penalty of twenty years is prescribed. (

2) Whoever, knowing about the goal of a criminal association or its criminal activity, assists another to commit a criminal offence as a member of such an association shall be punished by imprisonment prescribed in paragraph 1 of this Article or his or her punishment may be mitigated.

(3) If the perpetrator referred to in paragraph 1 or 2 of this Article substantially contributes to the discovery of a criminal association, his or her punishment may be mitigated.

TITLE XXXII

CRIMINAL OFFENCES AGAINST THE REPUBLIC OF CROATIA

Coercion against the Most Senior State Officials of the Republic of Croatia

Article 346

(1) Whoever, in cases not falling under Article 97 of this Code, by the use of force or by threat of immediate use of force prevents the President of the Republic of Croatia, the President of the Parliament or a member of the Croatian Parliament, the Prime Minister or a member of the Government of the Republic of Croatia, the president or a judge of the Constitutional Court of the Republic of Croatia from performing their duties or forces them to perform their duties in a certain manner, shall be punished by imprisonment from one to eight years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article the life or limb of a person referred to in paragraph 1 of this Article is endangered or he or she is inflicted a bodily injury, or if during the commission of the said offence weapons or other dangerous instruments are used, the perpetrator shall be punished by imprisonment from three to twelve years.

TITLE XXXIII

CRIMINAL OFFENCES AGAINST A FOREIGN STATE OR INTERNATIONAL ORGANISATION

Murder of an Internationally Protected Person

Article 352

(1) Whoever kills an internationally protected person shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

(2) An internationally protected person shall mean a head of state, head of Government or minister for foreign affairs, whenever any such person is in a foreign state, and any official agent of an internationally recognised organisation, as well as members of their families accompanying them when they, their official premises, private accommodation or means of transport can easily be recognised as enjoying special protection under international law.

Attack on an Internationally Protected Person

Article 354

(1) Whoever commits violence against an internationally protected person or attacks his or her official premises, private accommodation or means of transport shall be punished by imprisonment from one to eight years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the person referred to in paragraph 1 of this Article dies, the perpetrator shall be punished by imprisonment from three to twelve years.

Second Group of offences

TITLE NINE (IX.) CRIMES AGAINST HUMANITY AND HUMAN DIGNITY

Crime of Aggression

Article 89

(1) Whoever, being in a position effectively to exercise control over or to direct the political or military action of a state, uses the armed forces of one state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations executes an act of aggression which, by its character, gravity and scale, constitutes a violation of the Charter of the United Nations shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) Whoever takes part in the operations of the armed forces referred to in paragraph 1 of this Article shall be punished by imprisonment from three to fifteen years.

(3) Whoever directly and publicly incites to the crime of aggression shall be punished by imprisonment from one to ten years.

(4) Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression referred to in paragraph 1 of this Article:

1. The invasion or attack by the armed forces of a state on the territory of another state, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another state or part thereof;

2. bombardment by the armed forces of a state against the territory of another state or the use of any weapons by a state against the territory of another state;

3. the blockade of the ports or coasts of a state by the armed forces of another state;

4. an attack by the armed forces of a state on the land, sea or air forces, or marine and air fleets of another state;

5. the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

6. the action of a state in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state; or

7. the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Infringement of Inviolability of Parlementaires

Article 92

Whoever, in violation of the rules of international law, in times of war or armed conflict, insults, abuses or retains unduly a parlementaire or the persons accompanying him or her or prevents their return, or otherwise infringes on their inviolability shall be punished by imprisonment from six months to five years.

Cloning and Human Genome Changes

Article 108

(1) Whoever acts with the aim of creating a human being which shares with another live or dead human being the same nuclear genes set, shall be punished by imprisonment from one to ten years.

(2) Whoever carries out an intervention seeking to modify the human genome for purposes other than preventive, diagnostic or therapeutic, or does so for preventive, diagnostic or therapeutic purposes, but with the aim of introducing modifications in the genome of a patient's descendent shall be punished by imprisonment from six months to five years.

Prohibition to Mix Human Sex Cells with Animal Sex Cells

Article 109

Whoever fertilises a woman's egg cell with a sperm cell of any species other than the sperm cell of a man or an animal egg cell with a human sperm cell, modifies the human embryo by transplanting animal embryos or introduces human sex cells or the human embryo into an animal, or animal sex cells or the animal embryo into a woman shall be punished by imprisonment from one to ten years.

TITLE XI

CRIMINAL OFFENCES AGAINST HUMAN RIGHTS

AND FUNDAMENTAL FREEDOMS

Violation of the Rights to Assemble and Protest

Article 128

(1) Whoever denies or limits the right of assembly or the right to peaceful protest organised in accordance with the law shall be punished by imprisonment not exceeding one year.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever prevents, renders impossible or significantly obstructs, by force, serious threat or otherwise, public assembly or peaceful protest organised in accordance with the law.

TITLE XII

CRIMINAL OFFENCES AGAINST LABOUR RELATIONS

AND SOCIAL INSURANCE

Workplace Mistreatment

Article 133

(1) Whoever insults, humiliates, mistreats or otherwise disturbs another in the workplace or in relation to work and by doing so damages his or her health or violates his or her rights, shall be punished by imprisonment not exceeding two years.

(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

TITLE XIII
CRIMINAL OFFENCES AGAINST PERSONAL FREEDOM
Unlawful Deprivation of Liberty

Article 136

(1) Whoever unlawfully detains another, keeps detained or in some other manner deprives another person of the freedom of movement or restricts it, shall be punished by imprisonment not exceeding three years.

(2) Whoever unlawfully deprives another of liberty with the aim to force him or her to do or omit to do something or to suffer, shall be punished by imprisonment from six months to five years.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article were committed against a child or unlawful deprivation of liberty lasted longer than fifteen days or was carried out in a cruel way, or if the person unlawfully deprived of liberty

suffered a severe bodily injury, or if unlawful deprivation of liberty was committed by a public official in the performance of his or her functions or the exercise of public authority, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the criminal offences referred to in paragraphs 1, 2 and 3 of this Article caused the death of a person who was unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) A perpetrator who of his or her free will releases a person who was unlawfully deprived of liberty before he or she achieves the goal referred to in paragraph 2 of this Article may be exempted from punishment.

(6) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

Kidnapping

Article 137

(1) Whoever unlawfully deprives another of liberty with the aim of forcing a third party to do or omit to do something or to suffer, shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article was committed under threat that the abducted person would be killed or was committed in a cruel way or the abducted person suffered a severe bodily injury or the said criminal offence was committed against a child or a disabled person,

the perpetrator shall be punished by imprisonment from one to ten years.

(3) If criminal offence referred to in paragraph 1 of this Article results in death of the abducted person, the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) A perpetrator who of his or her free will releases an abducted person before achieving the aim referred to in paragraphs 1 and 2 of this Article may be exempted from punishment.

Coercion

Article 138

(1) Whoever by the use of force or serious threat coerces another to do or omit to do something or to suffer shall be punished by imprisonment not exceeding three years.

(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted by private action, unless it was committed out of hatred, against a child, a disabled person or a family member.

TITLE XVI

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM

Lewd Acts

Article 155

(1) Whoever, under the conditions set forth in Article 152 of this Act when the criminal offence in question has not even been attempted, commits a lewd act

shall be sentenced to imprisonment for a term of up to one year.

(2) Whoever, under the conditions set forth in Article 153 or Article 154 of this Act when the criminal offences in question have not even been attempted, commits a lewd act

shall be sentenced to imprisonment for a term of up to three years.

Sexual Harassment

Article 156

(1) Whoever sexually harasses another person who is his/her subordinate or who is in a situation of dependence with respect to him/her or who is especially vulnerable due to his/her age, illness, disability, addiction, pregnancy, a severe physical or mental disability

shall be sentenced to imprisonment for a term of up to one year.

(2) Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Prostitution

Article 157

(1) Whoever for the purpose of making a profit or gaining some other benefit entices, solicits or incites another person to provide sexual services, or organises or enables another person to provide sexual services,

shall be punished by imprisonment from six months to five years.

(2) Whoever for the purpose of making a profit coerces or induces another person, by the use of force or threat, deception, fraud, abuse of authority or of a situation of hardship or dependence, to provide sexual services, or uses the sexual services of such a person in exchange for payment, where he or she knew or should and could have known about the above circumstances,

shall be punished by imprisonment from one to ten years.

(3) Whoever advertises prostitution via the media and other similar means,

shall be punished by imprisonment not exceeding three years.

(4) Whether the person being enticed, recruited, incited or used for prostitution has consented to it and whether he or she has already engaged in such activity shall be of no relevance to the existence of the criminal offence referred to in this Article.

TITLE XVII
CRIMINAL OFFENCES OF SEXUAL ABUSE
AND SEXUAL EXPLOITATION OF CHILDREN

**Satisfying Lust in the Presence of a Child
under the Age of Fifteen**

Article 160

- (1) Whoever in the presence of a child under the age of fifteen commits sexual acts intended to satisfy his or her own or another person's lust shall be punished by imprisonment not exceeding one year.
- (2) Whoever in the presence of a child under the age of fifteen commits any of the criminal offences referred to in Articles 152 through 155, Articles 158 and 159 of this Code shall be punished by imprisonment not exceeding three years.
- (3) The attempt of the criminal offence referred to in paragraph 1 or 2 of this Article shall be punishable.

Child Pandering

Article 162

- (1) Whoever for profit or gaining some other benefit entices, recruits or incites a child to provide sexual services, or organises or makes possible the provision of child sexual services, where he or she knows or should and could have known that the person in question was a child, shall be punished by imprisonment from one to ten years.
- (2) Whoever uses the sexual services of a child who has attained the age of fifteen years in exchange for any form of remuneration or consideration, where he or she knows or should and could have known that the person in question is a child, shall be punished by imprisonment from six months to five years.
- (3) Whoever for the purpose of making a profit coerces or induces by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence a person he or she knows, or could and should have known, is a child, to provide sexual services, or uses the sexual services of this child in exchange for payment, where he or she knows or should and could have known about the said circumstances, shall be punished by imprisonment from three to fifteen years.
- (4) Whoever advertises the exploitation of sexual services of a child, shall be punished by imprisonment from six months to five years.

Exploitation of Children for Pornography

Article 163

- (1) Whoever entices, recruits or incites a child to participate in the child pornography or whoever organises or makes possible producing child pornography shall be punished by imprisonment from one and eight years.
- (2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever films child pornography or produces, offers, makes available, distributes, transmits, imports, exports, procures for himself or herself or for another person, sells, gives, presents or possesses child pornography or knowingly obtains access, through information and communication technologies, to child pornography.
- (3) Whoever by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in child pornography shall be punished by imprisonment from three and twelve years.

(4) Special devices, means, computer programmes or data intended for, adapted to or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be confiscated, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be destroyed.

(5) A child shall not be punished for producing and possessing pornographic material depicting him or her alone or him or her and another child, where this material is produced and possessed by them with their consent and solely for their own private use.

(6) Child pornography shall mean any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes. For the purpose of this Article, any material that is artistic, medical, scientific, informative or similar in character shall not be deemed pornography.

Exploitation of Children for Pornographic Performances

Article 164

(1) Whoever entices, recruits or incites a child to participate in pornographic performances shall be sentenced to imprisonment for a term of between one and eight years.

(2) Whoever profits from pornographic performances involving the participation of a child or otherwise exploits a child for pornographic performances shall be sentenced to imprisonment for a term of between one and ten years.

(3) Whoever by means of the use of force or threats, of deception, of fraud, of abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in a pornographic performance shall be sentenced to imprisonment for a term of between three and twelve years.

(4) The sentence of imprisonment referred to in paragraph 1 of this Article shall be imposed on whoever watches a pornographic performance that is transmitted live or via communication means, where he/she knows or should and could have known that it involved the participation of a child.

(5) Special devices, means, computer programmes or data intended, adapted or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be seized, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1 and 2 of this Article shall also be destroyed.

TITLE XVIII

CRIMINAL OFFENCES AGAINST MARRIAGE,

FAMILY AND CHILDREN

Forced Marriage

Article 169

(1) Whoever forces another person to contract a marriage, shall be punished by imprisonment from six months to five years.

(2) Whoever entices a person to a country in which that person does not have permanent residence in order to force him or her to contract a marriage there, shall be punished by imprisonment not exceeding three years.

Abduction of a Child

Article 174

(1) Whoever takes a child away from his or her parent, adopter, guardian, another person or institution entrusted with his or her care, unlawfully keeps him or her or prevents him or her from living with the person or at the institution to whose care he or she has been entrusted, shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a parent or adopter, he or she shall be punished by imprisonment not exceeding three years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article with the aim of permanently keeping a child, or if as a result of the criminal offence referred to in paragraph 1 of this Article the child has left the territory of the Republic of Croatia, or the child's state of health, upbringing or education has been seriously jeopardised or the child's welfare has in some other way been seriously jeopardised shall be punished by imprisonment from one to ten years.

(4) A parent or adopter who commits the criminal offence referred to in paragraph 1 of this Article with the aim of permanently keeping a child or in such a way that the child leaves the territory of the Republic of Croatia, shall be punished by imprisonment from six months to five years.

(5) If as a result of the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article a child dies, the perpetrator shall be punished by imprisonment from three to fifteen years.

(6) The attempt of the criminal offence referred to in paragraph 2 of this Article shall be punishable.

(7) If the perpetrator returns the child before the institution of criminal proceedings, his or her sentence may be remitted.

Neglect and Abuse of the Rights of a Child

Article 177

(1) A parent, adopter, guardian or another person who seriously neglects his or her duties of raising, upbringing and educating a child, shall be punished by imprisonment not exceeding three years.

(2) Whoever coerces a child to work excessively or to carry out tasks that are inappropriate to his or her age, or to beg, or whoever encourages a child to exhibit other forms of behaviour that are detrimental to his or her development or in some other way grossly abuses a child's rights, shall be punished by imprisonment from six months to five years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child takes to begging, prostitution or other forms of socially unacceptable behaviour, or if a child suffers a serious bodily injury, the perpetrator shall be punished by imprisonment from one to eight years.

(4) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child dies, the perpetrator shall be punished by imprisonment from three to fifteen years.

Incest

Article 179

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a relative by blood in direct line, a brother, sister, half-brother or half-sister, by blood or by adoption, shall be punished by imprisonment not exceeding one year.

(2) A person who at the time of commission of the act referred to in paragraph 1 of this Article was a child shall not be punished.

Domestic violence

Article 179.a

Who gravely breaches regulations on protection against family violence and therefore causes fear for safety of the family member or another close person, or who puts such person in humiliating position, if no more severe criminal act has been committed, shall be punished by imprisonment not exceeding three years.

TITLE XIX

CRIMINAL OFFENCES AGAINST THE HEALTH OF PEOPLE

Medical Quackery

Article 184

(1) Whoever, lacking the prescribed professional qualifications, engages in medical treatment or rendering other medical aid shall be punished by imprisonment not exceeding one year.

(2) If the offence referred to in paragraph 1 of this Article leads to considerable deterioration of illness or impairment of the health of another person, the perpetrator shall be punished by imprisonment from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article causes serious bodily injury to another person or pregnancy termination, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the offence referred to in paragraph 1 of this Article results in the death of one or more persons, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) The means used for medical treatment referred to in paragraphs 1 and 2 of this Article shall be confiscated.

TITLE XX

CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

Killing or Torture of Animals

Article 205

(1) Whoever kills an animal without a justified reason or severely maltreats it, inflicts unnecessary pain on it or puts it through unnecessary suffering, shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article out of greed, shall be punished by imprisonment not exceeding two years.

(3) Whoever by negligence exposes an animal to conditions of hardship over a longer period of time by depriving an animal of food or water or in another manner, shall be punished by imprisonment not exceeding six months.

(4) The animal referred to in this Article shall be confiscated.

TITLE XXI

CRIMINAL OFFENCES AGAINST GENERAL SAFETY

Serious Criminal Offences against General Safety

Article 222

(1) If as a result of the criminal offence referred to in Article 215, paragraph 1 or 2, Article 216, paragraph 1, 2 or 3, Article 217, paragraph 1, Article 219, or Article 221, paragraph 1, of this Code a serious bodily injury is inflicted on a person or extensive material damage to property is caused, the perpetrator shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three and fifteen years.

(3) If as a result of the criminal offence referred to in Article 215, paragraph 3, Article 216, paragraph 4, Article 217, paragraph 2, or Article 221, paragraph 2, of this Code a serious bodily injury is inflicted on a person or extensive material damage is caused, the perpetrator shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XXII

CRIMINAL OFFENCES AGAINST TRAFFIC SAFETY

Attack on an Aircraft, Vessel or Immovable Platform

Article 223

(1) Whoever uses force or serious threat with the aim of assuming control over a civil aircraft in flight, a civil vessel at sea or an immovable platform shall be punished by imprisonment from three to fifteen years.

(2) Whoever uses force or serious threat in a civil aircraft in flight, on a civil vessel at sea or an immovable platform or plants on a civil aircraft, vessel or immovable platform a device or substances which can destroy or cause damage to them, if such an act can jeopardise the safety of flight or voyage, shall be punished by imprisonment from one to ten years.

(3) Whoever with the aim of destroying or damaging a civil aircraft in flight, a civil vessel at sea or its cargo or an immovable platform uses firearms or causes an explosion or starts a fire, shall be punished by imprisonment from three to fifteen years.

(4) Whoever with the aim of bringing to a halt airport operations or endangering the safety of air traffic commits violence against a person employed at an international airport or severely damages or destroys airport equipment or damages an aircraft taken out of service, shall be punished by imprisonment from one to ten years.

(5) If as a result of the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article one or more persons die or an aircraft or vessel is destroyed or other extensive material damage is caused, the perpetrator shall be punished by imprisonment for not less than five years.

(6) If in committing the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article a perpetrator intentionally kills one or more persons, he or she shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(7) An aircraft shall be deemed in flight from the moment when, after the completion of boarding, all outer doors are closed to the moment when one of these doors are opened for disembarkment. In the case of

forced landing, a flight shall be deemed to last until the competent body takes charge of the aircraft, persons and property on board the aircraft.

Endangering Traffic by a Dangerous Act or Dangerous Means

Article 224

(1) Whoever destroys, damages, removes or otherwise makes unusable or unnoticeable a sign or device ensuring the safety of rail, sea, inland water or air traffic, shall be punished by imprisonment not exceeding one year.

(2) Whoever destroys, damages, removes or otherwise makes unusable or unnoticeable a sign, device or traffic mechanism ensuring the safety of any type of traffic, or erects obstructions, gives false information, signs or signals or otherwise endangers traffic and thereby endangers the life or limb of people or property of significant value, shall be punished by imprisonment from six months to five years.

(3) Whoever commits the criminal offence referred to in paragraph 2 of this Article by negligence, shall be punished by imprisonment not exceeding three years.

(4) If as a result of the criminal offence referred to in paragraph 2 of this Article a person suffers an injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from between one to ten years.

(5) If as a result of the criminal offence referred to in paragraph 2 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to fifteen years.

(6) If as a result of the criminal offence referred to in paragraph 3 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(7) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to ten years.

Endangering Special Types of Traffic

Article 225

(1) A participant in air, ship or rail traffic or funicular railway traffic who by violating traffic safety regulations jeopardises traffic safety in a manner that endangers the lives of people or property of s significant value shall be punished by imprisonment from six months to five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence, shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) If as a result of the criminal offence referred to in paragraph 2 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(6) If as a result of the criminal offence referred to in paragraph 2 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to ten years.

Wanton Driving in Road Traffic

Article 226

A road traffic participant who out of wantonness seriously violates traffic safety regulations by driving in a state of inability to drive caused by alcohol consumption characterised by a blood alcohol content of at least 1.50 g/kg, or by drug or psychoactive drug consumption, or by driving in a prohibited direction or by overpassing a column of vehicles in a place where the road is not sufficiently clear ahead, or by exceeding the speed limit by fifty km/h when driving through a populated place or area where the speed limit is indicated, endangers the life or limb of people,

shall be punished by imprisonment not exceeding three years.

Causing a Road Traffic Accident

Article 227

(1) A road traffic participant who by violating traffic safety regulations endangers the life or limb of people or property of significant value and therefore inflicts on another person a serious bodily injury or causes extensive material damage, shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers an particularly serious bodily injury, the perpetrator shall be punished by imprisonment from one to eight years.

(4) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from six months to five years.

(5) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to twelve years.

(6) If as a result of the criminal offence referred to in paragraph 5 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XXXIII

CRIMINAL OFFENCES AGAINST A FOREIGN STATE OR INTERNATIONAL ORGANISATION

Kidnapping of an Internationally Protected Person

Article 353

(1) Whoever kidnaps an internationally protected person, shall be punished by imprisonment from three to twelve years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the kidnapped person dies, the perpetrator shall be punished by imprisonment for not less than five years.

TITLE XXXIV

CRIMINAL OFFENCES AGAINST THE ARMED FORCES OF THE REPUBLIC OF CROATIA

Failure to Take Measures for the Protection of a Military Unit

Article 365

(1) A member of the armed forces who fails to take the prescribed, ordered or other obviously necessary measures for protecting the life and health of persons entrusted to him or her, securing and keeping in good repair facilities, objects or means ensuring combat readiness, ensuring regular supply of food, equipment and materials to the unit entrusted to him or her, keeping and caring for official animals, or timely and proper performance of security works or securing of facilities entrusted to him or her and thereby endangers the life or limb of people shall be punished by imprisonment not exceeding three years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a serious bodily injury of a person or considerable material damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years and if the criminal offence referred to in paragraph 3 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment from one to eight years

Third Group of offences

TITLE X

CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Failure to Render Assistance

Article 123

(1) Whoever fails to render assistance to a person in mortal danger, although he or she could have done so without exposing himself or herself or another to serious danger, shall be punished by imprisonment not exceeding one year.

(2) Whoever does not render assistance to a person in danger which he or she himself or herself has caused, unless doing so would expose him or her or another to serious danger, shall be punished by imprisonment not exceeding three years.

Abandonment of a Helpless Person

Article 124

Whoever leaves a helpless person entrusted to him or her unassisted in circumstances in which his or her life or health are at risk, shall be punished by imprisonment not exceeding three years.

TITLE XIII

CRIMINAL OFFENCES AGAINST PERSONAL FREEDOM

Threat

Article 139

(1) Whoever seriously threatens another with some evil in order to intimidate or disturb him or her, shall be punished by imprisonment not exceeding one year.

(2) Whoever seriously threatens to kill, inflict severe bodily injury on, abduct or deprive of liberty another or a person close to another or to inflict evil by arson, explosion, ionising radiation, weapons, dangerous tools or other dangerous means, or to destroy the social status or material means of subsistence, shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraphs 1 and 2 was committed against a public official or responsible person in connection with his or her job or position or against a journalist in connection with his or her job, or against many persons, or if it has significantly disturbed the population or the person threatened was put in a difficult position over a long period of time, the perpetrator shall be punished by imprisonment from six months to five years.

(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted by private action, while the criminal offence referred to in paragraph 2 of this Article shall be prosecuted upon request, unless the criminal offences referred to in paragraphs 1 and 2 were committed out of hatred, against a child, a disabled person or a family member.

Stalking

Article 140

(1) Whoever persistently and over a long period of time follows or spies on another, or establishes or seeks to establish unwanted contact with another, or intimidates another in some other way and by doing so provokes anxiety in him or her or causes him or her to fear for his or her safety or the safety of persons close to him or her shall be punished by imprisonment not exceeding one year.

(2) If the offence referred to in paragraph 1 of this Article is committed against the current or former spouse or cohabitant or same-sex partner, a person with whom the perpetrator was in an intimate relationship or a child, the perpetrator shall be punished to imprisonment not exceeding three years.

(3) Unless it was committed against a child, the criminal offence referred to in paragraphs 1 and 2 of this Article shall be prosecuted upon request.

TITLE XIV

CRIMINAL OFFENCES AGAINST PRIVACY

Violation of the Inviolability of the Home and Business Premises

Article 141

(1) Whoever enters without authorisation another person's home or business premises, or a closed or fenced-in space belonging to that home or business premises, or fails to leave the same at the request of an authorised person, shall be punished by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a public official in the performance of his or her functions or the exercise of public authority, he or she shall be punished by imprisonment not exceeding three years.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

TITLE XVII

CRIMINAL OFFENCES OF SEXUAL ABUSE AND SEXUAL EXPLOITATION OF CHILDREN

Introducing Pornography to Children

Article 165

(1) Whoever to a child under the age of fifteen sells, gives a gift, presents or publicly displays, by means of a computer system, network or media for the storage of computer data or in some other way makes accessible the files, pictures, audio-visual content or other objects of pornographic content or shows him or her a pornographic performance shall be punished by imprisonment not exceeding three years.

(2) Objects, special devices, means, computer programmes or data intended for, adapted to or used for committing or facilitating the commission of a criminal offence referred to in paragraph 1 of this Article shall be confiscated, while the pornographic material shall also be destroyed.

(3) For the purpose of this Article, pornography shall mean any material that visually or otherwise depicts a person in real or simulated sexually explicit conduct or any depiction of a person's sexual organs for sexual purposes. For the purpose of this Article, any material that is artistic, medical, or scientific in character shall not be deemed pornography.

TITLE XVIII

CRIMINAL OFFENCES AGAINST MARRIAGE, FAMILY AND CHILDREN

Abandonment of a Family Member in a Situation of Distress

Article 171

Whoever in violation of his or her statutory family obligations abandons a family member unable to take care of himself or herself in a situation of distress, shall be punished by imprisonment not exceeding three years.

Child Desertion

Article 176

Whoever deserts his or her child with the aim of permanently getting rid of him or her, shall be punished by imprisonment not exceeding three years.

TITLE XIX

CRIMINAL OFFENCES AGAINST THE HEALTH OF PEOPLE

Spread and Transmission of Contagious Diseases

Article 180

(1) Whoever fails to comply with regulations or orders of the competent state authority ordering check-ups, disinfection, disinsectisation, deratisation, quarantining of patients or another measure for the prevention and suppression of infectious diseases among people or the prevention and suppression of infectious animal diseases that can also be contracted by people and where consequently the danger of spreading an infectious disease among people or the transmission of the infectious disease from animals onto humans occurs shall be punished by imprisonment not exceeding two years.

(2) Whoever by not complying with the measures of protection infects another person with a dangerous infectious disease shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding one year.

(4) The criminal offence referred to in paragraph 2 of this Article, where it concerns a sexually transmitted disease, shall be prosecuted at the injured party's request, unless the criminal offence was committed against a child.

Medical Malpractice

Article 181

(1) A doctor of medicine, doctor of dental medicine or other health care worker who in rendering health care services applies an obviously inadequate means or method of medical treatment or in some other way obviously fails to follow the rules of the health care profession or obviously acts carelessly, thereby causing the deterioration of an illness or the impairment of the health of another person shall be punished by imprisonment not exceeding one year.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers a serious bodily injury or the existing illness is considerably deteriorated, the perpetrator shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers an particularly serious bodily injury or a person's pregnancy is terminated, the perpetrator shall be punished by imprisonment from six months and five years.

(4) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to twelve years.

(5) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding six months.

(6) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding one year.

(7) If the criminal offence referred to in paragraph 3 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years.

(8) If the criminal offence referred to in paragraph 4 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment from one to eight years.

Failure to Render Medical Aid in Emergencies

Article 183

A doctor of medicine, doctor of dental medicine or other health care worker who does not immediately render medical aid to a person in need of such aid because of the risk that he or she would suffer permanent harmful consequence on his or her health or life shall be punished by imprisonment not exceeding three years.

TITLE XXI

CRIMINAL OFFENCES AGAINST GENERAL SAFETY

Endangerment to Life and Property by a Generally Dangerous Act or Means

Article 215

(1) Whoever endangers the life or limb or property of substantial value by fire, flood, explosive, poison or poisonous gas, ionising radiation, mechanical force, electricity or other energy or by some generally dangerous act or generally dangerous means shall be punished by imprisonment from six months to five years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever fails to install the prescribed devices for protection against fire, explosion, flood, poison, poisonous gases, nuclear energy, ionising radiation or intended to protect the health and safety at work, or fails to maintain these devices in working order, or where necessary fails to activate them, or altogether fails to comply with the regulations or technical rules on protective measures and thereby endangers the life or limb of people or property of substantial value.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article by negligence shall be punished by imprisonment not exceeding three years.

TITLE XXIII
CRIMINAL OFFENCES AGAINST PROPERTY

Aggravated Theft

Article 229

(1) A punishment of imprisonment from one to eight years shall be inflicted on whoever commits theft referred to in Article 228, paragraph 1, of this Code:

1. by picking a lock, breaking in or overcoming considerable obstacles in order to gain access to property in closed buildings, rooms, cash registers, cabinets or other enclosed premises or space;
2. in a particularly dangerous or brazen manner;
3. by taking advantage of a condition caused by fire, flood, earthquake or other calamity;
4. by exploiting another person's helplessness or other particularly adverse circumstance afflicting the person;
5. if stolen property is of high value;
6. if weapons, ammunition, missiles, explosive ordnances, combat resources or part of combat resources serving the needs of the army are stolen;
7. if stolen property is used for religious purposes or is stolen from a church or other building or room used for religious services;
8. if an item of cultural property or an object of scientific, artistic, historical or technical significance is stolen or stolen property is part of a public collection, protected private collection or is publicly displayed;
9. if the perpetrator carried a weapon or a dangerous instrument for the purpose of attacking or defending himself or herself;
10. in the capacity of a public official performing his or her functions or exercising public authority.

(2) If the elements of aggravated theft referred to in paragraph 1, items 1 through 4 and items 6 and 7, of this Article are realised but the value of stolen property is small and the perpetrator acted with the aim of appropriating property of such value, he or she shall be punished for theft referred to in Article 228, paragraph 1, of this Code.

TITLE XXXIII
CRIMINAL OFFENCES AGAINST A FOREIGN STATE OR INTERNATIONAL ORGANISATION

Threat to an Internationally Protected Person

Article 355

Whoever jeopardises the safety of an internationally protected person by a serious threat of committing against the said person any of the criminal offences referred to in Articles 352 through 354 of this Code, shall be punished by imprisonment from six months to five years.

7.3. Overview of Violent Offences' Flow through the Criminal Proceedings

What happens during criminal proceeding after a certain act happens? One might imagine it goes like this:



Violent act took place (person A hit person B in the head with his feet several times).



Witness calls the police and reports what he saw.



Police arrives, victim is lying on the floor with severe pain, while the offender has run off.



Police writes down criminal report and forwards it to State attorney (SA). SA checks criminal report and decides whether to further investigate.



Investigation – finding evidence, finding offender, examining witnesses, suspects, etc...



SA submits indictment when he has enough evidence.



Indictment has to be verified by indictment division.



Criminal proceeding starts.



Adjudication

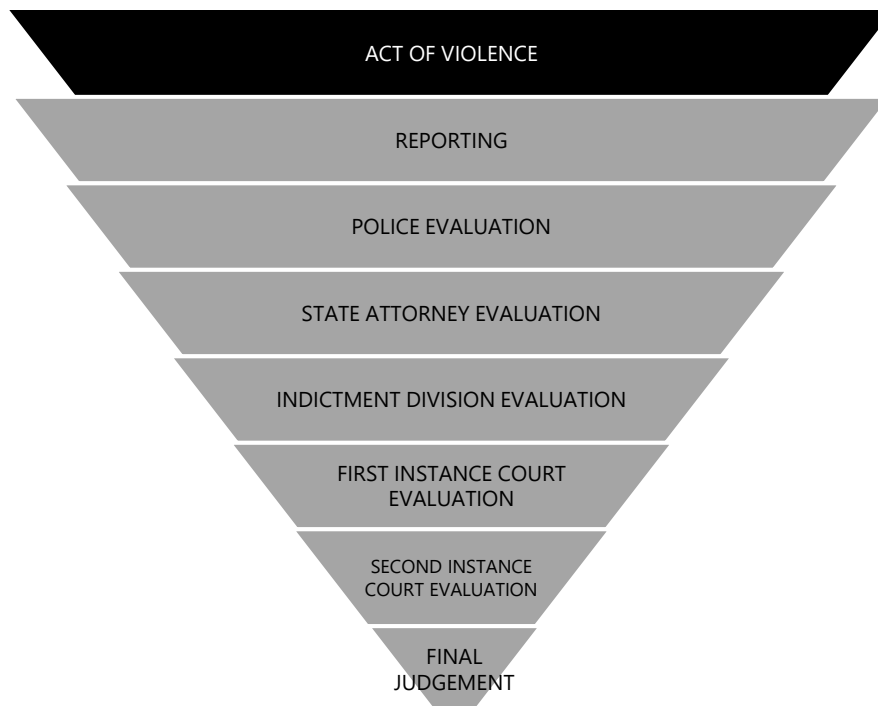
Yet it is not that simple. During criminal proceedings, there are many actions to be carried out that might artificially narrow reality and shape it according to the criminal law. We already mentioned filters of substantive criminal law that make reality sort of distorted in order to fit normative framework. Likewise, criminal procedure law also has its filter points, where reality is being shaped in accordance to strict rules of criminal proceedings. This appearance has an impact on every criminological scientific research that uses court files/prosecution files as a source of data. That is because criminology has to rely on normative structures and concepts that sometimes result in different picture of reality than the reality that actually occurred. Criminal law is not scientific based in the sense of using scientific methods and principles, its purpose is not to observe human behaviour. That is why studying phenomenon like violence through the glasses of criminal law, may seem misleading or distorted. However, if we keep in mind all these filters and barriers, studying violence should be enough precise, holistic and comprehensive to analyse data and make true conclusions. Main goal of the following chapter will be to present these filters integrated into criminal proceedings that might potentially distort real appearance of violence. Let us take a look of how this 'shaping of the reality' could look like.

It might happen that from the point when something happened in reality, during the procedure, some facts about this act simply drop out (e.g. not enough evidence about a certain fact) or stay officially undetected which in criminal law language means non exististent (e.g. illegal evidence). It is fair to say that facts stated in the final judgment present usually a reduced version of an act from the beginning of the story. Reason for such shaping reality may be found in substantive criminal law (legal qualifications of certain acts), but also in the procedure criminal law. In the following chapter, we will explain this shaping through criminal proceedings to see where are the possible milestones in which we lose reality mainly at the expense of (contradictory) main principle in criminal procedure law – requirement for a fair trial.

We will see then that the main purpose of criminal proceedings is not to detect reality as criminology would have wanted. Criminal procedure is not replicating reality as such, in order to find the absolute truth (if there is any) because of two things: first thing includes **definition points** – phases through which different subjects have the power to estimate/evaluate relevant facts and define something as an offense (qualify). This kind of evaluation relativize an act due to the multiple subjectification through the criminal proceedings. This only shows that different subjects have the power to define: 1. Is a certain act criminally relevant? and 2. Is a certain act a violent act?. The more

severe the offense is, the more the gravity of this evaluation shifts from 1. to 2. It is obvious that this process might blur our perception of an appearance (e.g. if a policeman mistakenly qualifies an injury as light bodily injury instead of heavily bodily injury and does not file a criminal report- an offense might stay undetected by criminal justice system, but it happened and it certainly is violent).

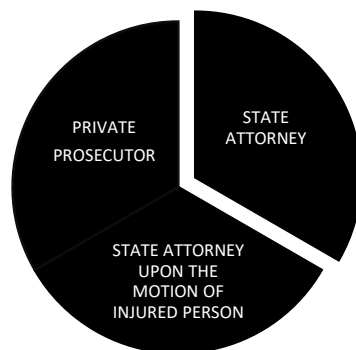
Stages of Definition Points – phases in criminal proceeding where a certain act is being subjected to qualification as criminally relevant and violent?



The second part of 'shaping the reality' refers to the principles of criminal procedure, where finding the truth is sometimes ignored at the expense of offender's rights and protection (we can call them **breaking points**). Through these breaking points, we clearly see that what states in the final judgment is not always jibe to the facts and that some acts of violence actually stay under the radar of criminal law as violent offenses while hidden behind different qualifications set by following subjects (e.g. State attorney qualifies something as a traffic accident, while in reality the act was attempted homicide).

Breaking points

A. Initiative for criminal procedure – **BREAKING POINT 1.**



When we look at subjects that have power to initiate criminal procedure, we see that not only state (state attorney) has initiative but also private persons. At first glance, one might overthink whether the old definition that criminal procedure and punishment as an expression of power/authority of the state, still stands. Sometimes the state will not have any power on action if a criminal offense that occurred is subject to the private charge (e.g. insult or even light bodily injury). Looking at criminal law as subsidiary, fragmented and *ultima ratio*, it is interesting to notice that even when the legislator estimates that certain acts deserve criminal judgment, sometimes an individual should be the one to initiate it.

This raises further question regarding already mentioned and frequently underlined purpose of criminal law itself - criminal law as *ultima ratio*. If an act is so severe that it deserves criminal punishment, and if punishment should express the exclusive power of certain state to punish, should there be place for private actions within it. The question is especially interesting when looking from the aspect of violence (e.g. light bodily injury). Does any act of violence (understood as physical force directed to another human being that causes harm), no matter how light it is, deserve a categorisation as an offense subject to the private charge? And how does that possibility impacts on 'dark figure' of violence? This phase is our first breakingpoint, because considering the initiators of criminal proceeding, some acts might stay undetected by criminal justice system.

B. *In dubio pro reo* – **BREAKING POINT 2.**



Another breakingpoint takes place when having doubt regarding existence of relevant facts. Article 3. Of CPA prescribes:

Doubt regarding the existence of the facts which constitute the elements of the definition of the criminal offence, or which are conditions for the implementation of a certain provision of the criminal law, shall be decided in favour of the defendant.

This principle may lead to 'drop-out' cases if a fact cannot be proven on demanding level of probability. This again means that some elements of reality do not always fit to the facts we finally have before court because if we doubt the existence of a certain fact, rule says we must conclude in offender's favor (which may be in a conflict with the reality).

C. Illegal evidence – **BREAKING POINT 3.**



Constraint of illegal evidence is not new in criminal law, but it certainly got gravity in the past decade where human rights [sic!] have raised a scale of their protection. Through following provision, we see that protection of human rights is placed before finding the truth in criminal proceeding. (e.g., offender gives a confession that he murdered a girl, but does it in front of police without his lawyer. His confession presents an illegal evidence and has to be extracted from court case file so the final

judgment might result in an acquittal if no further evidence is found). Article 10 of CPA states the following:

The court's decisions in criminal proceedings may not be founded on evidence obtained in an illegal way (illegal evidence).

Again, final adjudication would have to ignore evidence that might be crucial and 'pretend' that certain fact does not exist.

D. No reopening the case for acquittal adjudication – **BREAKINGPOINT 4.**



Criminal proceedings against a person who was acquitted by a final court's decision may not be reopened (Art. 12. Par. 2. CPA) (in case a certain offender has been acquitted for rape, and after few years' new evidence shows that he is without a doubt an actual offender, criminal proceedings against him cannot be reopened).

The principle of ensuring legal certainty demands such a rule, so once someone is being finally acquitted, no one can ever question it and/or change it, disregard to revelation of new facts.

That actually means that looking at convictions, we might be looking at some hidden perpetrators that have committed offence in reality, however, criminal justice system will not initiate criminal proceeding in order to ensure and protect legal certainty.

E. Key witness – **BREAKING POINT 5.**



Article 206.e. prescribes that the Chief State Attorney can reject the criminal report or drop the charges against a person, if it is, in proportion to the severness of committed offenses and relevance of his testimony, important for revealing and proving offenses or members of a criminal organization. This again shows a practicality position of criminal justice system. It presents a deal between state and the offender – *"I will not punish you if you help me punish somebody else"*. This kind of practical solution makes sense in criminal procedure law, when in constant clash of interests, justice system should duly balance the predominance of one interest in each situation. However, for criminology this kind of convenience again means that some acts might stay unrevealed.

F. *Agent provocateur* – **BREAKING POINT 4.**



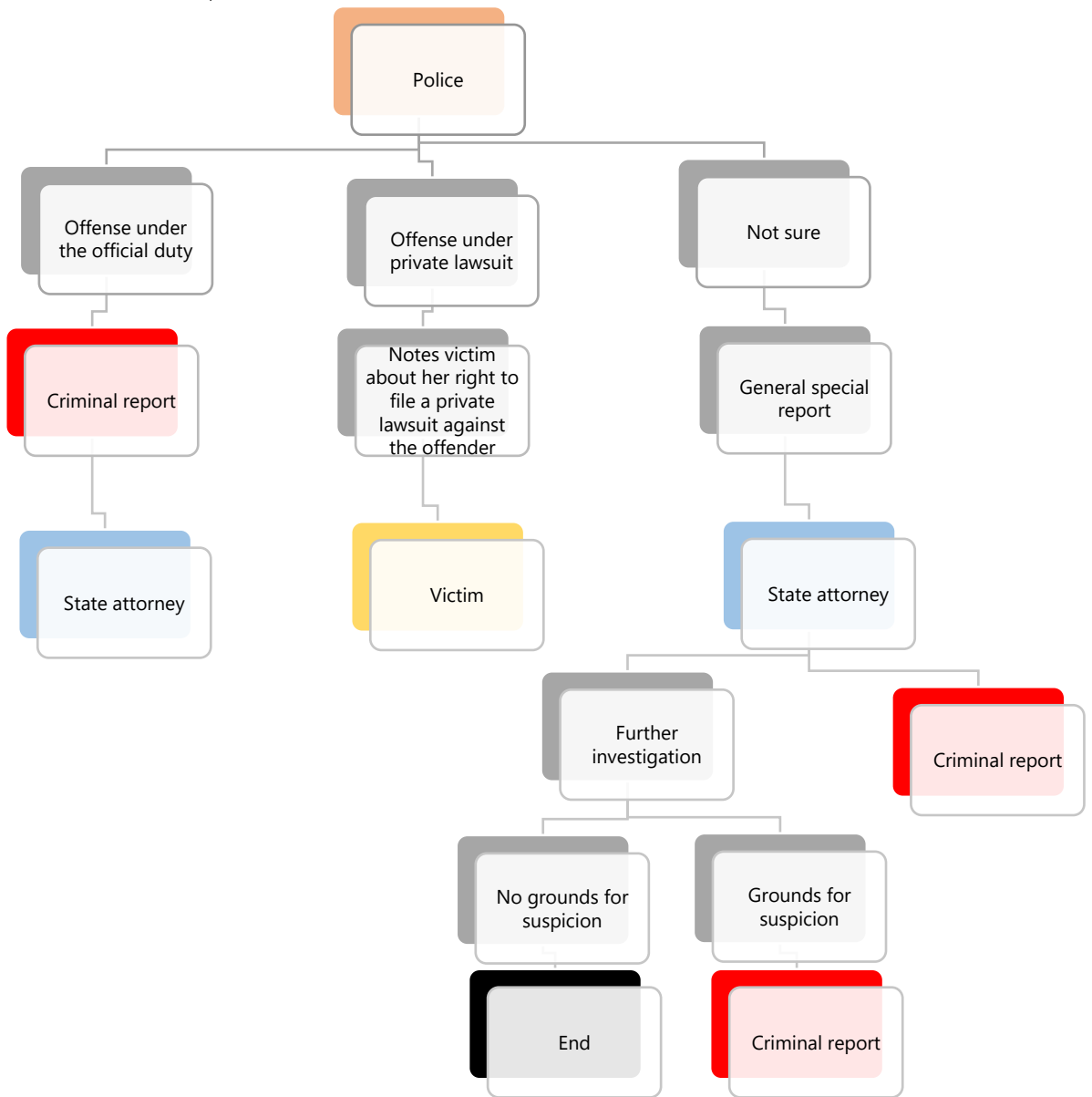
Agent provocateur is French for "inciting agent" and refers to a person used by law enforcement officials to bait another into committing a crime or as an undercover official integrate into a criminal group as one of them. To what extent will criminal law system tolerate committing crimes (and what crimes?!) in order for an agent to be successfully incorporated into criminal groups? Without further discussion on dilemmas of this institute, we point out that sometimes, due to this institute, some violent acts might be hidden behind this procedural concept.

Simplified display of criminal proceedings

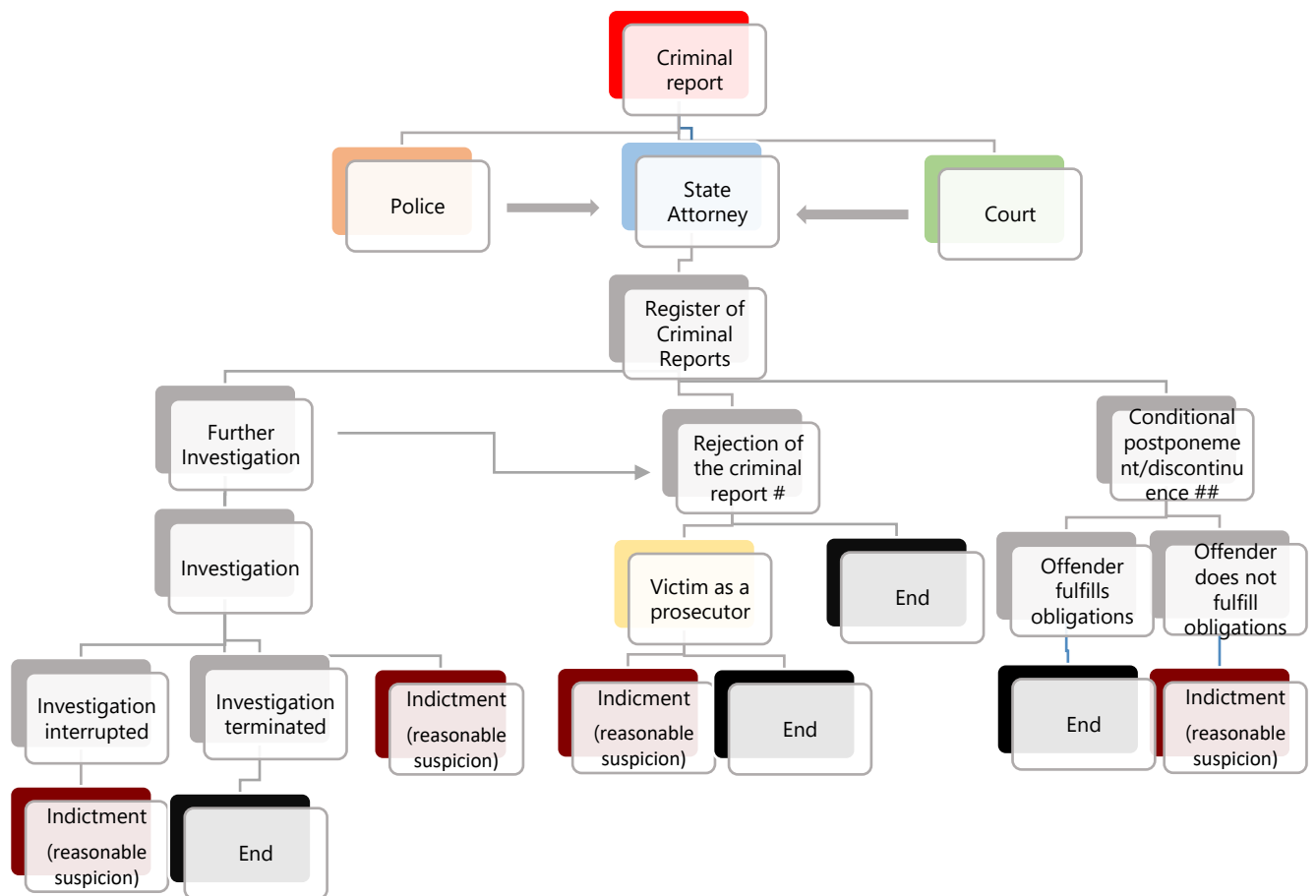
In the following graphic we will show the main steps in criminal procedure against adult offenders¹⁸ important for understanding milestones in which some act may 'drop out'. Steps do not include any possible situation and/or exceptions due to the request for simplicity and transparency of the manual. This graphic is not a representation of Croatian Criminal Procedure Act, but a simplified version of or criminal proceedings for the purpose of understanding main phases through it.

¹⁸ Juvenile perpetrators have (in some aspects) different rulings and actions. This differentiation is based upon the need for protection of young delinquents.

A. From police to criminal report



B. From criminal report to indictment



Reasons for rejection of criminal report:

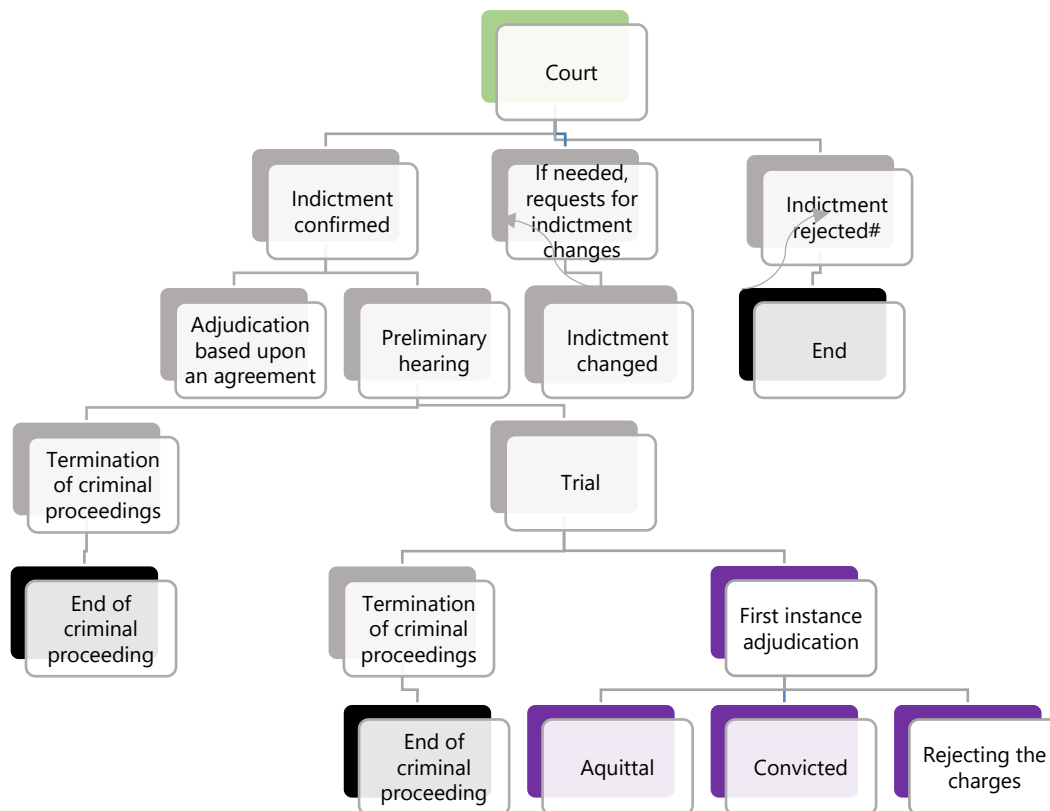
- Not criminal offense
- Not criminal offense proceeded under the official duty
- Offense under statute of limitation, amnesty, pardoned
- Res iudicata
- No guilt
- No grounds for suspicion
- Report is not valid
- *Principle of opportunity*

Key witness

Note! The victim can take over the criminal proceedings except in last two cases where the criminal report has been rejected due to the principle of opportunity or "key witness" case. In these cases, the proceeding stops and the victim has no right to take over criminal proceedings.

Conditional postponement/discontinuance of criminal proceedings, where the state attorney, with the consent of the victim, decides to postpone the criminal proceedings and demands some obligations to the offender. If the offender fulfils his obligations, the proceedings stops, if not, he initiates the proceedings with submitting the indictment.

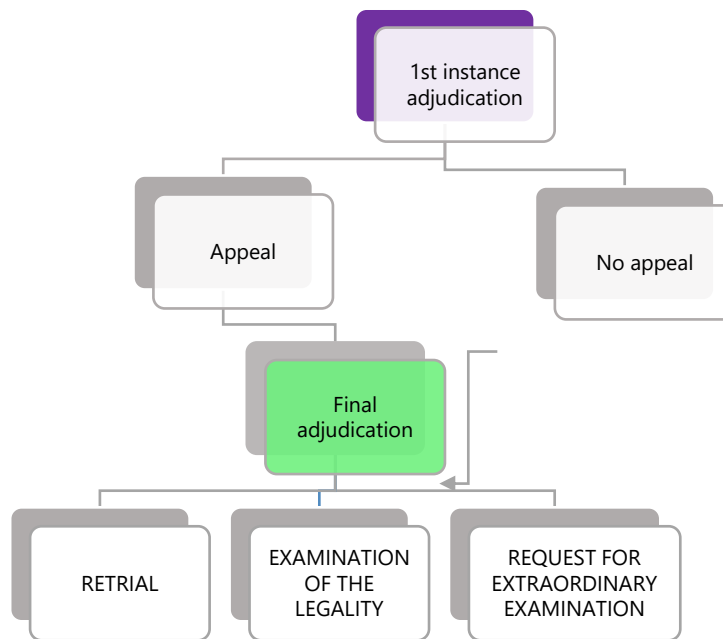
C. From indictment to the first instance adjudication



Reasons for rejection of the indictment:

- Not criminal offense
- Not criminal offense proceeded under the official duty
- No guilt/No grounds for reasonable suspicion

D. From first instance adjudication to final adjudication



7.4. Main Building Blocks of the Empirical Instrument: Logic and Structure of the Questionnaire

Questionnaire Part	Content (Variables)	Underlying rationale (research goal and research questions / theoretical assumptions that are to be analysed with these variables)
Part I: General questions about the case and procedural issues		
Variables q1.1, q1.2, q1.3, q1.4, q1.5, q1.6, q1.7, q1.13, q1.14, q1.15.	Questions about the case such as project case number, case termination level, most severe offence that was committed in in the case, classification of the offence as a criminal offence or a misdemeanour, total number of offenders, total number of victims and a short case description.	<p>To collect general information about the case which can furthermore be used as a filter in the data analysis phase.</p> <p>To have control questions which are related with other parts of the questionnaire.</p> <p>Gather basic data of structures of violent acts.</p>
Variables q1.8, q1.9, q1.10, q1.11, q1.12.	Information on bargaining or penalty order, information on case dismissal, first and final adjudication dates and number of witness hearings during the trial.	<p>To get an elementary insight into prosecution of delinquent violence.</p> <p>To obtain data on prosecutorial drop-out and to estimate the rate of cases in which institute of bargaining and penalty order were applied.</p> <p>To obtain data on duration of criminal proceeding from first to final adjudication and on number of witness hearing during the trial.</p> <p>Analysis of the prosecutorial process and its' various filter mechanisms.</p> <p>To test how these procedural features are associated with levels and quality of violence.</p> <p>To analyse the workflow of delinquent violence cases into and through the prosecution process (with the further aim to shed light on detection/non-detection correlates of violence).</p>

Part II: Offence		
Variables q2.2, q2.3.a, q2.3b, q.2.4, q.2.5, q.2.6, q.2.7, q.2.8, q.2.9.	Number of offences offender has perpetrated, legal qualification of the offence as attempt or completed, national legal qualification, qualification of the offence made by police and legal qualification of the offence by prosecution, first instance court and in the final judgement, institute of revocation and exclusion of unlawfulness.	<p>To obtain fundamental findings covering all (sub)types of (delinquent) violence in order to provide the necessary context for interpreting and understanding specific subtypes of violence.</p> <p>To obtain insight into the phenomenology of violence by addressing its incidence and structure.</p> <p>Analysis of the “power” to define violence.</p> <p>To test whether there are differences in the qualification of the phenomenology of violence made by the police, prosecution, first instance court and in the final judgement.</p>
Variable q2.10.	Use of physical force or harmful instruments, yes-no.	Measure to distinguish between violent and nonviolent offences, since Criminal Code of the Republic of Croatia predicts more than one kind of violation for some articles that are included in our subject scope and not all of them are violent.
Variables q2.11, q2.17, q2.18, q2.20, q2.21, q2.26, q2.29, q2.30, q2.31, q2.32.a, q2.32.b, q 2.33, q2.34, q2.35, q2.36, q2.37, q2.38, q2.39, q2.40, q2.41, q2.42, q2.43, q2.44.	Assessment of the intent of the offender while committing the offence, information to whom was the offence first reported, date offence was reported to police, police attention and information whether the perpetrator is known or unknown, main offence motive, pleading of the offender, adjudication, conviction and sentencing, prison sentence, juvenile imprisonment, suspension, sentence mitigation, remission of punishment, sentence substitution, additional measures, safety measures, educational measures, mitigating circumstances, aggravating circumstances and fine.	<p>To obtain first-hand information on how violence is detected and prosecuted.</p> <p>To analyse the whole prosecutorial chain of events such as length of proceedings, sentencing practices and criteria.</p> <p>To analyse the workflow of delinquent violence into and through the prosecution process (with the further aim to shed light on detection/non-detection correlates of violence).</p> <p>To access the criminal justice response to violence and their outcomes when it comes to particularly vulnerable groups of victims.</p>

		<p>To analyse situations in which something is considered to be a mitigating circumstance and others in which the same is considered as an aggravating circumstance.</p> <p>To analyse the cases in which the specific additional and safety measures are applied.</p> <p>To detect how these aspects are related to quality and level of violence and certain victims groups.</p> <p>Analysis of the "power" to define violence and related "filter" mechanism.</p>
Variables q2.12, q2.19.	Offence location and accessibility of the offence location.	<p>To analyse the spatial aspects of violence.</p> <p>To test the hypothesis that there are significant differences in scope and structure of violence and criminal behaviour depending on geographical aspects.</p> <p>To get data on "critical" crime locations in order to provide specific guidelines for crime prevention policies.</p>
Variables q2.13, q2.14, q 2.15, q 2.16.	Offence date, day of the week, time offence was committed and the duration of the offence.	<p>To analyse the time-related aspects of violence.</p> <p>To capture correlates of violent crime related to rhythmic patterns of seasons or other time-based features.</p> <p>To get data on "critical" days of the week and times of the day when certain violent offences are committed.</p> <p>To test the hypothesis that some types of violent crimes such as rape, sexual assault, aggravated</p>

		<p>assault and intimate partner violence occur more often during the summer than during other seasons.</p> <p>To relate time-based features to the level, quality and phenomenology of violence.</p>
Variables q2.22, q2.23, q2.24, q2.25.	Consist of instrument offender has used, license of fire arms if involved, kind of force offender has applied and multiple use of an instrument.	<p>To capture the phenomenology of violence.</p> <p>To measure the quantity and quality of the violence applied by the offender.</p> <p>To analyse which instruments and types of forces are most severe/lethal.</p> <p>To relate these aspects to modus operandi and analyse it in association with consequences for victims.</p> <p>To develop a "genuine violence classification system"</p>
Variables q2.27, q2.28.	Features of how the offence was committed - time-wise offence planning and acting by stealth.	<p>To measure quantity and quality of the violence applied by the offender.</p> <p>To analyse if the crimes in which perpetrator acts by stealth are more lethal than the ones in which perpetrator acts overtly or <i>vice versa</i>.</p> <p>To measure the phenomenological severity of violence associated with different modi operandi.</p> <p>To develop a "genuine violence classification system"</p>
Variables q2.46, q2.47, q2.48.	Information of offender's alcohol intoxication, influence of illicit and medicinal drugs.	<p>To analyse the association of alcohol, illicit and medicinal drugs and the level of violence.</p> <p>To develop a "genuine violence classification system"</p>
Part III: Offender		

Variables q3.2, q3.3, q3.4, q3.5, q3.6, q3.16, q3.17, q3.18.	General demographic information such as sex, date of birth, age, citizenship, marital status, children number and education.	To further investigate the aetiology of violence. To analyse the key sociodemographic correlates of violent offending and to assess potential risk factors for violent offending.
Variables q3.7, q3.8, q3.9, q3.10, q3.11, q3.12, q3.13, q3.14, q3.15.	Affiliation to certain group such as refugees or migrants, persons in institutional custody, certain professions, LGBTQIA, disabled persons, war veterans, prison inmates, pregnant and homeless.	To have control questions in establishing victim's affiliation to particularly vulnerable groups of victims while testing the hypothesis that certain victim groups are particularly vulnerable to violence. To analyse how "power to define", procedural mechanism, the classification of violence is associated with these factors.
Variables q3.19, q3.20.	Employment status and socioeconomic income of the offender.	To analyse the relationship between socioeconomic status and violent offending.
Variable q3.21.	Appropriateness of offender's living situation.	To test whether there is a relationship between certain aspects of an offender's living situation in terms of his/her age and family situation and violence.
Variables q3.22a, q3.22b, q3.23a, q3.23b, q3.24.	Prior police reports, prior police reports of violence, prior convictions, prior convictions of violence, prior prison sentence.	To obtain the rate in which prisoners relapse into criminal behaviour in terms of re-reporting and re-conviction and to and to further analyse risk factors involved in criminal recidivism.
Variables q3.25.a, q3.25.b, q3.26.a, q3.26.b.	Mental health aspects such as history of mental health issues, diagnosed mental health issues which occur during the offence and addiction of the offender.	To analyse the relationship between potential mental health aspects and violent behaviour. To investigate the potential relationship between addiction and violent offending.
Variable q3.27.	Offender's employment in specific profession and commission of a crime on duty.	To analyse the risk of committing a crime related to employment in specific profession and to capture the rates, level and quality of violence while on professional duty.

Variables q3.28, q3.29.	Offender's suicide attempt or completions.	To capture the rate of suicide attempts and completion and whether there is any relationship with level or quality of violence among perpetrators of violent crime.
Part IV: Offender Procedure		
Variables q4.1, q4.2, q4.3, q4.4, q4.5.	Offender's defence, pre-trial detention, expert psychiatry and judgement of the offender as insane.	To analyse additional prosecutorial aspects of delinquent violence.
Part V: Victimization		
Variables q5.2, q5.3.	Number of offences which were committed at the expense of the victim and legal qualification of committed offences.	To obtain insight into the phenomenology of violence victimization by addressing its incidence and structure.
Variable q5.4.	Use of physical force or harmful instrument.	Measure the severity, level and quality of violence from the victim's perspective to be able to relate it to other criminological features listed.
Variables q5.5, q5.6.	Kind of force victim has experienced and clinical physical consequences for the victim.	To capture the phenomenology of violence. To measure quantity and quality of the violence experienced by the victim. Also serving as a basis to analyse how these factors are related to further aspects. To develop a "genuine violence classification system"
Variables q5.7.a, q5.7.b.	Variables capturing sexual violence.	To analyse the sexual violence. To develop a "genuine violence classification system"
Variables q5.8, q5.9, q5.10.	Victim's alcohol intoxication, influence of illicit and medicinal drugs.	To be able to analyse correlations of alcohol, illicit and medicinal drugs to violent victimization and its phenomenology.

Part VI: Victim		
Variables q6.2, q6.3, q6.4, q6.5, q6.6, q6.17, q6.18, q6.19.	General demographic information such as sex, date of birth, age, citizenship, marital status, children number and education.	To analyse the basic sociodemographic correlates of violent victimization and to assess potential risk factors for specific vulnerability to violent victimization.
Variables q6.7, q6.8, q6.9, q6.10, q6.11, q6.12, q 6.13, q6.14, q6.15, q6.16.	Affiliation to certain group such as refugees or migrants, persons in institutional custody, certain professions, LGBTQIA, disabled persons, war veterans, prison inmates, pregnant and homeless.	To test the hypothesis that certain victim groups are particularly vulnerable to criminal victimization and to understand dynamics and patterns of violence against particularly groups of victims. To analyse if the socially stigmatised groups experience higher rates of violent victimization. To analyse how "power to define", procedural mechanism, the classification of violence is associated with these factors.
Variables q6.20, q6.21.	Employment status and socioeconomic income of the victim.	To analyse the relationship between socioeconomic status and violent victimization.
Variables q6.22, q6.26.a, q6.26.b, q6.27.	Number of injuries specified in the criminal report and medical documentation and body region affected by injury.	To measure quantity and quality of the violence experienced by the victim. To capture the phenomenology of violence and to analyse the relationship between the type and number of injury with the instrument of perpetration and kind of force applied. To analyse if the number of injuries obtained in the criminal report differs from the number of injuries obtained in the medical documentation.
Variables q6.23, q6.28.	Mental health aspects such as signs of mental health issues of the victim after the offence, prior victimization experience, diagnosed mental health	To measure quantity and quality of the violence experienced by the victim.

	issues prior to the offence and substance use problems of the victim.	<p>To analyse the mental health aspects on the side of the victim.</p> <p>To assess the violent victimization experience as a risk factor for developing mental health issues.</p> <p>To investigate the potential relationship between mental health issues and violent victimization.</p> <p>To investigate the potential relationship between addiction and violent victimization.</p>
Variable q6.24.	Signs of cruelty towards the victim.	<p>To measure the quality of the violence experienced by the victim.</p> <p>To subjectively estimate the cruelty in the specific case and to examine reasons which aspects of the offence are categorised as cruel with the purpose to grasp phenomenology and level of violence.</p>
Variable q.6.25.	Signs of substitutional suffering of the victim.	<p>To measure quality of the violence experienced by the victim.</p> <p>To analyse the cases in which medical experts provided their assessment of victim's suffering.</p>
Variable q6.31.	Victim's employment in specific profession and commission of a crime on duty.	To test the hypothesis that persons who work in occupations involving more contact with certain types of persons experience higher levels of violent victimization.
Variables q6.32, q6.33.	Victim's suicide attempt or completion.	To capture the rate of suicide attempts and completion and its temporal aspect among victims of violent crimes.

Part VII: V-O-Relation		
Variable q7.1.	Relationship between victim and offender.	To capture the type of relationship between offender and the victim and its relation to further features of violence.
Variables q7.1.a, q7.1.b, q7.1.c, q7.1.d, q7.1.e, q7.1.f.	Offender and victim's reciprocal prior abusive behaviour, history of physical violence, verbal confrontation prior to the offence and disparity of strength between victim and offender.	To analyse potential predictors of violence, level and exacerbation of violence, sentencing and procedural aspects related to these aspects, in particularly to analyse dynamics where vulnerable groups of victims are involved.

7.5. Questionnaire Operationalisation

Question	Operationalisation guideline
1.) General questions about the case and procedural issues	
1.1) Project case No:	Arbitrary number which will be added afterwards by the supervisors.
1.2) National case No:	Number under which the case is kept in the judicial institution.
1.3) Case terminated at the level of: 1 Prosecution 2 Court	Not where the file is from. The wanted data is whether it is a prosecution drop out or a court decision. In other words, level of case termination is wanted information.
1.4) Source city of the file (jurisdiction): 1 Zagreb 2 ...	The city from which the file is, not where the proceedings were initiated, conducted, finally adjudicated, etc...
1.5) The most severe offence that was committed in this case is: 1 KZ /97 2 KZ /11 a. Article 88 b. ... (articles)	The most severe is defined by criteria of higher prescribed maximum length of sentence. If the committed offences have same prescribed maximum, then the second criteria is higher minimum prescribed sentence. Select specific offence among the list of criminal offences in the dropdown menu.
1.6) Was the committed: 1 Criminal offence 2 Misdemeanor	This question should provide us with clear distinction between criminal offences and misdemeanours. Also, this variable could be useful later on in analysis while selecting the cases or splitting the file, i.e. if we would want only to analyse specific cases.
1.7) Was the perpetrator of the offence during the criminal proceedings treated as: 1 Adult 2 Minor	This question should provide us with clear distinction between adult perpetrators and minors. Also, this variable could be useful later on in analysis while selecting the cases or splitting the file, i.e. if we would want only to analyse specific cases.

<p>1.8) Bargaining procedure/ Penalty order:</p> <p>1 No</p> <p>2 Yes</p>	<p>Settlement between state attorney/public attorney/prosecutor and the perpetrator. There was no regular procedure, for example, adjudication on was made based on prosecutor's criminal order.</p>
<p>1.9) Case dismissed by the prosecutor:</p> <p>1 No</p> <p>2 Yes</p> <p>a. Dismissal date: _____ (<i>dd.mm.yyyy</i>)</p> <p>b. Dismissal reason:</p> <ol style="list-style-type: none"> 1 Reported offence is not criminal offence that is prosecuted by official duty 2 Criminal offence is under statute of limitations or amnesty or absolution or has been finally adjudicated 3 Circumstances that exclude criminal proceedings 4 Circumstances that exclude guilt 5 There is not enough evidence that the perpetrator committed criminal offence 6 Criminal report isn't credible 7 The dismissal of criminal report according to principle of purposefulness 	<p>For cases terminated under the level of prosecution. When and why the prosecutor dismissed the case.</p>
<p>1.10) First adjudication date: _____ (<i>dd.mm.yyyy</i>)</p> <p>1.11) Final adjudication date: _____ (<i>dd.mm.yyyy</i>)</p>	
<p>1.12) Witness hearing during trial: _____ (<i>number of persons</i>)</p>	<p>Number of persons, not number of testimonies.</p>
<p>1.13) Total number of perpetrators: _____ (number)</p>	<p>Only perpetrators in the specific file.</p>
<p>1.14) Total number of victims: _____ (number)</p>	<p>Only victims in the specific file.</p>
<p>1.15) Short case description:</p>	<p>Indicate who did what to whom, i.e. who is the perpetrator and who is the</p>

	victim, indication of their relationship, which criminal offence was committed, with what instrument the crime was committed, indication of why the crime has been committed and what the perpetrator was convicted for and sentenced to, or why not.
Questions about the perpetrator	
2.) Perpetrator - questions about offence	
2.1) Perpetrator No:	Perpetrator XX (01,02,03...). For each perpetrator in the case file this part of questionnaire should be answered separately and be multiplied according to the total number of perpetrators. Each perpetrator will have unique number which will also be connected with the project case number.
2.2) Number of offences perpetrator committed (<i>write in</i>):	Number of offences this specific perpetrator committed. Questions from 2.3.a) to 2.45) should be multiplied for each specific offence.
2.3.a) Legal qualification of the offence: 1 Attempt 2 Completed	
2.3.b) National legal qualification of the offence (<i>and other relevant laws</i>): 1 KZ /97 2 KZ /11 a. Article 88 b. ... (articles)	Select specific offence among the list of criminal offences in the dropdown menu.
2.4) Qualification of offence by police (<i>and other relevant laws</i>):(*) 1 KZ 97 2 KZ 11 a. Article 88 b. ... (articles)	Select specific offence among the list of criminal offences in the dropdown menu.

<p>2.5) Legal qualification of offence by prosecution (<i>and other relevant laws</i>):</p> <ol style="list-style-type: none"> 1 KZ 97 2 KZ 11 <ol style="list-style-type: none"> a. Article 88 b. ... (articles) 	<p>Select specific offence among the list of criminal offences in the dropdown menu.</p>
<p>2.6) Legal qualification of offence by first instance court (<i>and other relevant laws</i>):</p> <ol style="list-style-type: none"> 1 KZ 97 2 KZ 11 <ol style="list-style-type: none"> a. Article 88 b. ... (articles) 	<p>Select specific offence among the list of criminal offences in the dropdown menu.</p>
<p>2.7) Legal qualification of offence in final judgment (<i>and other relevant laws</i>):</p> <ol style="list-style-type: none"> 1 KZ 97 2 KZ 11 <ol style="list-style-type: none"> a. Article 88 b. ... (articles) 	<p>Select specific offence among the list of criminal offences in the dropdown menu.</p>
<p>2.8) Was in this specific case the institute of revocation applied?</p> <ol style="list-style-type: none"> 1 No 2 Yes - for nonviolent offence 3 Yes - for violent offence 	<p>For cases in which perpetrators were prior adjudicated to suspended sentence and the committed a "new" offence (which is the one in the case file). If the selected answer is "3 - Yes for violent offence", the new offence sheet should be automatically opened and the research assistant should collect data on that prior offence.</p>
<p>2.9) Was exclusion of unlawfulness applied in the offence?</p> <ol style="list-style-type: none"> 1 No 2 Self-defence 3 Necessity 4 Mistake 	<p>According to the statement in the final adjudication.</p>
<p>2.10) Was physical force or harmful instrument used in the offence (<i>you can select more than one</i>)?</p> <ol style="list-style-type: none"> 1 No 2 Yes - physical force 3 Yes - threat of physical force 4 Yes - harmful instrument 	<p>Distinction between violent and non-violent offences, since some article specify more than one manner of violation, and not all of them are violent.</p>

<p>2.11) According to final adjudication, was the offence committed with:</p> <ol style="list-style-type: none"> 1 Direct intent 2 Indirect intent 3 Reckless conduct 4 Unconscious negligence 	<p>According to the statement in the final adjudication.</p>
<p>2.12) Offence location: _____</p>	<p>Where the offence was committed. The answer will be connected with google maps with separate boxes for street, postal code and place.</p>
<p>2.13) Offence date:</p> <ol style="list-style-type: none"> 1 Write in: _____ (<i>dd.mm.yyyy; when the offence occurred</i>) 999 (No data) 	<p>When the offence was committed. If it lasted, for example, from 30. to 31.12.2017., indicate starting date (30.12.2017).</p>
<p>2.14) Day of the week:</p> <ol style="list-style-type: none"> 1 Monday 2 Tuesday 3 Wednesday 4 Thursday 5 Friday 6 Saturday 7 Sunday 999 (No data) 	<p>For ongoing offences indicate starting day.</p>
<p>2.15) Time: _____ (0-24, e.g. 18:00)</p>	<p>Starting time.</p>
<p>2.16) Duration of the offence (<i>computer menu</i>):</p>	<p>How long the offence lasted. Indicate the duration of the offence in specific boxes for seconds, minutes, hours, days, weeks, months and years. Everything is translated to seconds with the help of a computer menu.</p>
<p>2.17) To whom was the offence reported:</p> <ol style="list-style-type: none"> 1 State attorney 2 Police 	<p>Please see the heading of the criminal report in order to see to whom was the criminal offence reported.</p>
<p>2.18) Date reported (to police):</p> <ol style="list-style-type: none"> 1 Write in _____ (<i>dd.mm.yyyy</i>) 999 (No data) 	<p>Indicate the date from the criminal report.</p>
<p>2.19) Offence location:</p> <ol style="list-style-type: none"> 1 Private - Victim's home 	<p>Accessibility of the offence location.</p>

<ul style="list-style-type: none"> 2 Private - Perpetrator's home 3 Private - Both victim's and perpetrator's home 4 Private - Third person's home 5 Private - Car 6 Semi private - Victim's work place 7 Semi private - Perpetrator's work place 8 Semi private - Both victim's and perpetrator's work place 9 Semi private - Third person's work place 10 Public - Street 11 Public - Pub, restaurant or cafe 12 Public - Unresidential area 13 Public - Nature (park, forest...) 14 Public - Parking lot 15 Public – Bus, train, tram (means of transport) 16 Public - Shopping mall or grocery store 17 Restricted public - Prison 18 Restricted public - Public institution (subcategories in the drop down menu: educational institution, courtroom, hospital...) 	
<p>2.20) Police attention: how did police get the attention of the offence?</p> <ul style="list-style-type: none"> 1 Witness call 2 Victim call 3 Perpetrator turns him/herself in 4 Anonymous report by third party 5 Information from ongoing investigations 6 Witness in official capacity (hospital staff/physician, police officer...) 7 Media/Social media 999 (No data) 	
<p>2.21) Perpetrator of the offence is:</p> <ul style="list-style-type: none"> 1 Immediately known 2 Discovered through process of criminal investigation 3 <i>Nomen nescio</i> (unknown) 	<p>Is the perpetrator known from the very beginning, discovered through criminal investigation or unknown.</p>
<p>2.22) What kind of instrument did the perpetrator use (you can select more than one)?</p> <ul style="list-style-type: none"> 1 Hands 2 Feet 3 Blunt object 	<p>Instrument of perpetration. Blunt object would be any solid object without sharp edges, used as a weapon, for example that would be a baseball bat or a wooden lath.</p>

<ul style="list-style-type: none"> 4 Glass objects 5 Knife 6 Firearms 7 Poison 8 Ligature 9 Corrosive chemical substance 10 Axe 11 Fire 12 Explosive device 13 Radioactive substance 14 Motor vehicle 15 Animals 16 Another person 17 Omission <p>Other (write in): _____</p>	<p>Corrosive chemical substance is destructive materials that pose great risks and that is damaging for the skin tissue, such acids and hydroxides. Explosive device is device that explodes and bursts loudly and with great with great force, examples are bomb, grenade or pyrotechnics. Radioactive substance is unstable and produces, radioactive substance is radium, plutonium, polonium...</p>
<p>2.23) If fire arms involved licensed:</p> <ul style="list-style-type: none"> 1 No 2 Yes 999 (No Data) 	
<p>2.24) Perpetrator has applied (<i>you can select more than one</i>):</p> <ul style="list-style-type: none"> 1 None 2 Pushing 3 Beating 4 Hitting 5 Kicking 6 Scratching 7 Stabbing 8 Shooting 9 Poisoning 10 Deprivation of food and drink 11 Deprivation of medication 12 Burning 13 Strangulation 14 Smothering 15 Drowning 16 Electricity 17 Compression 18 Other (write in): _____ 	<p>Kind of force that was applied.</p>
<p>2.25) Has the perpetrator used violence instrument multiple times?</p>	<p>If violence instrument was used more than once.</p>

<p>1 No 2 Yes, number of times: _____</p>	
<p>2.26) Main offence motive (<i>you can select only one</i>):</p> <p>1 Sexual 2 Money 3 Drugs 4 Revenge/Honour (personal, family, jealousy, separation or divorce) 5 Hate/Prejudice 6 Child abuse related 7 General conflict (between relatives, neighbours etc.) 8 Organised Crime related 9 Covering up another criminal offence 10 No motive 11 Other, (write in)_____</p>	<p>It is either explicitly mentioned or can be concluded from the case itself (e.g. wife killing husband and his love is revenge/honour).</p>
<p>2.27) Time-wise offence planning (<i>only 1 possible answer</i>)</p> <p>1 Spontaneously 2 Planned 999 (No data)</p>	<p>Did the perpetrator plan the offence or the offence was committed spontaneously. If the perpetrator planned committing the offence, and it was proven through the process of criminal investigation, the information regarding that should be found in the final adjudication.</p>
<p>2.28) Did the perpetrator act by stealth?</p> <p>1 No 2 Yes 999 (No data)</p>	<p>Manner of commission, did the perpetrator committed crime „overtly“ or „covertly“ or by stealth. Overtly regards to a manner of perpetration in which the victim is able to “detect” the perpetrator attacking him/her and thus have a greater chance to defend himself/herself. Covertly regards to a manner of perpetration when the perpetrator is attacking by “surprise”, for example, perpetrator could be hiding and the victim would not be able to detect him/her and the attack.</p>

<p>2.29) Perpetrator pleas:</p> <ol style="list-style-type: none"> 1 Guilty 2 Not Guilty 3 Silent 4 Unfit to stand trial 5 Trial in absentia 	<p>Does the perpetrator admit the crime during the trial.</p>
<p>2.30) Adjudication:</p> <ol style="list-style-type: none"> 1 Acquittal 2 Dismissal 3 Insane, committal to a psychiatric institution 4 Insane, no committal to a psychiatric institution 5 Bargaining procedure 6 Convicted 	<p>According to final adjudication.</p>
<p>2.30.a) WHY (1 acquittal or 2 dismissal): _____</p>	<p>Specifications of the reasons for acquittal or dismissal.</p>
<p>2.31) Convicted and sentenced (role):</p> <ol style="list-style-type: none"> 1 Not convicted 2 Perpetrator 3 Co-perpetrator 4 Intermediary perpetrator (uses another person to commit an offence) 5 Aiding 6 Incitement 	<p>Level of „ownership“ of the offence.</p>
<p>2.32.a) Prison sentence:</p> <ol style="list-style-type: none"> 1 No 2 Yes 	
<p>2.32.b) Juvenile imprisonment:</p> <ol style="list-style-type: none"> 1 No 2 Yes 	
<p>2.33) Length of prison sentence for this specific offence: _____ <i>(in days)</i></p>	<p>Not length of prison sentence in total, but only for this specific offence, if there were more offences in the case. If there is only one offence, state the length of prison sentence for that offence and then the answer should be the same as in following question, the length of prison sentence in total.</p>

<p>2.34) Length prison sentence in total: _____ (in days)</p>	
<p>2.35) Long lasting imprisonment: 1 No 2 Yes</p>	<p>According to final judgement. Long lasting incarceration, long term prison in Croatia is from 21 to 40 or 50 years.</p>
<p>2.36) Suspended: 1 No 2 Yes</p>	<p>According to final adjudication.</p>
<p>2.37) Sentence mitigated: 1 No 2 Yes</p>	<p>According to final adjudication. Perpetrator's sentence is below prescribed sentence minimum.</p>
<p>2.38) Is there remission of punishment in this case? 1 No 2 Yes</p>	<p>According to final adjudication. Due to certain circumstances, perpetrator was not sentenced.</p>
<p>2.39) Sentence substitution (<i>you can select more than one</i>): 1 No 1 Yes - Conditional (suspended) sentence 2 Yes - Partial suspended sentence 3 Yes - Community service 4 Yes - Fine</p>	
<p>2.40) Additional measures (<i>you can select more than one</i>): 1 None 2 Safety measures 3 Protective supervision 4 Precautionary measures 5 Additional obligations 6 Fine</p>	
<p>2.41) If safety measures, which (<i>you can select more than one</i>): 1 No safety measure was implied 2 Compulsory psychiatric treatment 3 Compulsory treatment of addiction 4 Compulsory psychosocial treatment 5 Prohibition from engaging from certain duty or from exercising 7 Prohibition to operate a motor vehicle 8 Prohibition from approaching a person 9 Removal from the shared household</p>	

<p>10 Prohibition from accessing the Internet 11 Protective supervision after serving a full prison sentence</p>	
<p>2.42) Educational measures: 1 None 2 Measures of warning 3 Increased supervision 4 Correctional institution measures</p>	<p>Measures which can be applied in cases of juvenile perpetrators.</p>
<p>2.43) Mitigating circumstances (<i>you can select more than one</i>): 1 Degree of threat or violation of legally protected good 2 Motives 3 Degree to which perpetrator's duties have been violated 4 Manner of commission 5 Inculpatory consequences arising from the commission of criminal offence 6 Perpetrator's prior life 7 Age of the perpetrator 8 Perpetrator's personal and pecuniary circumstances 9 Perpetrator's conduct following commission of the criminal offence 10 Relationship to the victim 11 Efforts to compensate for the damage 12 Diminished responsibility 13 Other (<i>write in</i>): _____</p> <p>14 None</p>	<p>Factors considered by the judges while determining the sentence, everything that „decreases“ the sentence.</p>
<p>2.44) Aggravating circumstances (<i>you can select more than one</i>): 1 Degree of threat or violation of legally protected good 2 Motives 3 Degree to which perpetrator's duties have been violated 4 Manner of commission 5 Inculpatory consequences arising from the commission of criminal offence 6 Perpetrator's prior life</p>	<p>Factors considered by the judges while determining the sentence, everything that „increases“ the sentence.</p>

<p>7 Age of the perpetrator</p> <p>8 Perpetrator's personal and pecuniary circumstances</p> <p>9 Perpetrator's conduct following commission of the criminal offence</p> <p>10 Relationship to the victim</p> <p>11 Efforts to compensate for the damage</p> <p>12 Other: _____</p> <p>13 None</p>	
<p>2.45) Fine:</p> <p>1 No</p> <p>2 Yes, amount: _____ (Country's Currency)</p>	
<p>2.46) Perpetrator intoxicated alcohol?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No data)</p>	At the time offence was committed.
<p>2.47) Perpetrator under the influence of illicit drugs?</p> <p>1 No</p> <p>2 Yes, which: _____</p> <p>999 (No data)</p>	At the time offence was committed. Illicit drugs are highly addictive and illegal substances.
<p>2.48) Perpetrator under the influence of medicinal drugs?</p> <p>1 No</p> <p>2 Yes, which: _____</p> <p>999 (No data)</p>	At the time offence was committed. Medicinal drugs are substances that are commonly used and prescribed as a part of medical treatment.
3.) Background about the perpetrator	
<p>3.1) Personal identification number (OIB): _____ or 999 (No data) if unknown perpetrator</p>	
<p>3.2) Sex perpetrator:</p> <p>1 Male</p> <p>2 Female</p> <p>999 (No data)</p>	999 if the perpetrator is unknown.
<p>3.3) Date of birth:</p> <p>1 Write in _____ (mm.yyyy)</p> <p>999 (No data)</p>	

<p>3.4) Age perpetrator (at the time of the crime occurred):</p> <p>1 Write in _____ (<i>full years</i>)</p> <p>999 (No data)</p>	
<p>3.5) Perpetrator's location: _____</p>	<p>Location of the perpetrator. The answer will be connected with google maps with separate boxes for postal code and place.</p>
<p>3.6) Citizenship perpetrator:</p> <p>1 Croatian</p> <p>2 Serbian</p> <p>3 Macedonian</p> <p>4 Albanian</p> <p>5 Bosnia and Herzegovina</p> <p>6 Turkey</p> <p>7 Kosovar</p> <p>8 Romanian</p> <p>9 Slovenian</p> <p>10 Hungarian</p> <p>11 Bulgarian</p> <p>12 Two nationalities including one Croatian</p> <p>13 Two nationalities none of them Croatian</p> <p>14 Apatrids (no citizenship)</p> <p>15 Other (<i>write in</i>):</p> <p>_____</p> <p>999 (No data)</p>	
<p>3.7) Is the perpetrator refugee or migrant?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No Data)</p>	
<p>3.8) Is the perpetrator person in institutional custody?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No Data)</p>	<p>Institutional custody means in prison, correctional institution, mental health institution, etc...</p>
<p>3.9) Is perpetrator's profession one of the following?</p> <p>1 No</p> <p>2 Yes</p> <p>a. Police officers</p> <p>b. Security personel</p> <p>c. Medical staff (doctors, nurses, medical technicians, pharmacist)</p>	

<p>d. Judges, prosecutors, state attorneys and lawyers</p> <p>e. Journalists</p> <p>f. Preschool teachers, teachers and profesors</p> <p>g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...)</p> <p>999 (No Data)</p>	
<p>3.10) Is the perpetrator member of LGBTQIA community?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No Data)</p>	<p>Sexual and gender identities: lesbian, gay, bisexual, transgender, queer, intersexual and asexual</p>
<p>3.11) Is the perpetrator disabled?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No Data)</p>	<p>Disabled physically and/or mentally.</p>
<p>3.12) Is the perpetrator veteran?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No Data)</p>	
<p>3.13) Is the perpetrator inmate (<i>in prison setting</i>)?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No data)</p>	<p>In prison.</p>
<p>3.14) Is the perpetrator pregnant?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No data)</p>	
<p>3.15) Is the perpetrator homeless?</p> <p>1 No</p> <p>2 Yes</p> <p>999 (No data)</p>	
<p>3.16) Marital status perpetrator at the offence time:</p> <p>1 Single</p> <p>2 In a relationship</p> <p>3 Married</p> <p>4 Separated/Divorced</p> <p>5 Widowed</p>	<p>At the offence time. For example, if the perpetrator kills his/her wife/husband, the he/she is married.</p>

<p>6 Extra-marital relationship/ Cohabitation/Non marital partnership 999 (No data)</p>	
<p>3.17) Children number: 1 Write in _____ (number) 999 (No data)</p>	
<p>3.18) Education: 1 Without schooling and uncompleted elementary school 2 Elementary school 3 Secondary school 4 Bachelor and/or master degree 5 Doctor's degree 999 (No Data)</p>	<p>Highest achieved/completed level of education.</p>
<p>3.19) Employment: 1 No 2 Employee 3 School/student 4 Retired 999 (No Data)</p>	<p>The focus is on the main occupation of the perpetrator. If the perpetrator is retired and working then indicate retired. If the perpetrator is in school/student and working then student.</p>
<p>3.20) Income/Socioeconomic living conditions: 1 None 2 Below average 3 Average 4 Above average 999 (No Data)</p>	<p>Income in comparison to national average. Information on the income can be found in first examination of the perpetrator.</p>
<p>3.21) Appropriate living situation in terms of age and family situation of the perpetrator (for instance perpetrator living with his/her mother or father if they are sick or old is appropriate): 1 Appropriate to age and family situation, why: _____ 2 Not appropriate to age and family situation, why: _____ 999 (No Data)</p>	<p>Subjective estimation of perpetrator's living situation in terms of age and given family situation. Perpetrators living with their mother or father whom are sick or old, would not be considered deviating from appropriate living situation. Specify why living situation of the perpetrator is appropriate or not appropriate.</p>
<p>3.22.a) Prior police reports: _____ (number)</p>	
<p>3.22.b) Prior police reports of violence: _____ (number)</p>	
<p>3.23) Prior convictions: _____ (number)</p>	<p>Prior final criminal convictions.</p>

3.24) Prior convictions violence (extensive definition of intentional violence): _____ (number)	
3.25) Prior Prison sentence: 1 No 2 Yes	Prior deprivation of liberty as a sanction.
3.26.a) History of mental health issues? 1 No 2 Yes - under the medical treatment 3 Yes - under the medical treatment, but irregularly 4 Yes - not treated 999 (No data)	Indication of earlier mental health issues, stated in the medical records or in the testimony.
3.26.b) Diagnosed mental health issues during the offence (<i>please indicate the most intrusive treatment</i>): 1 No 2 Yes - counselling (not psychiatric) 3 Yes - psychiatric treatment 4 Yes - not treated 999 (No data)	Exclusively information from medical records.
3.27.a) Addiction of the perpetrator: 1 No addiction 2 Previous addiction 3 Alcohol 4 Soft drugs (cannabis/ marijuana/hash) 5 Hard drugs (XTC, LSD, speed, amphetamines, heroin, cocaine, crack or similar drugs) 6 Medicinal drugs 7 More than one type of addiction 999 (No data)	Overall addiction. Previous addiction refers to previous addiction of any mentioned substance.
3.27.b) Gambling addiction? 1 No 2 Yes 999 (No data)	
3.28) The perpetrator is an employee in specific profession who committed a crime while on duty: 1 No 2 Yes a. Police officers b. Security personnel	In order to select yes, both of the conditions have to be satisfied. Perpetrator has to be employed in a specific profession and he/she also has to commit a crime while performing his/her professional duty.

<ul style="list-style-type: none"> c. Medical staff (doctors, nurses, medical technicians, pharmacists) Judges, prosecutors, state attorneys and lawyers d. Journalists e. Preschool teachers, teachers and profesors f. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...) 	
<p>3.29) Perpetrator commits suicide?</p> <ul style="list-style-type: none"> 1 No 2 Yes 3 Attempted 	
<p>3.30) How long after the offence did perpetrator attempted or committted suicide?</p> <ul style="list-style-type: none"> 1 Did not attempted nor committed 2 Time: _____ (<i>in days</i>) 	
4.) Perpetrator - Procedure	
<p>4.1) Perpetrator defence:</p> <ul style="list-style-type: none"> 1 By himself 2 Point chosen attorney 3 Assigned attorney 	Perpetrator can have defence by himself, he can choose attorney or he can by assigned attorney by official duty.
<p>4.2) Pretrial Detention:</p> <ul style="list-style-type: none"> 1 No 2 Yes - Custody 3 Yes - Investigation prison 	Deprivation of liberty during the proceedings - from the very start to the final adjudication.
<p>4.3) Alternative to pretrial detention:</p> <ul style="list-style-type: none"> 1 No 2 Bail 	
<p>4.4) Expert psychiatry:</p> <ul style="list-style-type: none"> 1 No 2 Yes 	
<p>4.5) Perpetrator judged insane:</p> <ul style="list-style-type: none"> 1 No 2 Actio libera in causa (caused diminished responsibility by himself) 3 Insignificantly diminished responsibility 4 Significantly diminished responsibility 5 Insane 	According to final adjudication.

Questions about the victim	
5.) Victim - questions about the offence	
5.1) Victim No:	Victim XX (01,02,03...). For each victim in the case file this part of questionnaire should be answered separately and be multiplied according to the total number of victims. Each victim will have unique number which will also be connected with the project case number.
5.2) Number of offences that were committed at the expense of the victim (<i>write in</i>): ____ (multiply questions from 5.3.a to 5.10 for each specific offence)	At the expense of one specific victim, not for the total victims in the case file. Questions from 5.3) to 5.10) should be multiplied for each specific offence.
5.3) Offence(s) which were committed at the expense of the victim (<i>and other relevant laws</i>): 1 KZ 97 2 KZ 03 ... a. Article 88 b. ... (articles)	Select specific offence among the list of criminal offences in the dropdown menu.
5.4) Was physical force or harmful instrument used in the offence committed at the expense of the victim (<i>you can select more than one</i>)? 1 No 2 Yes - physical force 3 Yes - threat of physical force 4 Yes - harmful instrument	Distinction between violent and non-violent offences, since some article specify more than one manner of violation, and not all of them are violent.
5.5) Kind of force experienced (<i>you can select more than one</i>): 1 None 2 Pushing 3 Beating 4 Hitting 5 Kicking 6 Scratching 7 Compression 8 Usage of firearms 9 Usage of cold weapons 10 Strangulation	Type of force victim has experienced.

<ul style="list-style-type: none"> 11 Smothering 12 Drowning 13 Administering poison 14 Deprivation of food and drink 15 Deprivation of medication 16 Burning 17 Electricity 18 Other (write in): _____ 	
<p>5.6) Clinical physical consequences for the victim (<i>you can select more than one</i>):</p> <ul style="list-style-type: none"> 1 None 2 Light injuries 3 Heavily injuries 4 Especially severe bodily injuries 5 Cosmetic defect - mutilation 6 Diseases 7 Disability 8 Termination of pregnancy 9 Death 	Physical health consequences of the crime for the victim.
<p>5.7.a) Sexual aspects of the offence - penetration:</p> <ul style="list-style-type: none"> 1 None 2 Penetration with hand 3 Penile penetration 4 Penetration with foreign object 5 Multiple penetration 999 (No data) 	For example, if the perpetrator first applied penetration with hand and then with foreign object, select multiple penetration.
<p>5.7.b) Sexual aspects of the offence - targeted areas:</p> <ul style="list-style-type: none"> 1 None 2 Targets on genitals 3 Targets on buttocks 4 Targets on breasts 5 Multiple targets 999 (No data) 	For example, if targeted areas were both genitals and breasts, select multiple targets.
<p>5.8) Victim intoxicated alcohol?</p> <ul style="list-style-type: none"> 1 No 2 Yes 999 (No data) 	At the time offence was committed.
<p>5.9) Victim under the influence of illicit drugs?</p> <ul style="list-style-type: none"> 1 No 	At the time offence was committed. Illicit drugs are highly addictive and illegal substances.

2 Yes, which _____ 999 (No data)	
5.10) Victim under the influence of medicinal drugs? 1 No 2 Yes, which _____ 999 (No data)	At the time offence was committed. Medicinal drugs are substances that are commonly used and prescribed as a part of medical treatment.
6.) Background about the victim	
6.1) Personal identification number (OIB): _____ or 999 (No data) if victim is too young to have the OIB	For example, in cases of infanticide victim would not yet have OIB.
6.2) Sex victim: 1 Male 2 Female	
6.3) Date of birth: 1 Write in _____ (<i>mm.yyyy</i>) 999 (No data)	
6.4) Age victim (<i>at the time of the crime occurred</i>): 1 Write in _____ (<i>full years</i>) 999 (No data)	
6.5) Victim's location: _____	Location of the victim. The answer will be connected with google maps with separate boxes for postal code and place.
1. 6.6) Citizenship victim: 2. Croatian 3. Serbian 4. Macedonian 5. Albanian 6. Bosnia and Herzegovina 7. Turkey 8. Kosovar 9. Romanian 10. Slovenian 11. Hungarian 12. Bulgarian 13. Two nationalities including one Croatian 14. Two nationalities none of them Croatian 15. Apatrids (no citizenship) 16. Other (write in): _____ 999 (No data)	

<p>6.7) Is the victim refugee or migrant?</p> <p>1 No 2 Yes 999 (No Data)</p>	
<p>6.8) Is the victim person in institutional custody?</p> <p>1 No 2 Yes 999 (No Data)</p>	<p>Institutional custody means in prison, correctional institution, mental health institution, etc...</p>
<p>6.9) Is victim's profession one of the following?</p> <p>1 No 2 Yes</p> <ul style="list-style-type: none"> a. Police officers b. Security personel c. Medical staff (doctors, nurses, medical technicians, pharmacists) d. Judges, prosecutors, state attorneys and lawyers e. Journalists f. Preschool teachers, teachers and profesors g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...) <p>999 (No Data)</p>	
<p>6.10) Is the victim member of LGBTQIA community?</p> <p>1 No 2 Yes 999 (No Data)</p>	<p>Sexual and gender identities: lesbian, gay, bisexual, transgender, queer, intersexual and asexual.</p>
<p>6.11) Is the victim disabled?</p> <p>1 No 2 Yes 999 (No Data)</p>	<p>Physically and/or mentally disabled.</p>
<p>6.12) Is the victim veteran?</p> <p>1 No 2 Yes 999 (No Data)</p>	
<p>6.13) Is the victim inmate (<i>in prison setting</i>)?</p> <p>1 No 2 Yes 999 (No data)</p>	<p>In prison.</p>

<p>6.14) Is the victim pregnant?</p> <p>1 No 2 Yes 999 (No data)</p>	
<p>6.15) Is the victim homeless?</p> <p>1 No 2 Yes 999 (No data)</p>	
<p>6.16) Did the victim's membership in any of groups from previous questions (6.2, 6.4, 6.6, 6.7, 6.8,6.9, 6.10, 6.11, 6.12, 6. 13, 6.14, 6.15) gave reason to the offence?</p> <p>1 No 2 Yes 999 (No Data)</p>	<p>Victim's membership in these groups provided motivation for the offence.</p>
<p>6.17) Marital status victim at the offence time:</p> <p>1 Single 2 In a relationship 3 Married 4 Separated/Divorced 5 Widowed 6 Extra-marital relationship/ Cohabitation/Non marital partnership 999 (No data)</p>	<p>At the offence time. For example, if the victim is killed by his/her wife/husband, the he/she is married.</p>
<p>6.18) Children number:</p> <p>1 Write in _____ (<i>number</i>) 999 (No data)</p>	
<p>6.19) Education:</p> <p>1 Without schooling and uncompleted elementary school 2 Elementary school 3 Secondary school 4 Bachelor and/or master degree 5 Doctor's degree 999 (No Data)</p>	<p>Highest achieved/completed level of education.</p>
<p>6.21) Income/Socioeconomic living conditions:</p> <p>1 None 2 Below Average 3 Average 4 Above Average 999 (No Data)</p>	<p>Income in comparison to national average. This is a subjective estimation, information can be find in the testimony of the victim or witness or concluded from the victim's profession.</p>

<p>6.22) Injury of the victim:</p> <ol style="list-style-type: none"> 1 No injuries 2 Light bodily injuries 3 Heavily bodily injuries 4 Especially severe bodily injuries 5 Later Death 6 Immediate Death 	<p>Consequence for the victim. Later death means after the crime has occurred, for example on a way to the hospital or in the hospital. If the victim dies of natural causes after the crime has occurred, this would not be the correct answer. Immediate death means when the crime has occurred, on the spot.</p>
<p>6.23) Is there any indication of mental health issues of the victim after the offence (<i>choose the most severe one</i>):</p> <ol style="list-style-type: none"> 1 None 2 Temporary psychiatric issues (one or more symptom is present, but the disorder is not developed in its complete clinical picture or the duration criteria for psychiatric disorder diagnosis is not satisfied, e.g. trouble sleeping, ongoing anxiety), which _____ 3 Long-term psychiatric issues, which: _____ <p>999 (No Data)</p>	<p>Mental health consequences of the crime for the victim.</p>
<p>6.24) Is there any indication of cruelty towards victim:</p> <ol style="list-style-type: none"> 1 No, why: _____ 2 Yes, why: _____ <p>999 (No Data)</p>	<p>Subjective overall estimation of the cruelty in the specific case. Specify why you find it cruel or not cruel.</p>
<p>6.25) Is there any indication of substantial <i>suffering</i>:</p> <ol style="list-style-type: none"> 1 No 2 Yes <p>999 (No Data)</p>	<p>Statement in the verdict, assessment made by medical expert.</p>
<p>6.26.a) Number of injuries in the criminal report:</p> <ol style="list-style-type: none"> 1 Write in: _____ <p>999 (No data)</p>	
<p>6.26.b) Number of injuries in the medical documentation:</p> <ol style="list-style-type: none"> 1 Write in: _____ <p>999 (No data)</p>	

<p>6.27) Body regions affected (<i>you can select more than one</i>):</p> <ol style="list-style-type: none"> 1 None 2 Head 3 Neck 4 Trunk (chest/belly/back) 5 Extremities 6 Sensitive parts (genitals, breasts) 7 Whole body (e.g. explosive device, poison) 999 (No data) 	<p>Which body regions were affected by the offence and force applied by the perpetrator.</p>
<p>6.29) Diagnosed mental health issues prior to offence (<i>please indicate the most intrusive treatment</i>):</p> <ol style="list-style-type: none"> 1 No 2 Yes - counselling (non-psychiatric) 3 Yes - psychiatric treatment 4 Yes - not treated 999 (No data) 	<p>Exclusively information from medical records.</p>
<p>6.30.a) Addiction of the victim:</p> <ol style="list-style-type: none"> 1 No addiction 2 Previous addiction 3 Alcohol 4 Soft drugs (cannabis/ marijuana/hash) 5 Hard drugs (XTC, LSD, speed, amphetamines, heroin, cocaine, crack or similar drugs) 6 Medicinal drugs 7 More than one type of addiction 999 (No data) 	<p>Overall addiction. Previous addiction refers to previous addiction of any mentioned substance.</p>
<p>6.30.b) Gambling addiction?</p> <ol style="list-style-type: none"> 1 No 2 Yes 999 (No data) 	
<p>6.31) The victim is an employee in specific profession and was targeted as victim related to his duty:</p> <ol style="list-style-type: none"> 1 No 2 Yes <ol style="list-style-type: none"> a. Police officers b. Security personnel c. Medical staff (doctors, nurses, medical technicians, pharmacists) d. Judges, prosecutors, state attorneys and lawyers 	<p>In order to select yes, both of the conditions have to be satisfied. Victim has to be employed in a specific profession and he/she also has to be targeted related his/her professional duty.</p>

<ul style="list-style-type: none"> e. Journalists f. Preschool teachers, teachers and profesors g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...) 	
<p>6.32) Victim commits suicide?</p> <ul style="list-style-type: none"> 1 No 2 Yes 3 Attempted 	
<p>6.33) How long after the offence did victim attempted or committted suicide?</p> <ul style="list-style-type: none"> 1 Did not attempted nor committed 2 Time: _____ (in days) 	
7.) (RVO) Relationship Victim & Perpetrator	
<p>7.1) (RVO) Relationship Victim & Perpetrator A X X X O 1:</p> <ul style="list-style-type: none"> 1 Strangers 2 Acquaintance 3 Friends 4 Broad family (other relatives from parents, gradparents, children, siblings) 5 Core family (parents, gradparents, children, siblings) 6 Partners (husband/wife, ex-partner...) <p>Specified, (<i>write in</i>):</p> <hr/>	<p>Strangers means that the perpetrator and victim never met before the offence.</p> <p>An acquaintance is someone from work, gym, etc.</p> <p>A friend is someone close.</p> <p>Broad family includes relatives as mother in law, cousin, etc...</p> <p>Core family refers to parents, grandparents, children, siblings, regardless if they are from the same blood or they are adopted.</p> <p>Partners indicates current or past love or sexual relationship.</p>
<p>7.1. a) Do victim and the perpetrator live together in the same home/household?</p> <ul style="list-style-type: none"> 1 No 2 Yes 999 (No Data) 	
<p>7.1.b) Is there indication of prior abusive behaviour by the perpetrator towards victim:</p> <ul style="list-style-type: none"> 1 No 2 Yes 999 (No Data) 	<p>Every abusive behaviour before the offence, regardless if it happened two days or one year prior the offence.</p>

<p>7.1.c) Is there indication of prior abusive behaviour by the victim towards perpetrator:</p> <p>1 No 2 Yes 999 (No Data)</p>	<p>Every abusive behaviour before the offence, regardless if it happened two days or one year prior the offence.</p>
<p>7.1.d) Was the perpetrator ever physically violent towards victim prior the offence?</p> <p>1 No 2 Yes 999 (No data)</p>	<p>Every physical violence before the offence, regardless if it happened two days or one year prior the offence.</p>
<p>7.1.e) Was there any verbal confrontation prior the offence?</p> <p>1 No 2 Yes 999 (No data)</p>	<p>Verbal confrontation immediately before the offence.</p>
<p>7.1.f) Was there disparity of strength between victim and perpetrator?</p> <p>1 No 2 Yes, please indicate where did you find that information: _____ 999 (No data)</p>	<p>Indication that perpetrator was physically more powerful than the victim. Specify where you found that information.</p>
<p>Comments</p>	<p>Make a note if there was anything unusual or strange in the specific case.</p>

7.6. Questionnaire

1.) General questions about the case and procedural issues

1.1) Project case No: N

1.2) National case No:

1.3) Case terminated at the level of:

- 1 Prosecution
- 2 Court

1.4) Source city of the file (jurisdiction):

- 1 Zagreb.... (*where did you get the data*)

1.5) The most severe offence that was committed in this case is:

- 1 KZ /97
- 2 KZ /11
 - c. Article 88
 - d. ... (articles)

1.6) Was the committed:

- 1 Criminal offence
- 2 Misdemeanor

1.7) Was the perpetrator of the offence during the criminal proceedings treated as:

- 1 Adult
- 2 Minor

1.8) Bargaining procedure/ Penalty order:

- 1 No
- 2 Yes

1.9) Case dismissed by the prosecutor:

- 1 No
- 2 Yes

a. Dismissal date: _____ (*dd.mm.yyyy*)

b. Dismissal reason:

- 1 Reported offence is not criminal offence that is prosecuted by official duty
- 2 Criminal offence is under statute of limitations or amnesty or absolution or has been finally adjudicated

- 3 Circumstances that exclude criminal proceedings
- 4 Circumstances that exclude guilt
- 5 There is not enough evidence that the perpetrator committed criminal offence
- 6 Criminal report isn't credible
- 7 The dismissal of criminal report according to principle of purposefulness

1.10) First adjudication date: _____ (dd.mm.yyyy)

1.11) Final adjudication date: _____ (dd.mm.yyyy)

1.12) Witness hearing during trial: _____ (number of persons)

1.13) Total number of perpetrators: _____ (number)

1.14) Total number of victims: _____ (number)

1.15) Short case description:

Questions about the perpetrator

2.) Perpetrator - questions about offence

2.1) Perpetrator No: XX (01,02,03...)/separate questionnaire for each perpetrator

2.2) Number of offences perpetrator committed (write in): ____ (multiply questions from 2.3.a to 2.45 for each specific offence)

2.3.a) Legal qualification of the offence:

- 1 Attempt
- 2 Completed

2.3.b) National legal qualification of the offence (and other relevant laws):

- 1 KZ /97
- 2 KZ /11
 - a. Article 88
 - b. ... (articles)

2.4) Qualification of offence by police (and other relevant laws):(*)

- 1 KZ 97
- 2 KZ 11
 - a. Article 88
 - b. ... (articles)

2.5) Legal qualification of offence by prosecution (and other relevant laws):

- 1 KZ 97
- 2 KZ 11
 - a. Article 88
 - b. ... (articles)

2.6) Legal qualification of offence by first instance court (and other relevant laws):

- 1 KZ 97
- 2 KZ 11
 - a. Article 88
 - b. ... (articles)

2.7) Legal qualification of offence in final judgment (and other relevant laws):

- 1 KZ 97
- 2 KZ 11
 - a. Article 88
 - b. ... (articles)

2.8) Was in this specific case the institute of revocation applied?

- 1 No
- 2 Yes - for nonviolent offence
- 3 Yes - for violent offence

2.9) Was exclusion of unlawfulness applied in the offence?

- 1 No
- 2 Self-defence
- 3 Necessity
- 4 Mistake

2.10) Was physical force or harmful instrument used in the offence (*you can select more than one*)?

- 1 No
- 2 Yes - physical force
- 3 Yes - threat of physical force
- 4 Yes - harmful instrument

2.11) According to final adjudication, was the offence committed with:

- 1 Direct intent
- 2 Indirect intent
- 3 Reckless conduct
- 4 Unconscious negligence

2.12) Offence location: _____ (*connect it with google maps*)
(*separate boxes for 1.street, 2. postal code, 3. place*)

2.13) Offence date:

- 1 Write in: _____ (*dd.mm.yyyy; when the offence occurred*)
- 999 (No data)

2.14) Day of the week:

- 1 Monday
- 2 Tuesday
- 3 Wednesday
- 4 Thursday
- 5 Friday
- 6 Saturday
- 7 Sunday
- 999 (No data)

2.15) Time: _____ (0-24, e.g. 18:00)

2.16) Duration of the offence (*computer menu*):

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
secs	mins	hours	days	weeks	months	years

2.17) To whom was the offence reported:

- 1 State attorney
- 2 Police

2.18) Date reported (to police):

- 1 Write in _____ (dd.mm.yyyy)
- 999 (No data)

2.19) Offence location:

- 1 Private - Victim's home
- 2 Private - Perpetrator's home
- 3 Private - Both victim's and perpetrator's home
- 4 Private - Third person's home
- 5 Private - Car
- 6 Semi private - Victim's work place
- 7 Semi private - Perpetrator's work place
- 8 Semi private - Both victim's and perpetrator's work place
- 9 Semi private - Third person's work place
- 10 Public - Street
- 11 Public - Pub, restaurant or café
- 12 Public - Unresidential area
- 13 Public - Nature (park, forest...)
- 14 Public - Parking lot
- 15 Public – Bus, train, tram (means of transport)
- 16 Public - Shopping mall or grocery store
- 17 Restricted public - Prison
- 18 Restricted public - Public institution (subcategories in the drop down menu: educational institution, courtroom, hospital....)

2.20) Police attention: how did police get the attention of the offence?

- 1 Witness call
- 2 Victim call
- 3 Perpetrator turns him/herself in
- 4 Anonymous report by third party
- 5 Information from ongoing investigations
- 6 Witness in official capacity (hospital staff/physician, police officer...)
- 7 Body was found
- 8 Media/Social media
- 999 (No data)

2.21) Perpetrator of the offence is:

- 1 Immediately known
- 2 Discovered through process of criminal investigation
- 3 *Nomen nescio* (unknown)

2.22) What kind of instrument did the perpetrator use (*you can select more than one*)?

- 1 Hands
- 2 Feet
- 3 Blunt object
- 4 Glass objects
- 5 Knife
- 6 Firearms
- 7 Poison
- 8 Ligature
- 9 Corrosive chemical substance
- 10 Axe
- 11 Fire
- 12 Explosive device
- 13 Radioactive substance
- 14 Motor vehicle
- 15 Animals
- 16 Another person
- 17 Omission
- 18 Other (write in): _____

2.23) If fire arms involved licensed:

- 1 No
 - 2 Yes
- 999 (No Data)

2.24) Perpetrator has applied (*you can select more than one*):

- 1 None
- 2 Pushing
- 3 Beating
- 4 Hitting
- 5 Kicking
- 6 Scratching
- 7 Stabbing
- 8 Shooting
- 9 Poisoning
- 10 Deprivation of food and drink
- 11 Deprivation of medication
- 12 Burning
- 13 Strangulation
- 14 Smothering
- 15 Drowning

- 16 Electricity
- 17 Compression
- 18 Other (write in): _____

2.25) Has the perpetrator used violence instrument multiple times?

- 1 No
- 2 Yes, number of times: _____

2.26) Main offence motive (*you can select only one*):

- 1 Sexual
- 2 Money
- 3 Drugs
- 4 Revenge/Honour (personal, family, jealousy, separation or divorce)
- 5 Hate/Prejudice
- 6 Child abuse related
- 7 General conflict (between relatives, neighbours etc.)
- 8 Organised Crime related
- 9 Covering up another criminal offence
- 10 No motive
- Other, (write in) _____

2.27) Time-wise offence planning (*only 1 possible answer*)

- 1 Spontaneously
- 2 Planned
- 999 (No data)

2.28) Did the perpetrator act by stealth?

- 1 No
- 2 Yes
- 999 (No data)

2.29) Perpetrator pleas:

- 1 Guilty
- 2 Not Guilty
- 3 Silent
- 4 Unfit to stand trial
- 5 Trial in absentia

2.30) Adjudication:

- 1 Acquittal
- 2 Dismissal

- 3 Insane, committal to a psychiatric institution
- 4 Insane, no committal to a psychiatric institution
- 5 Bargaining procedure
- 6 Convicted

2.30.a) WHY (1 acquittal or 2 dismissal): _____

2.31) Convicted and sentenced (role):

- 1 Not convicted
- 2 Perpetrator
- 3 Co-perpetrator
- 4 Intermediary perpetrator (uses another person to commit an offence)
- 5 Aiding
- 6 Incitement

2.32.a) Prison sentence:

- 1 No
- 2 Yes

2.32.b) Juvenile imprisonment:

- 1 No
- 2 Yes

2.33) Length of prison sentence for this specific offence: _____ (in days)

2.34) Length prison sentence in total: _____ (in days)

2.35) Long lasting imprisonment:

- 1 No
- 2 Yes

2.36) Suspended:

- 1 No
- 2 Yes

2.37) Sentence mitigated:

- 1 No
- 2 Yes

2.38) Is there remission of punishment in this case?

- 1 No

- 2 Yes

2.39) Sentence substitution (*you can select more than one*):

- 1 No
- 2 Yes - Conditional (suspended) sentence
- 3 Yes - Partial suspended sentence
- 4 Yes - Community service
- 5 Yes - Fine

2.40) Additional measures (*you can select more than one*):

- 1 None
- 2 Safety measures
- 3 Protective supervision
- 4 Precautionary measures
- 5 Additional obligations
- 6 Fine

2.41) If safety measures, which (*you can select more than one*):

- 1 No safety measure was implied
- 2 Compulsory psychiatric treatment
- 3 Compulsory treatment of addiction
- 4 Compulsory psychosocial treatment
- 5 Prohibition from engaging from certain duty or from exercising
- 7 Prohibition to operate a motor vehicle
- 8 Prohibition from approaching a person
- 9 Removal from the shared household
- 10 Prohibition from accessing the Internet
- 11 Protective supervision after serving a full prison sentence

2.42) Educational measures:

- 1 None
- 2 Measures of warning
- 3 Increased supervision
- 4 Correctional institution measures

2.43) Mitigating circumstances (*you can select more than one*):

- 1 Degree of threat or violation of legally protected good
- 2 Motives
- 3 Degree to which perpetrator's duties have been violated
- 4 Manner of commission
- 5 Inculpatory consequences arising from the commission of criminal offence

- 6 Perpetrator's prior life
- 7 Age of the perpetrator
- 8 Perpetrator's personal and pecuniary circumstances
- 9 Perpetrator's conduct following commission of the criminal offence
- 10 Relationship to the victim
- 11 Efforts to compensate for the damage
- 12 Diminished responsibility
- 13 Other (*write in*): _____
- 14 None

2.44) Aggravating circumstances (*you can select more than one*):

- 1 Degree of threat or violation of legally protected good
- 2 Motives
- 3 Degree to which perpetrator's duties have been violated
- 4 Manner of commission
- 5 Inculpatory consequences arising from the commission of criminal offence
- 6 Perpetrator's prior life
- 7 Age of the perpetrator
- 8 Perpetrator's personal and pecuniary circumstances
- 9 Perpetrator's conduct following commission of the criminal offence
- 10 Relationship to the victim
- 11 Efforts to compensate for the damage
- 12 Other: _____
- 13 None

2.45) Fine:

- 1 No
- 2 Yes, amount: _____ (*Country's Currency*)

2.46) Perpetrator intoxicated with alcohol?

- 1 No
- 2 Yes
- 999 (No data)

2.47) Perpetrator under the influence of illicit drugs?

- 1 No
- 2 Yes, which: _____
- 999 (No data)

2.48) Perpetrator under the influence of medicinal drugs?

- 1 No

2 Yes, which: _____

999 (No data)

3.) Background about the perpetrator

3.1) Personal identification number (OIB): _____ or 999 (No data) if unknown perpetrator

3.2) Sex perpetrator:

1 Male

2 Female

999 (No data)

3.3) Date of birth:

1 Write in _____ (*mm.yyyy*)

999 (No data)

3.4) Age perpetrator (at the time of the crime occurred):

1 Write in _____ (*full years*)

999 (No data)

3.5) Perpetrator's location _____ (*1. place, 2. postal code*) (*connect it with google maps*)

3.6) Citizenship perpetrator:

1 Croatian

2 Serbian

3 Macedonian

4 Albanian

5 Bosnia and Herzegovina

6 Turkey

7 Kosovar

8 Romanian

9 Slovenian

10 Hungarian

11 Bulgarian

12 Two nationalities including one Croatian

13 Two nationalities none of them Croatian

14 Apatrids (no citizenship)

15 Other (*write in*): _____

999 (No data)

3.7) Is the perpetrator refugee or migrant?

- 1 No
- 2 Yes
- 999 (No Data)

3.8) Is the perpetrator person in institutional custody?

- 1 No
- 2 Yes
- 999 (No Data)

3.9) Is perpetrator's profession one of the following?

- 1 No
- 2 Yes
 - a. Police officers
 - b. Security personel
 - c. Medical staff (doctors, nurses, medical technicians, pharmacists)
 - d. Judges, prosecutors, state attorneys and lawyers
 - e. Journalists
 - f. Preschool teachers, teachers and profesors
 - g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...)
- 999 (No Data)

3.10) Is the perpetrator member of LGBTQIA community?

- 1 No
- 2 Yes
- 999 (No Data)

3.11) Is the perpetrator disabled?

- 1 No
- 2 Yes
- 999 (No Data)

3.12) Is the perpetrator veteran?

- 1 No
- 2 Yes
- 999 (No Data)

3.13) Is the perpetrator inmate (*in prison setting*)?

- 1 No

- 2 Yes
- 999 (No data)

3.14) Is the perpetrator pregnant?

- 1 No
- 2 Yes
- 999 (No data)

3.15) Is the perpetrator homeless?

- 1 No
- 2 Yes
- 999 (No data)

3.16) Marital status perpetrator at the offence time:

- 1 Single
- 2 In a relationship
- 3 Married
- 4 Separated/Divorced
- 5 Widowed
- 6 Extra-marital relationship/ Cohabitation/Non marital partnership
- 999 (No data)

3.17) Children number:

- 1 Write in _____ (*number*)
- 999 (No data)

3.18) Education:

- 1 Without schooling and uncompleted elementary school
- 2 Elementary school
- 3 Secondary school
- 4 Bachelor and/or master degree
- 5 Doctor's degree
- 999 (No Data)

3.19) Employment:

- 1 No
- 2 Employee
- 3 School/student
- 4 Retired
- 999 (No Data)

3.20) Income/Socioeconomic living conditions:

- 1 None
- 2 Below average
- 3 Average
- 4 Above average
- 999 (No Data)

3.21) Appropriate living situation in terms of age and family situation of the perpetrator (for instance perpetrator living with his/her mother or father if they are sick or old is appropriate):

- 1 Appropriate to age and family situation, why: _____
- 2 Not appropriate to age and family situation, why: _____
- 999 (No Data)

3.22.a) Prior police reports: _____ (number)

3.22.b) Prior police reports of violence: _____ (number)

3.23.a) Prior convictions: _____ (number)

3.23.b) Prior convictions violence (extensive definition of intentional violence): _____ (number)

3.24) Prior Prison sentence:

- 1 No
- 2 Yes

3.25.a) History of mental health issues?

- 1 No
- 2 Yes - under the medical treatment
- 3 Yes - under the medical treatment, but irregularly
- 4 Yes - not treated
- 999 (No data)

3.25.b) Diagnosed mental health issues during the offence (*please indicate the most intrusive treatment*):

- 1 No
- 2 Yes - counselling (not psychiatric)
- 3 Yes - psychiatric treatment
- 4 Yes - not treated
- 999 (No data)

3.26.a) Addiction of the perpetrator:

- 1 No addiction
 - 2 Previous addiction
 - 3 Alcohol
 - 4 Soft drugs (cannabis/ marijuana/hash)
 - 5 Hard drugs (XTC, LSD, speed, amphetamines, heroin, cocaine, crack or similar drugs)
 - 6 Medicinal drugs
 - 7 More than one type of addiction
- 999 (No data)

3.26.b) Gambling addiction?

- 1 No
 - 2 Yes
- 999 (No data)

3.27) The perpetrator is an employee in specific profession who committed a crime while on duty:

- 1 No
- 2 Yes
 - a. Police officers
 - b. Security personnel
 - c. Medical staff (doctors, nurses, medical technicians, pharmacists)
 - d. Judges, prosecutors, state attorneys and lawyers
 - e. Journalists
 - f. Preschool teachers, teachers and professors
 - g. Cashiers (employees at stores, newsstands, betting shop, bank accountants, post officers, currency exchange officers...)

3.28) Perpetrator commits suicide?

- 1 No
- 2 Yes
- 3 Attempted

3.29) How long after the offence did perpetrator attempted or committed suicide?

- 1 Did not attempt nor committed
- 2 Time: _____ (in days)

4.) Perpetrator - Procedure

4.1) Perpetrator defence:

- 1 By himself
- 2 Point chosen attorney

3 Assigned attorney

4.2) Pretrial Detention:

- 1 No
- 2 Yes - Custody
- 3 Yes - Investigation prison

4.3) Alternative to pretrial detention:

- 1 No
- 2 Bail

4.4) Expert psychiatry:

- 1 No
- 2 Yes

4.5) Perpetrator judged insane:

- 1 No
- 2 Actio libera in causa (caused diminished responsibility by himself)
- 3 Insignificantly diminished responsibility
- 4 Significantly diminished responsibility
- 5 Insane

Questions about the victim

5.) Victim - questions about the offence

5.1) Victim No: XX (01,02,03...)/*separate questionnaire for each victim*

5.2) Number of offences that were committed at the expense of the victim (*write in*): ____
(multiply questions from 5.3.a to 5.10 for each specific offence)

5.3) Offence(s) which were committed at the expense of the victim (*and other relevant laws*):

- 1 KZ 97
- 2 KZ 03
 - a. Article 88
 - b. ... (articles)

5.4) Was physical force or harmful instrument used in the offence committed at the expense of the victim (*you can select more than one*)?

- 1 No
- 2 Yes - physical force
- 3 Yes - threat of physical force

4 Yes - harmful instrument

5.5) Kind of force experienced (*you can select more than one*):

- 1 None
- 2 Pushing
- 3 Beating
- 4 Hitting
- 5 Kicking
- 6 Scratching
- 7 Compression
- 8 Usage of firearms
- 9 Usage of cold weapons
- 10 Strangulation
- 11 Smothering
- 12 Drowning
- 13 Administering poison
- 14 Deprivation of food and drink
- 15 Deprivation of medication
- 16 Burning
- 17 Electricity
- 18 Other (write in): _____

5.6) Clinical physical consequences for the victim (*you can select more than one*):

- 1 None
- 2 Light injuries
- 3 Heavily injuries
- 4 Especially severe bodily injuries
- 5 Cosmetic defect - mutilation
- 6 Diseases
- 7 Disability
- 8 Termination of pregnancy
- 9 Death

5.7.a) Sexual aspects of the offence - penetration:

- 1 None
- 2 Penetration with hand
- 3 Penile penetration
- 4 Penetration with foreign object
- 5 Multiple penetration
- 999 (No data)

5.7.b) Sexual aspects of the offence - targeted areas:

- 1 None
 - 2 Targets on genitals
 - 3 Targets on buttocks
 - 4 Targets on breasts
 - 5 Multiple targets
- 999 (No data)

5.8) Victim intoxicated alcohol?

- 1 No
 - 2 Yes
- 999 (No data)

5.9) Victim under the influence of illicit drugs?

- 1 No
 - 2 Yes, which _____
- 999 (No data)

5.10) Victim under the influence of medicinal drugs?

- 1 No
 - 2 Yes, which _____
- 999 (No data)

6.) Background about the victim

6.1) Personal identification number (OIB): _____

6.2) Sex victim:

- 1 Male
- 2 Female

6.3) Date of birth:

- 1 Write in _____ (*mm.yyyy*)
- 999 (No data)

6.4) Age victim (*at the time of the crime occurred*):

- 1 Write in _____ (*full years*)
- 999 (No data)

6.5) Victim's location _____ (*1. place, 2. postal code*) (*connect it with google maps*)

6.6) Citizenship victim:

- 1 Croatian
 - 2 Serbian
 - 3 Macedonian
 - 4 Albanian
 - 5 Bosnia and Herzegovina
 - 6 Turkey
 - 7 Kosovar
 - 8 Romanian
 - 9 Slovenian
 - 10 Hungarian
 - 11 Bulgarian
 - 12 Two nationalities including one Croatian
 - 13 Two nationalities none of them Croatian
 - 14 Apatrids (no citizenship)
 - 15 Other (write in): _____
- 999 (No data)

6.7) Is the victim refugee or migrant?

- 1 No
 - 2 Yes
- 999 (No Data)

6.8) Is the victim person in institutional custody?

- 1 No
 - 2 Yes
- 999 (No Data)

6.9) Is victim's profession one of the following?

- 1 No
- 2 Yes
 - a. Police officers
 - b. Security personel
 - c. Medical staff (doctors, nurses, medical technicians, pharmacists)
 - d. Judges, prosecutors, state attorneys and lawyers
 - e. Journalists
 - f. Preschool teachers, teachers and profesors
 - g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...)

999 (No Data)

6.10) Is the victim member of LGBTQIA community?

1 No

2 Yes

999 (No Data)

6.11) Is the victim disabled?

1 No

2 Yes

999 (No Data)

6.12) Is the victim veteran?

1 No

2 Yes

999 (No Data)

6.13) Is the victim inmate (*in prison setting*)?

1 No

2 Yes

999 (No data)

6.14) Is the victim pregnant?

1 No

2 Yes

999 (No data)

6.15) Is the victim homeless?

1 No

2 Yes

999 (No data)

6.16) Did the victim's membership in any of groups from previous questions (6.2, 6.4, 6.6, 6.7, 6.8,6.9, 6.10, 6.11, 6.12, 6. 13, 6.14, 6.15) gave reason to the offence?

1 No

2 Yes

999 (No Data)

6.17) Marital status victim at the offence time:

1 Single

2 In a relationship

- 3 Married
- 4 Separated/Divorced
- 5 Widowed
- 6 Extra-marital relationship/ Cohabitation/Non marital partnership
- 999 (No data)

6.18) Children number:

- 1 Write in _____ (*number*)
- 999 (No data)

6.19) Education:

- 1 Without schooling and uncompleted elementary school
- 2 Elementary school
- 3 Secondary school
- 4 Bachelor and/or master degree
- 5 Doctor's degree
- 999 (No Data)

6.20) Employment:

- 1 No
- 2 Employee
- 3 School/student
- 4 Retired
- 999 (No Data)

6.21) Income/Socioeconomic living conditions:

- 1 None
- 2 Below Average
- 3 Average
- 4 Above Average
- 999 (No Data)

6.22) Injury of the victim:

- 1 No injuries
- 2 Light bodily injuries
- 3 Heavily bodily injuries
- 4 Especially severe bodily injuries
- 5 Later Death
- 6 Immediate Death

6.23) Is there any indication of mental health issues of the victim after the offence (*choose the most severe one*):

- 1 None
 - 2 Temporary psychiatric issues (one or more symptom is present, but the disorder is not developed in its complete clinical picture or the duration criteria for psychiatric disorder diagnosis is not satisfied, e.g. trouble sleeping, ongoing anxiety), which _____
 - 3 Long-term psychiatric issues, which: _____
- 999 (No Data)

6.24) Is there any indication of cruelty towards victim:

- 1 No, why: _____
 - 2 Yes, why: _____
- 999 (No Data)

6.25) Is there any indication of substantial *suffering* (*expert opinion, statement in verdict*):

- 1 No
 - 2 Yes
- 999 (No Data)

6.26.a) Number of injuries in the criminal report:

- 1 Write in: _____
- 999 (No data)

6.26.b) Number of injuries in the medical documentation:

- 1 Write in: _____
- 999 (No data)

6.27) Body regions affected (*you can select more than one*):

- 1 None
 - 2 Head
 - 3 Neck
 - 4 Trunk (chest/belly/back)
 - 5 Extremities
 - 6 Sensitive parts (genitals, breasts)
 - 7 Whole body (e.g. explosive device, poison)
- 999 (No data)

6.28) Was victim ever victimised before?

- 1 No
- 2 Yes

999 (No data)

6.29) Diagnosed mental health issues prior to offence (*please indicate the most intrusive treatment*):

- 1 No
 - 2 Yes - counselling (non-psychiatric)
 - 3 Yes - psychiatric treatment
 - 4 Yes - not treated
- 999 (No data)

6.30.a) Addiction of the victim:

- 1 No addiction
 - 2 Previous addiction
 - 3 Alcohol
 - 4 Soft drugs (cannabis/ marijuana/hash)
 - 5 Hard drugs (XTC, LSD, speed, amphetamines, heroin, cocaine, crack or similar drugs)
 - 6 Medicinal drugs
 - 7 More than one type of addiction
- 999 (No data)

6.30.b) Gambling addiction?

- 1 No
 - 2 Yes
- 999 (No data)

6.31) The victim is an employee in specific profession and was targeted as victim related to his duty:

- 1 No
- 2 Yes
 - a. Police officers
 - b. Security personel
 - c. Medical staff (doctors, nurses, medical technicians, pharmacists)
 - d. Judges, prosecutors, state attorneys and lawyers
 - e. Journalists
 - f. Preschool teachers, teachers and profesors
 - g. Cashiers (employes at stores, newstands, betting shop, bank accountants, post officers, currency exchange officers...)

6.32) Victim commits suicide?

- 1 No
- 2 Yes

3 Attempted

6.33) How long after the offence did victim attempted or committed suicide?

- 1 Did not attempted nor committed
- 2 Time: _____ (in days)

7.) (RVO) Relationship Victim & Perpetrator

7.1) (RVO) Relationship Victim & Perpetrator A X X X O 1:

- 1 Strangers
- 2 Acquaintance
- 3 Friends
- 4 Broad family (other relatives apart from parents, grandparents, children, siblings)
- 5 Core family (parents, grandparents, children, siblings)
- 6 Partners (husband/wife, ex-partner...)

Specified, (write in) _____

7.1. a) Do victim and the perpetrator live together in the same home/household?

- 1 No
 - 2 Yes
- 999 (No Data)

7.1.b) Is there indication of prior abusive behaviour by the perpetrator towards victim:

- 1 No
 - 2 Yes
- 999 (No Data)

7.1.c) Is there indication of prior abusive behaviour by the victim towards perpetrator:

- 1 No
 - 2 Yes
- 999 (No Data)

7.1.d) Was the perpetrator ever physically violent towards victim prior the offence?

- 1 No
 - 2 Yes
- 999 (No data)

7.1.e) Was there any verbal confrontation prior the offence?

- 1 No
 - 2 Yes
- 999 (No data)

7.1.f) Was there disparity of strength between victim and perpetrator?

1 No

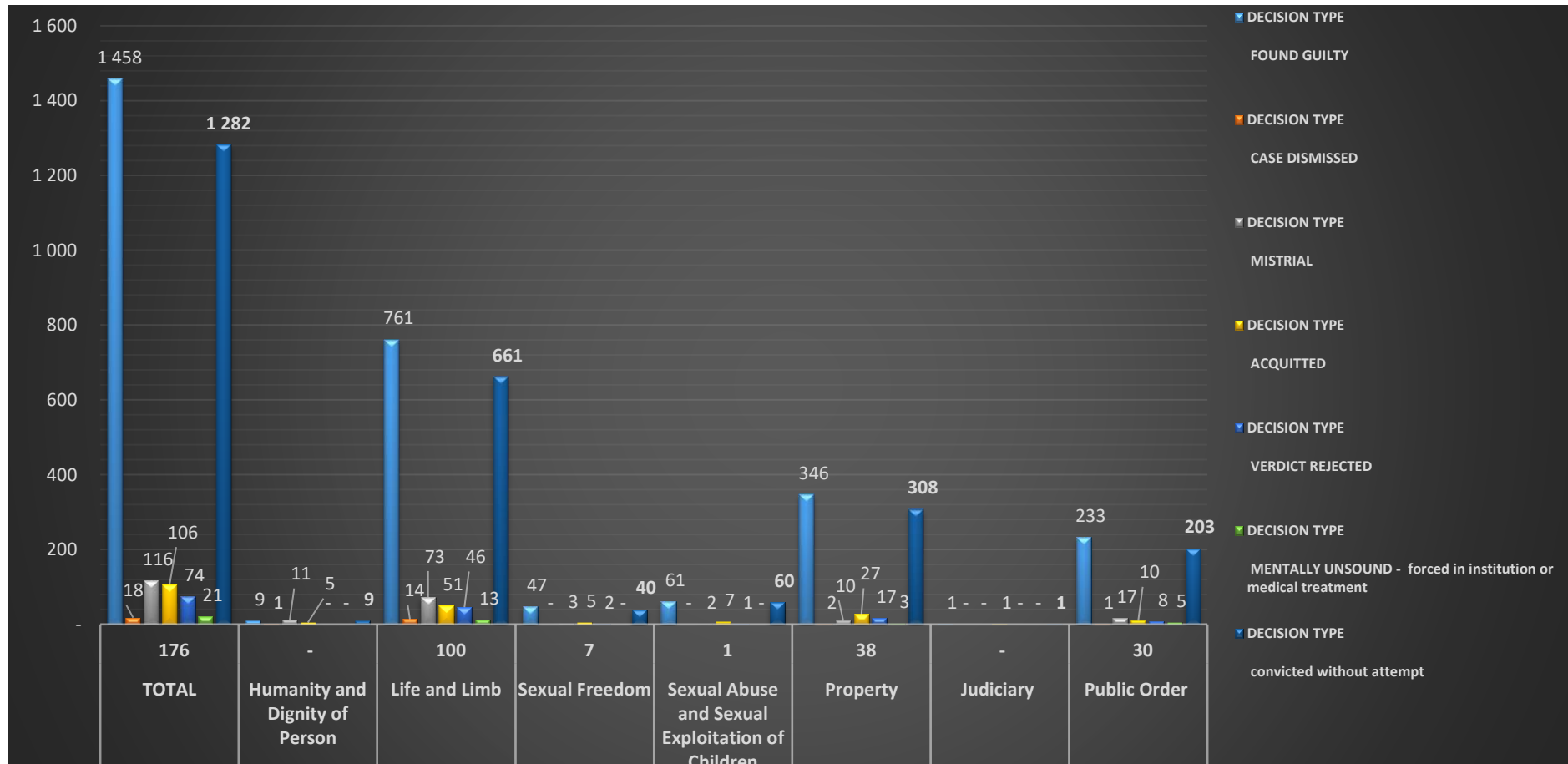
2 Yes, please indicate where did you find that information: _____

999 (No data)

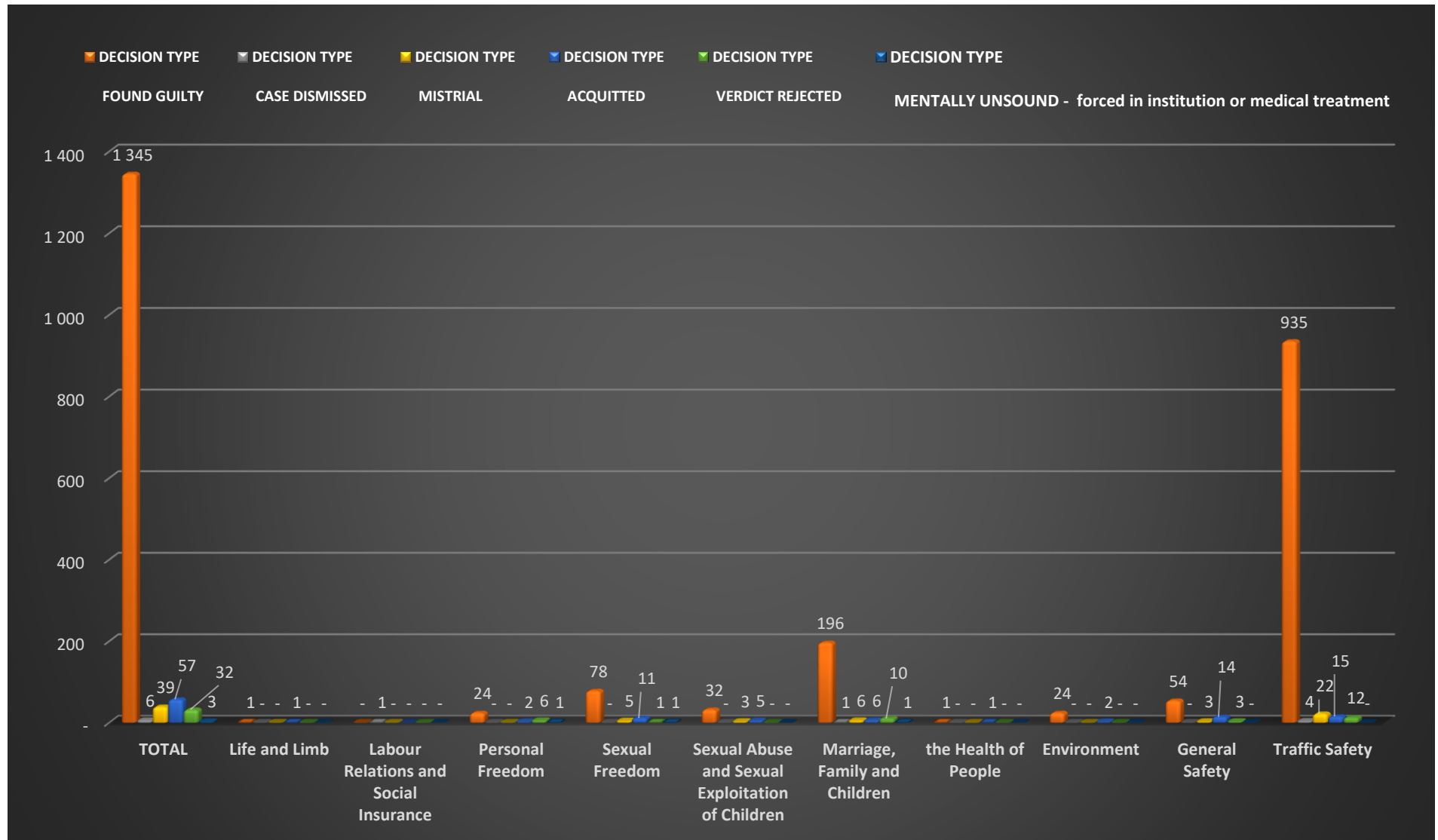
COMMENTS:

7.7. Phenomenology of Violence in Croatia: Descriptive Statistics

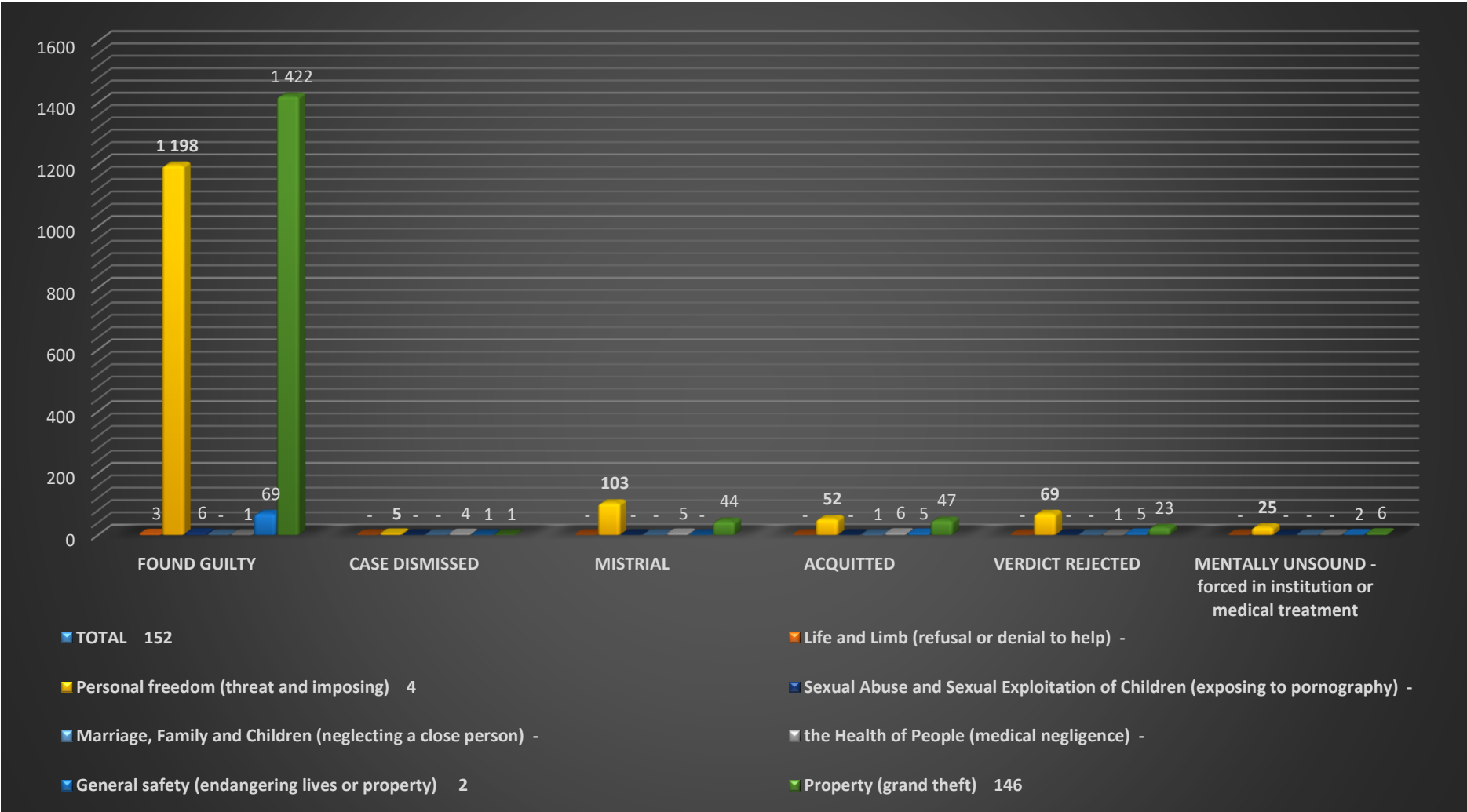
Graph 7.7.1.1: Adults – Accused and convicted according to criminal offence type from category 1 and decision type in 2015



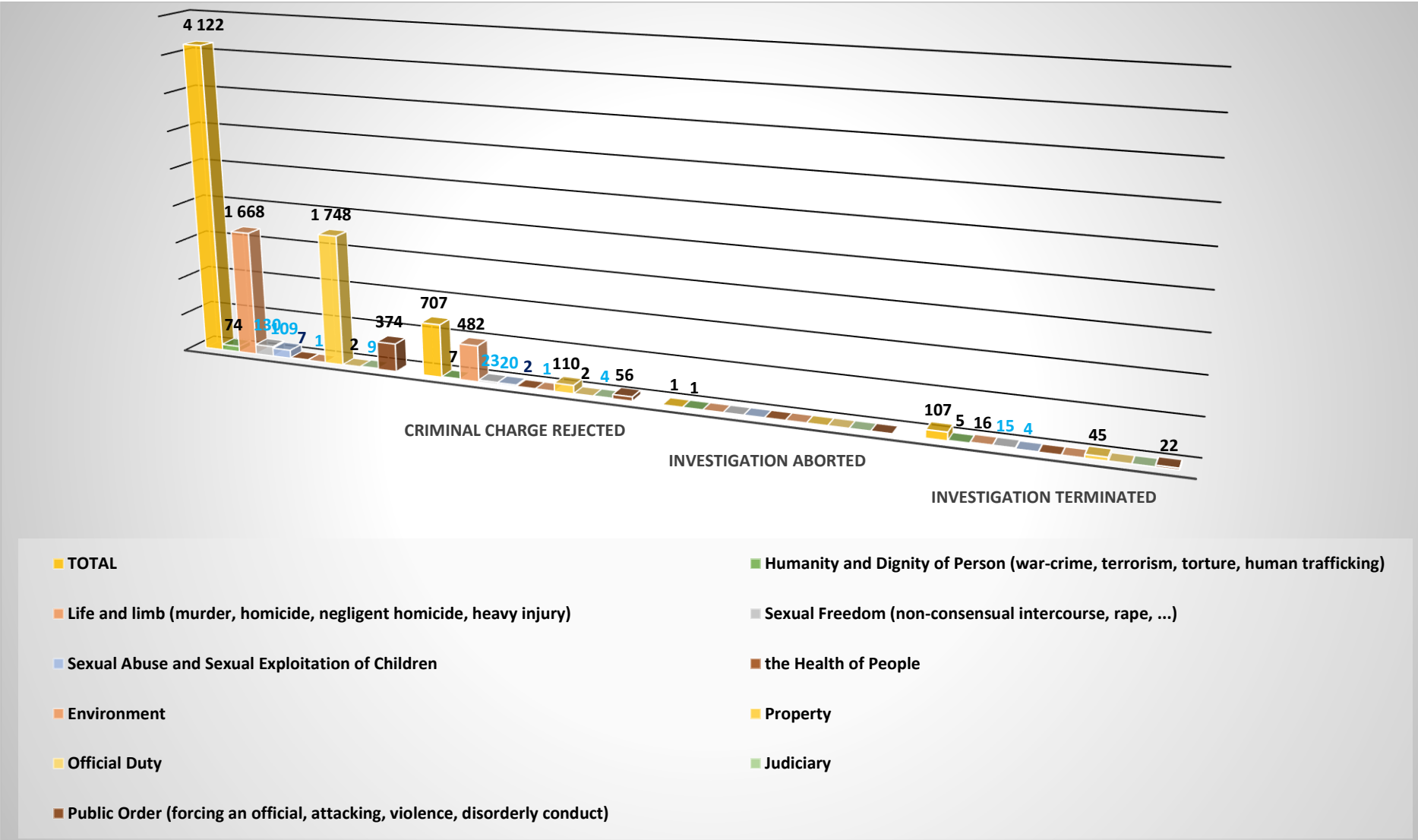
Graph 7.7.1.2: Adults – Accused and convicted according to criminal offence type from category 2 and decision type in 2015



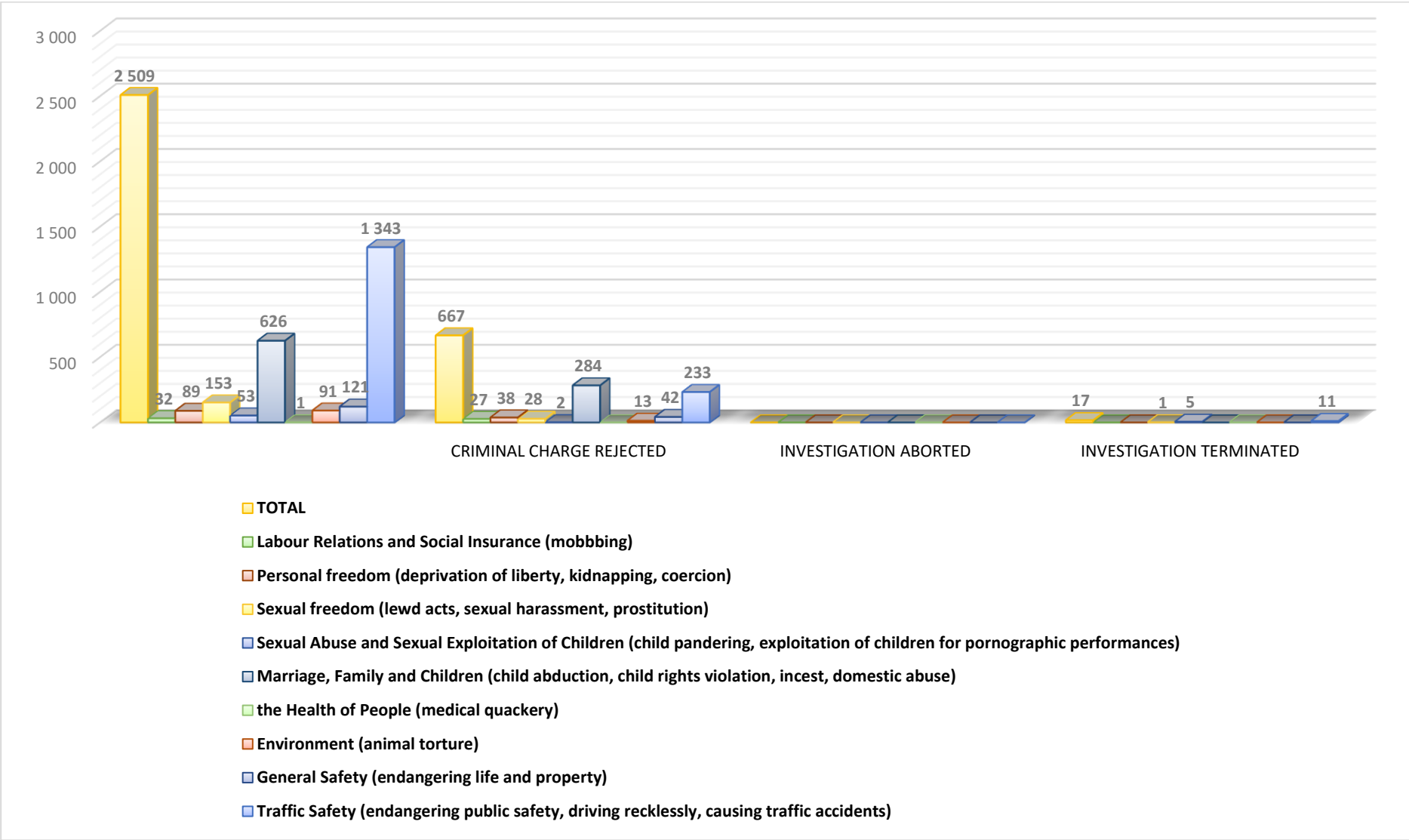
Graph 7.7.1.3: Adults – Accused and convicted according to decision type in 2015



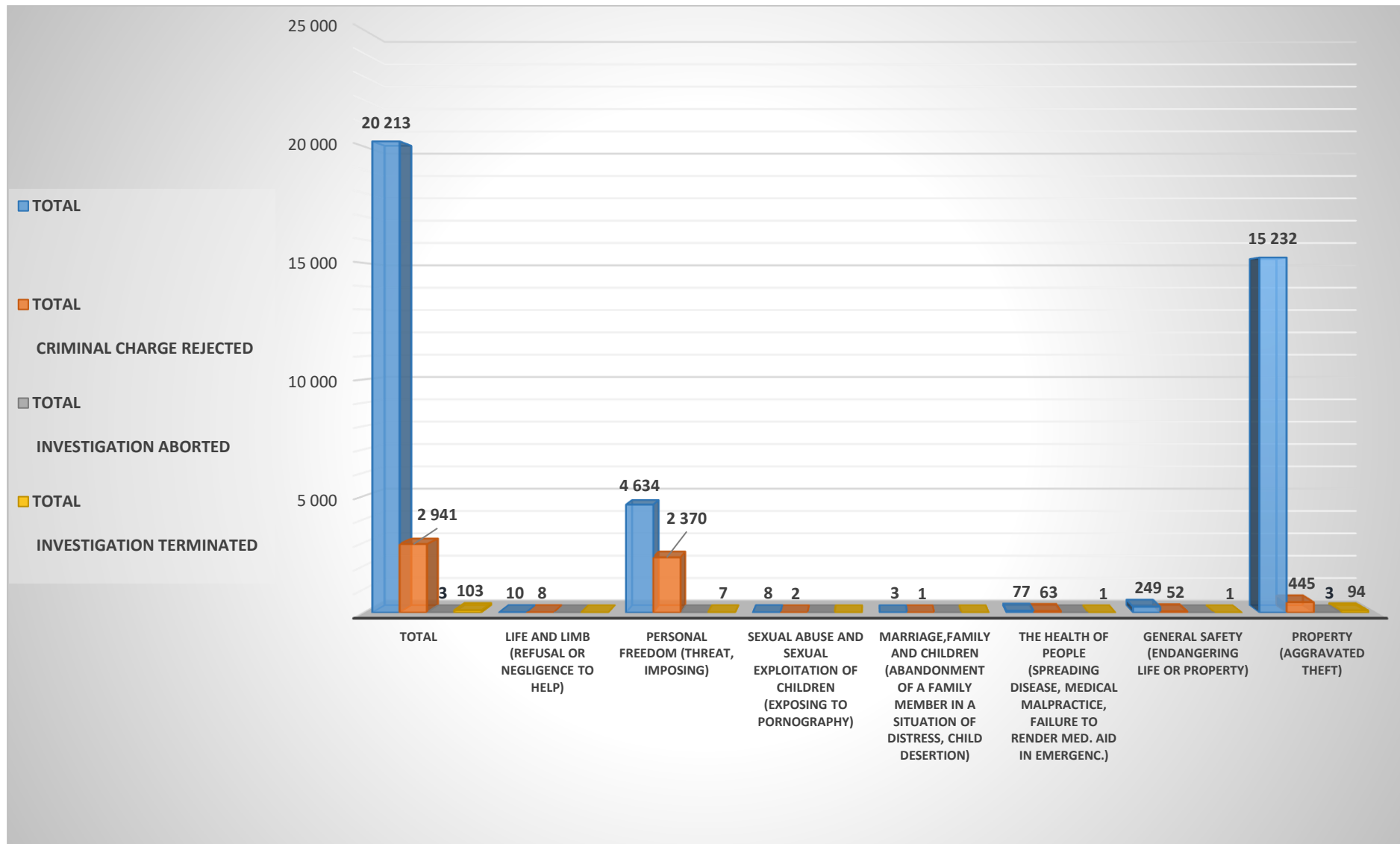
Graph 7.7.1.4: Adults – Accused according to decision type for category 1 in 2015



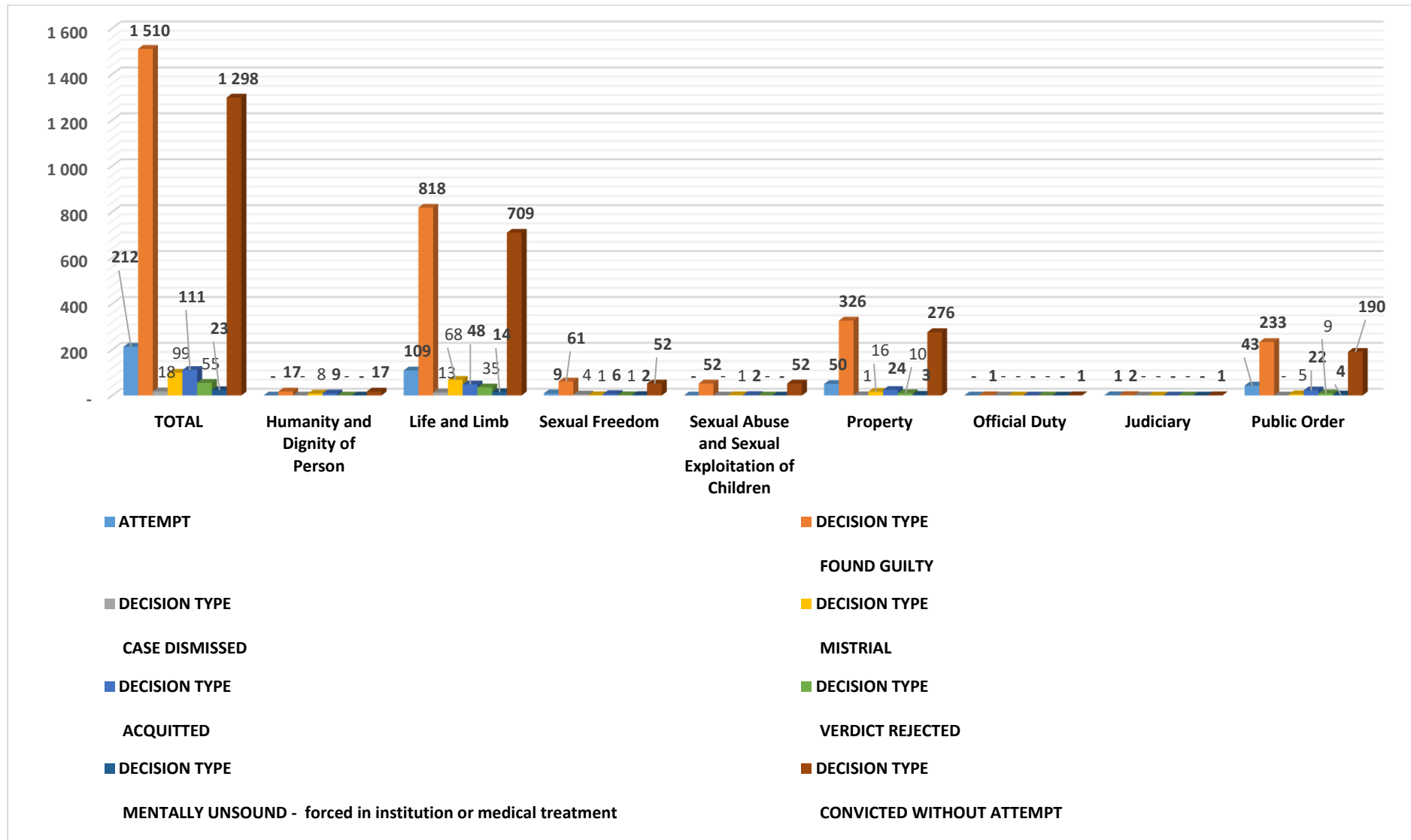
Graph 7.7.1.5: Adults – Accused according to criminal offence type and decision type in 2015



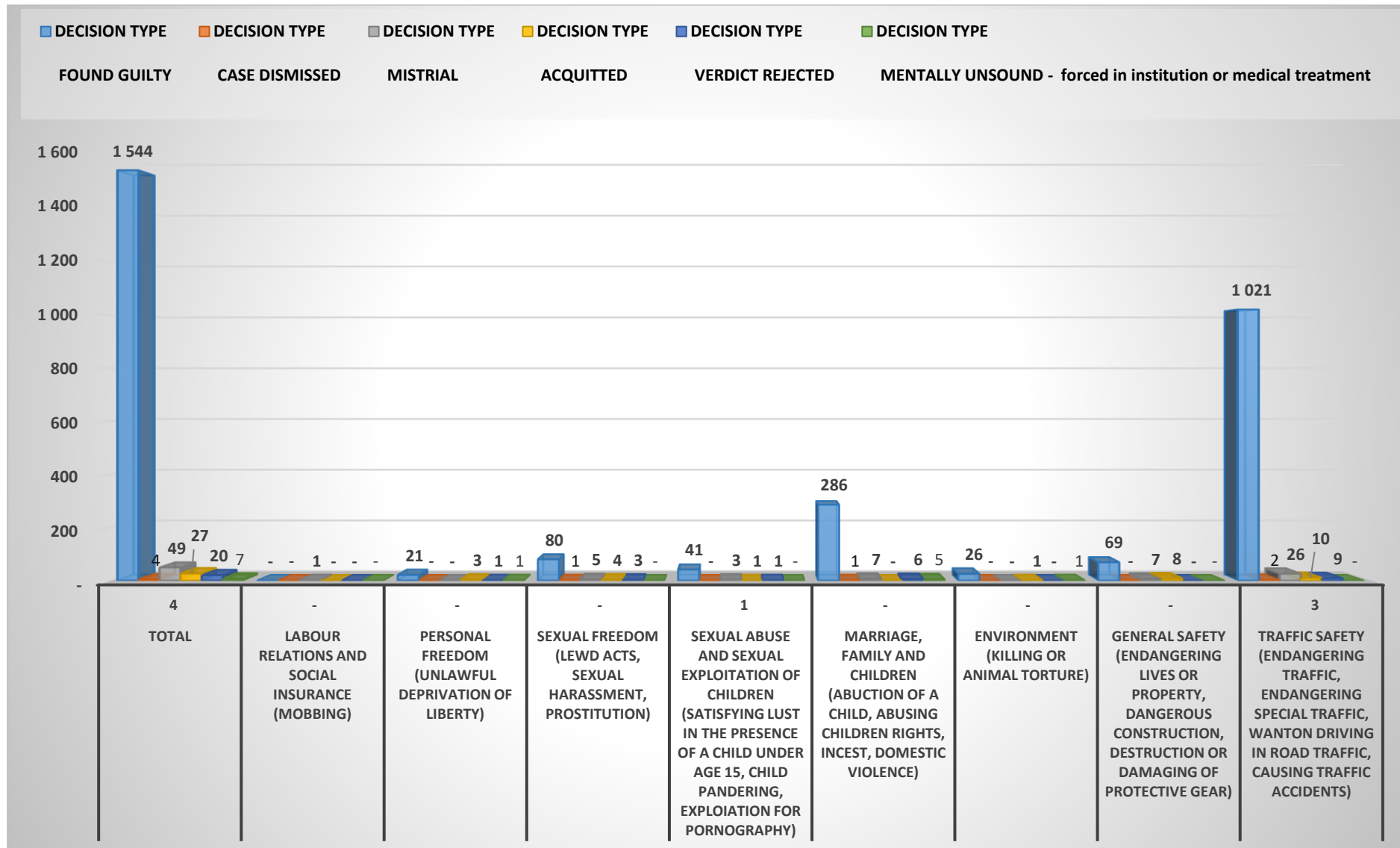
Graph 7.7.1.6: Adults – Reported according to criminal offence type and decision type in 2015



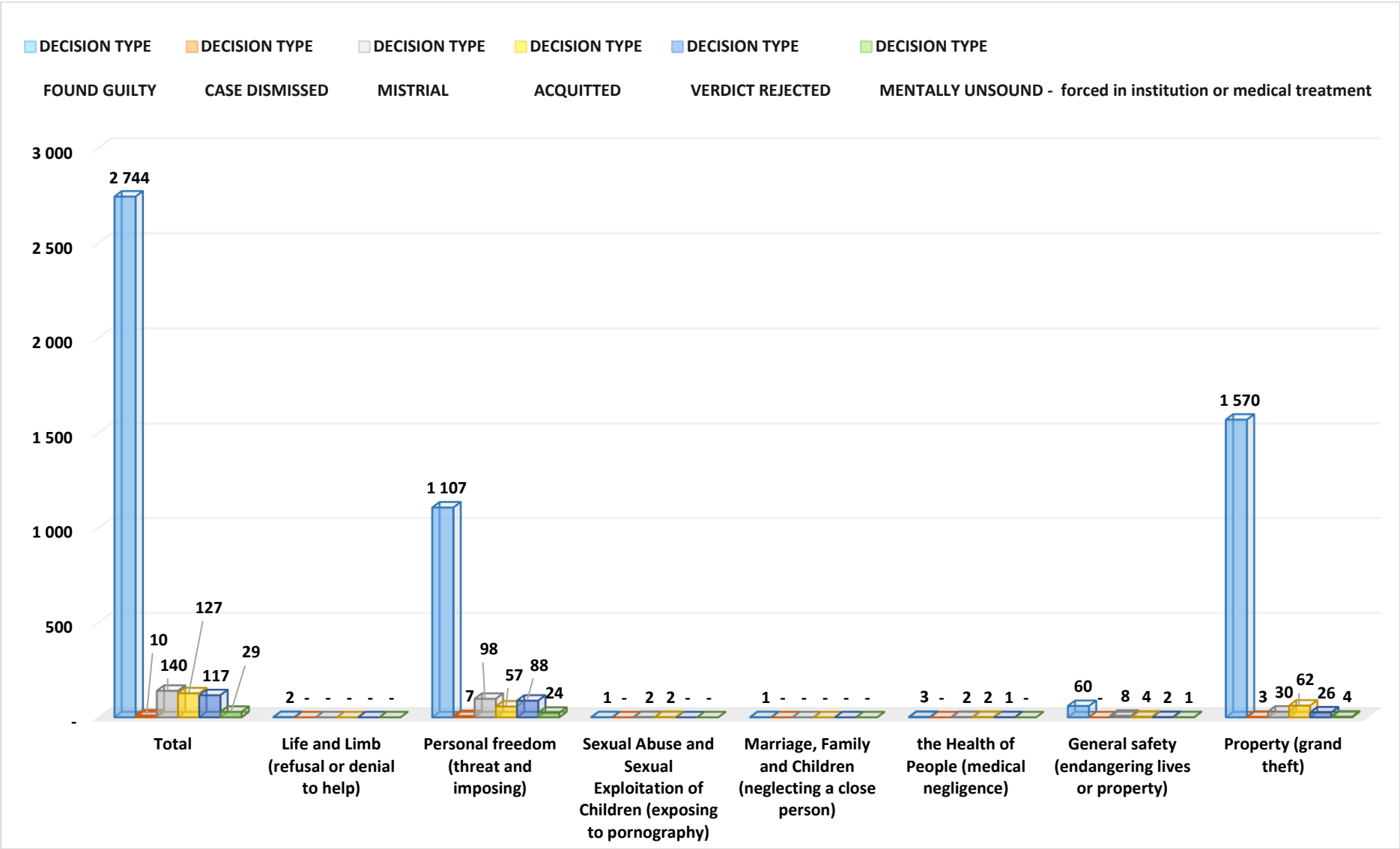
Graph 7.7.1.7: Adults – Accused and convicted according to criminal offence type from category 1 and decision type in 2016



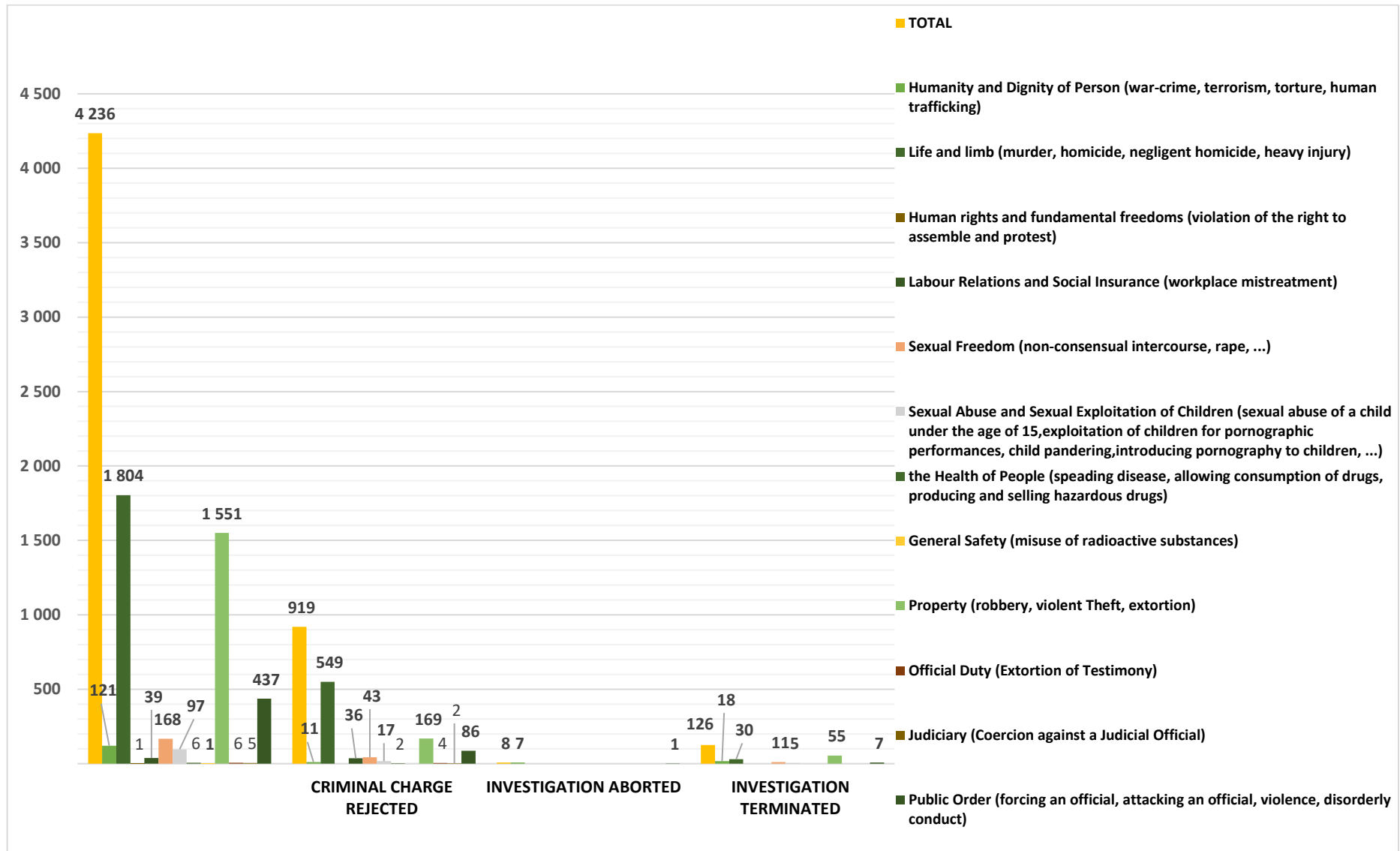
Graph 7.7.1.8: Adults – Accused and convicted according to criminal offence type from category 2 and decision type in 2016



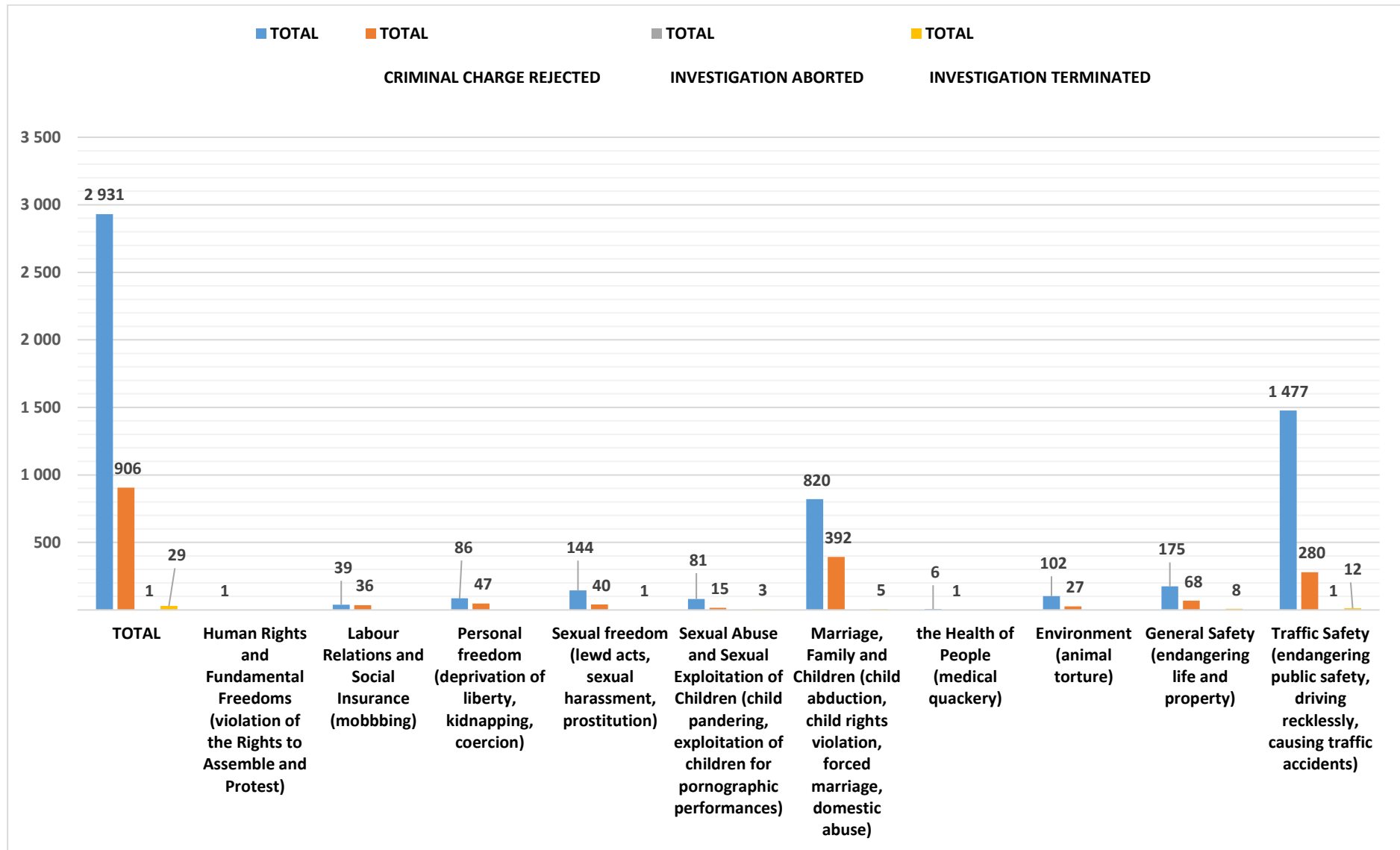
Graph 7.7.1.9: Adults – Accused and convicted according to criminal offence type from category 3 and decision type in 2016



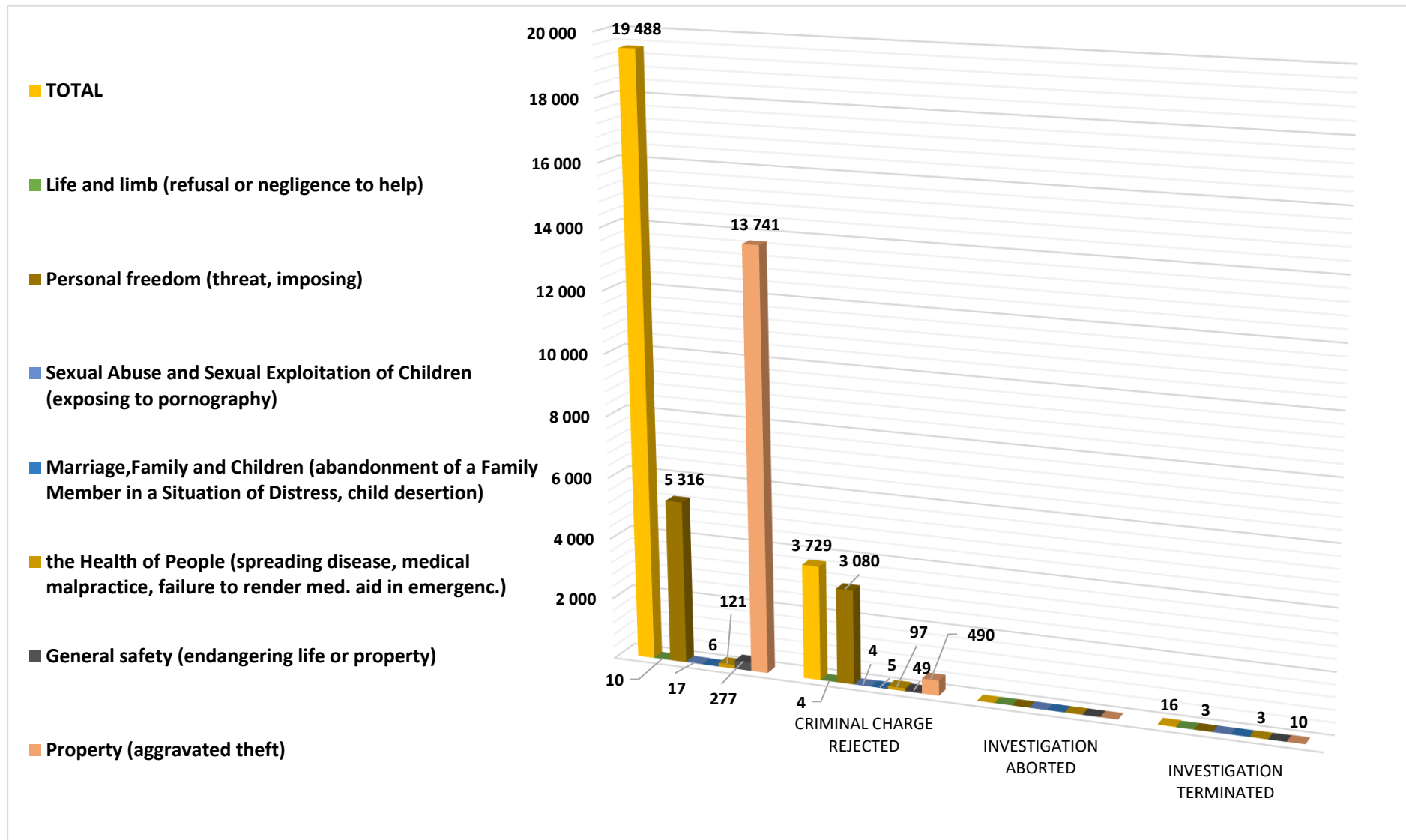
Graph 7.7.1.10: Adults – Reported according to criminal offence type from category 1 and decision type in 2016



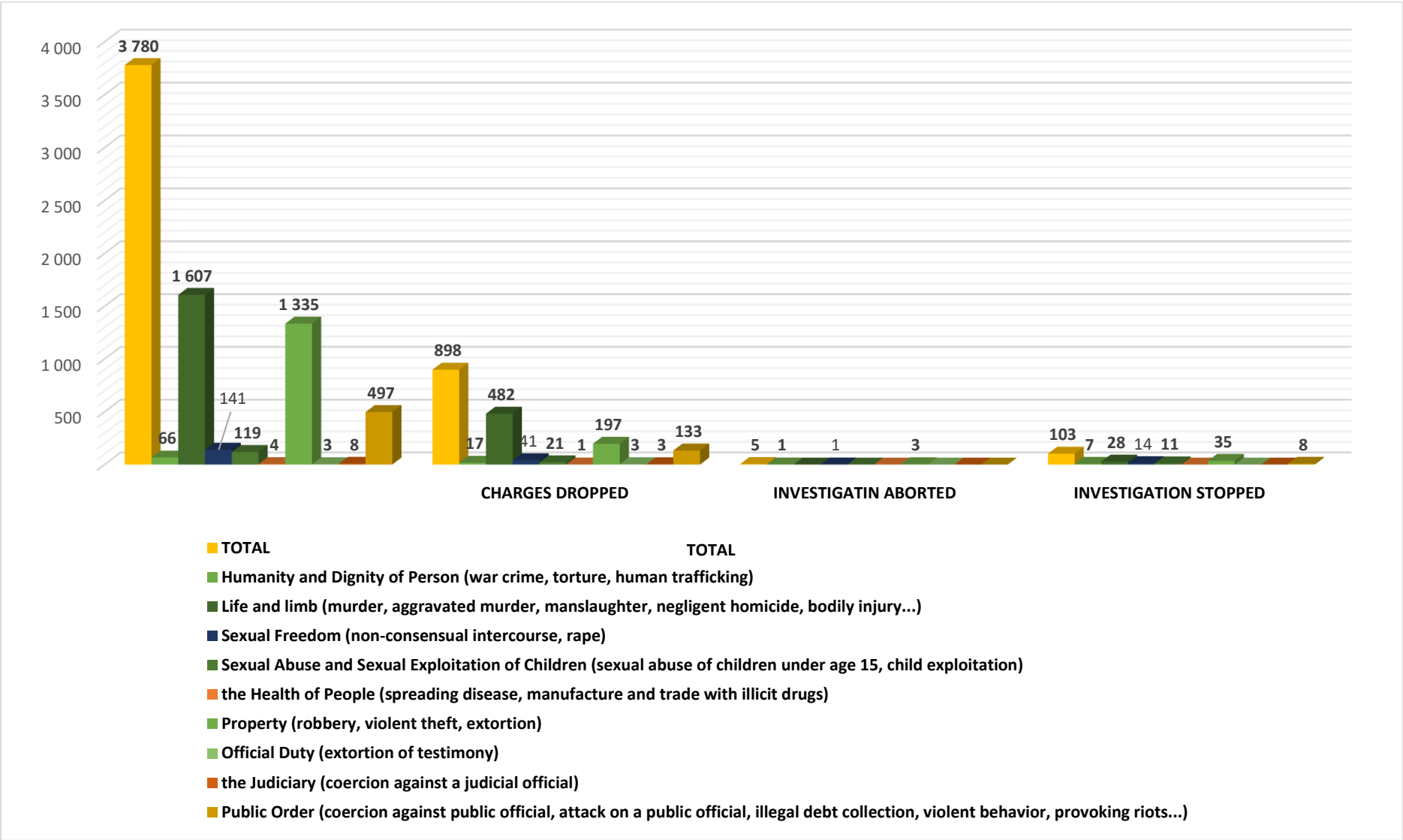
Graph 7.7.1.11: Adults – Reported according to criminal offence type from category 2 and decision type in 2016



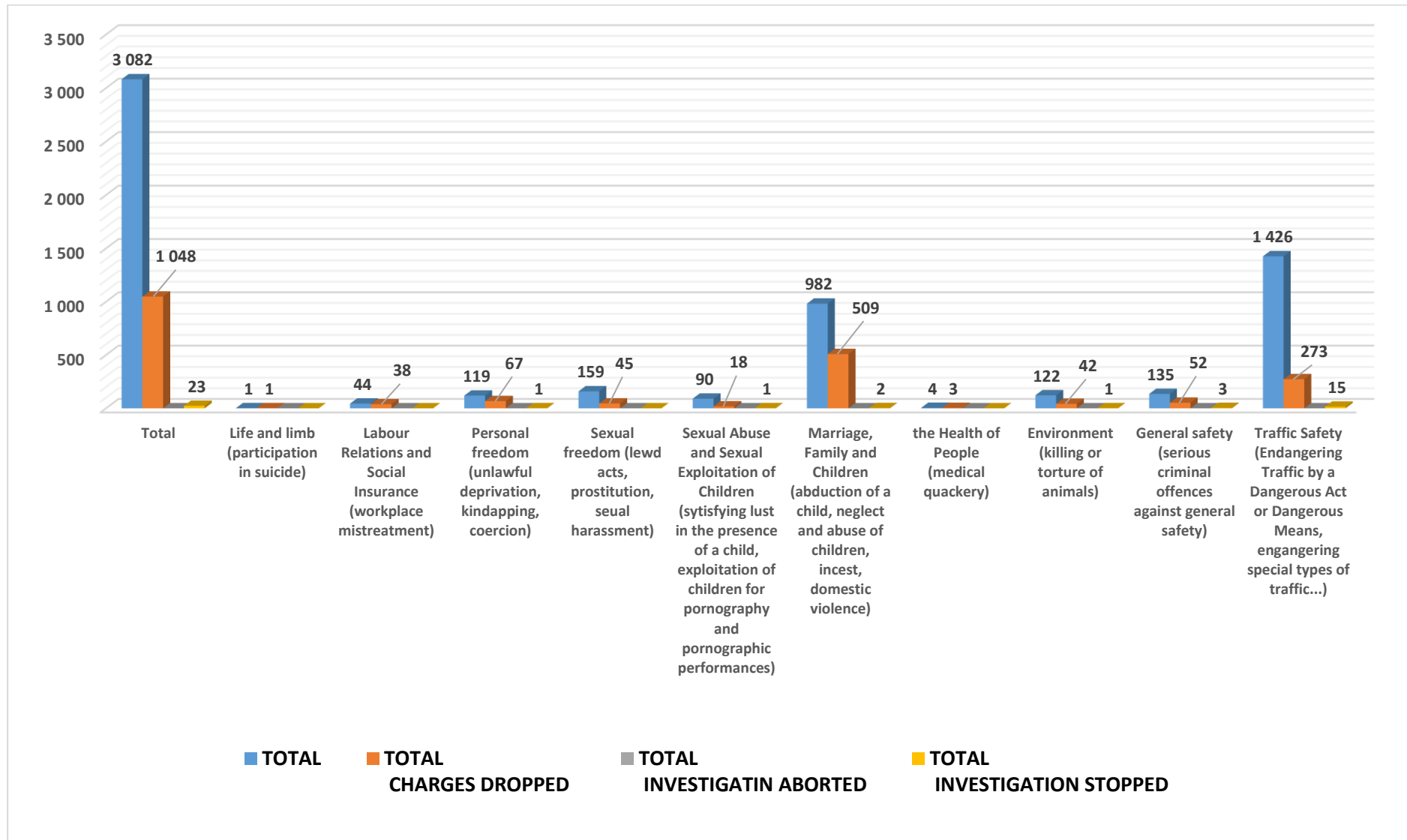
Graph 7.7.1.12: Adults – Reported according to criminal offence type from category 3 and decision type in 2016



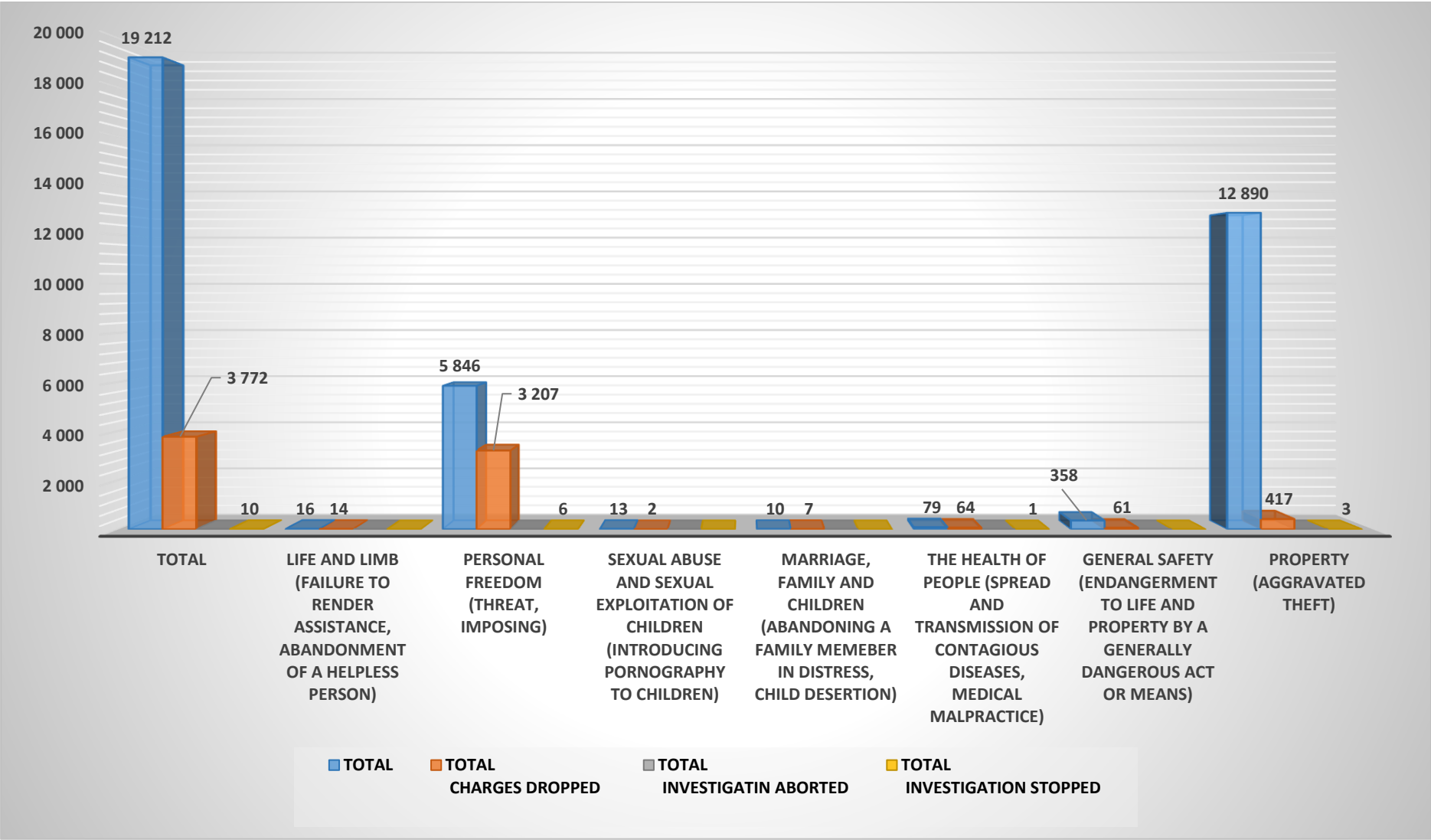
Graph 7.7.1.13: Adults – Reported according to criminal offence type for category 1 and decision type in 2017



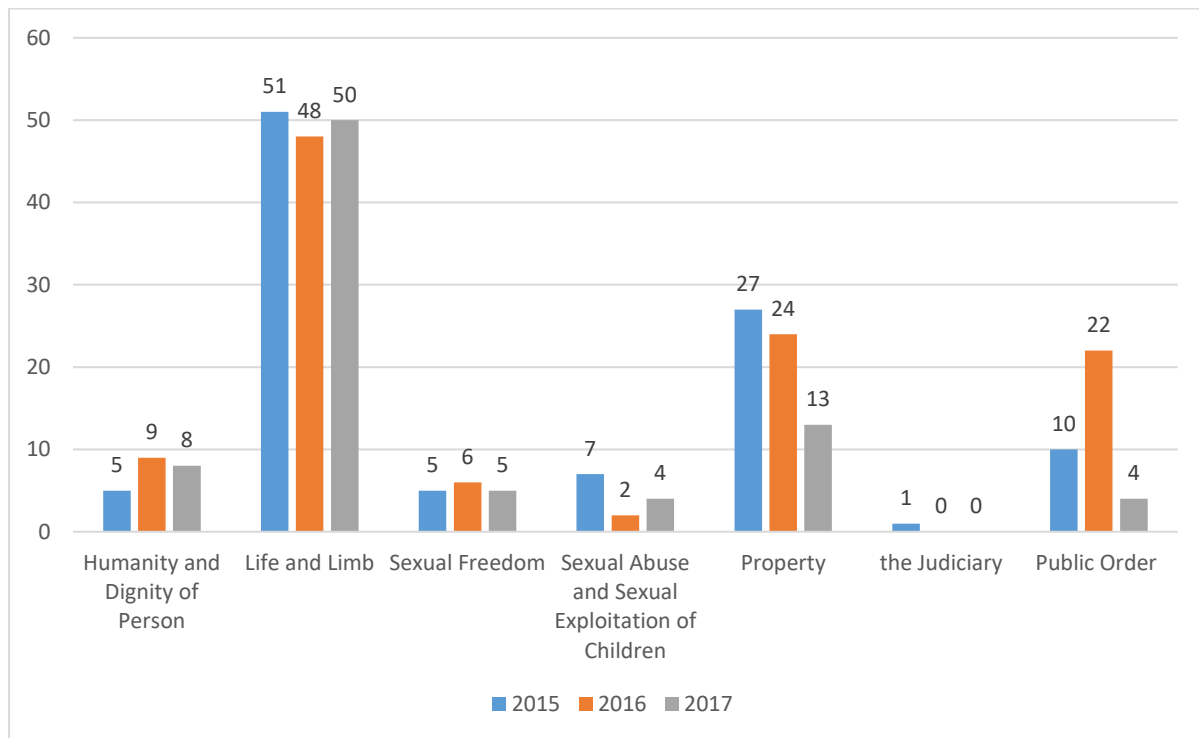
Graph 7.7.1.14: Adults – Reported according to criminal offence type and decision type in 2017



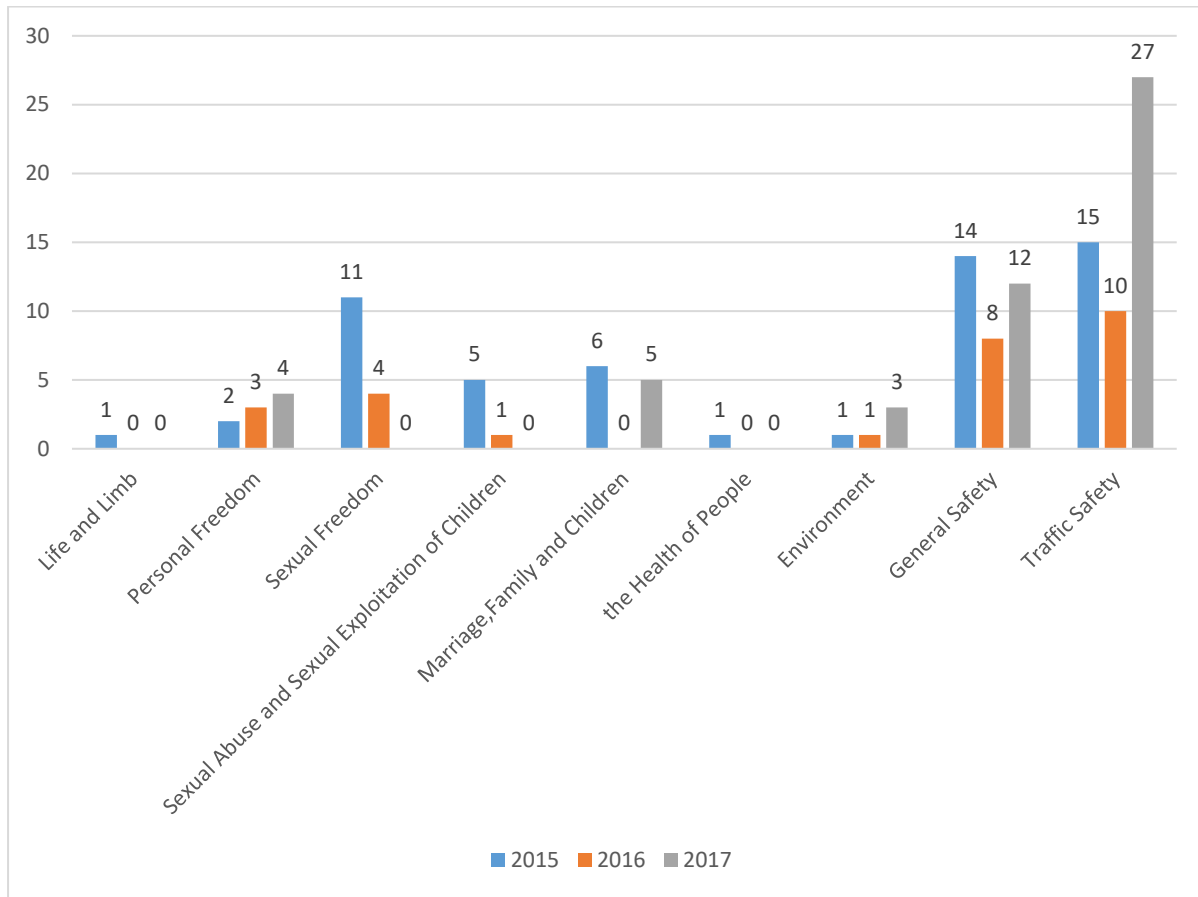
Graph 7.7.1.15: Adults – Reported according to criminal offence type for category 3 and decision type in 2017



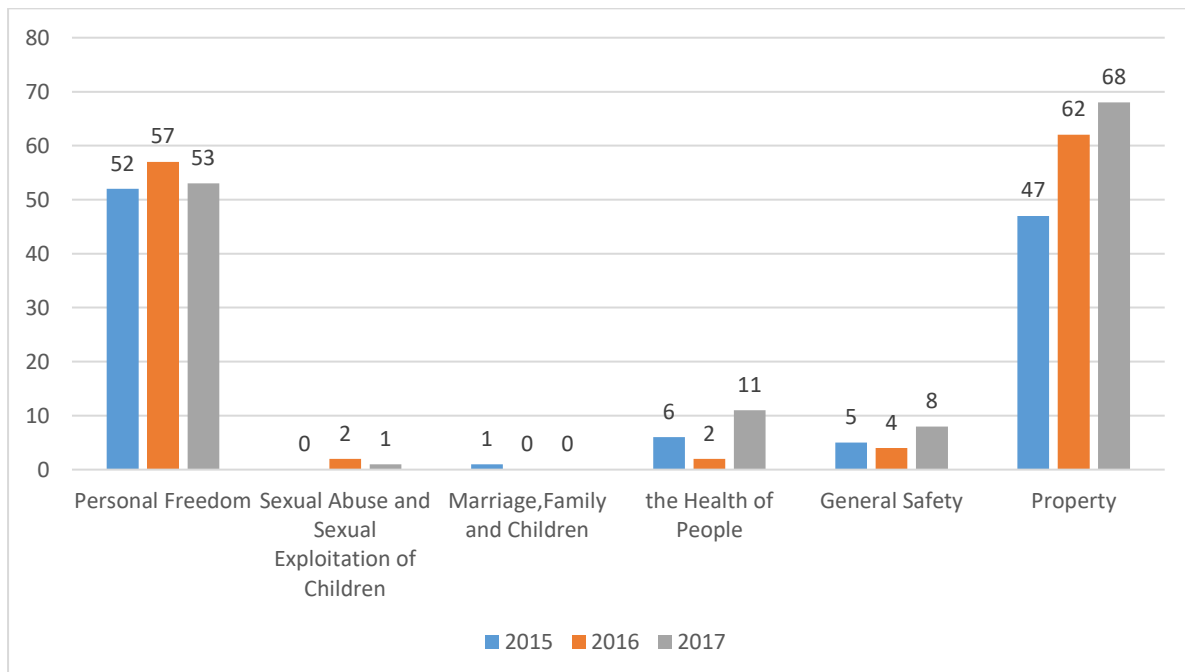
Graph 7.7.1.16: Adults – Judgement of Acquittal for the category 1



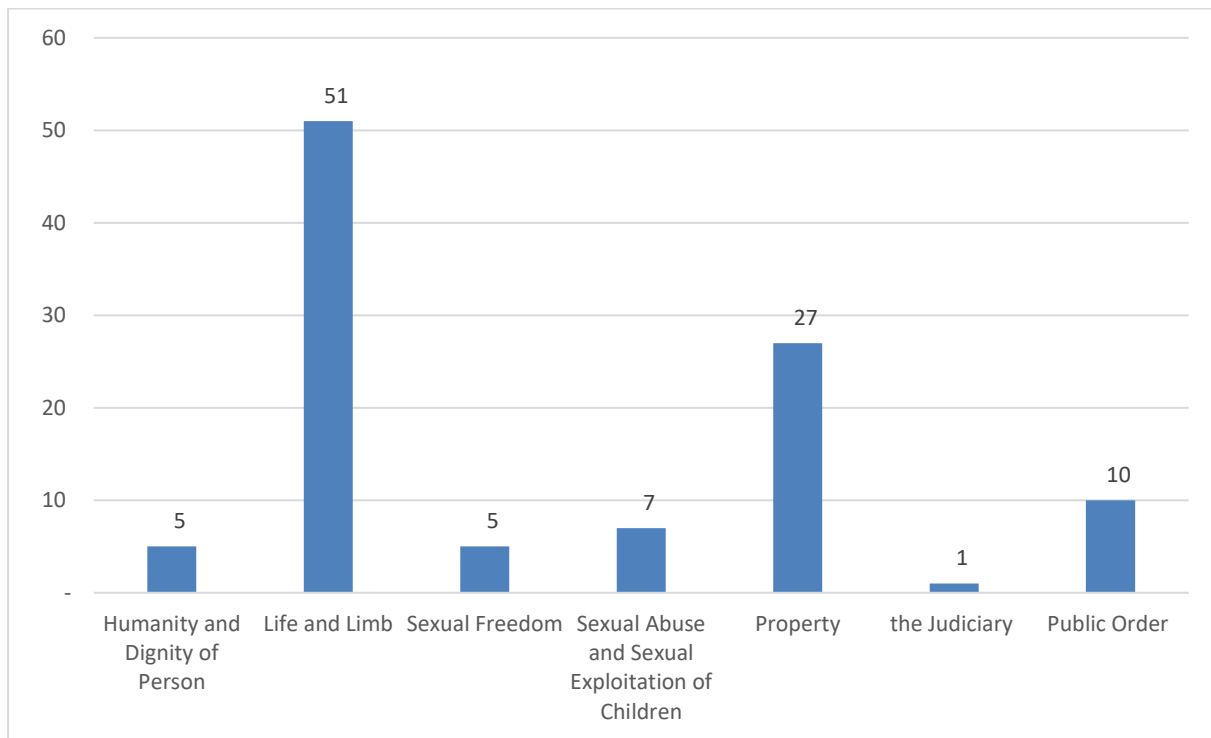
Graph 7.7.1.17: Adults – Judgement of Acquittal for the category 2



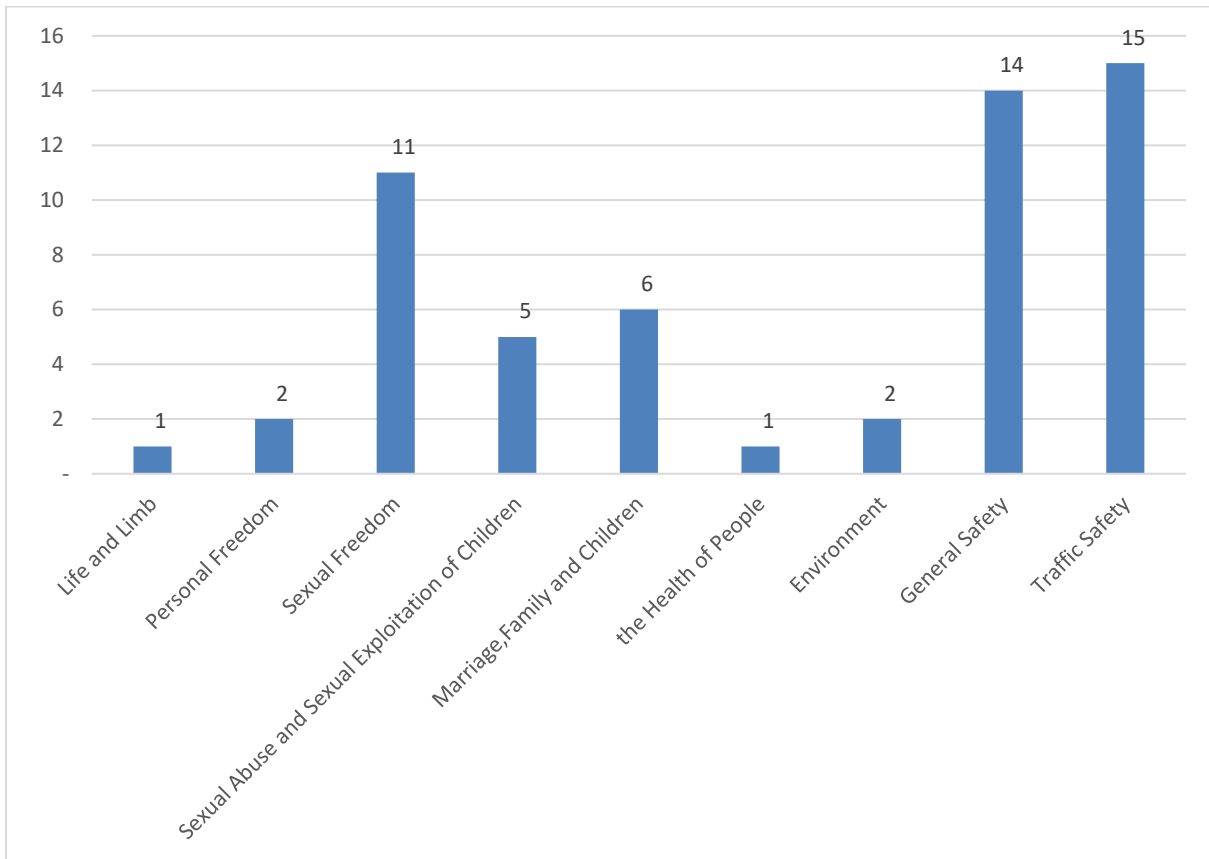
Graph 7.7.1.18: Adults – Judgement of Acquittal for the category 3, 2015-2017



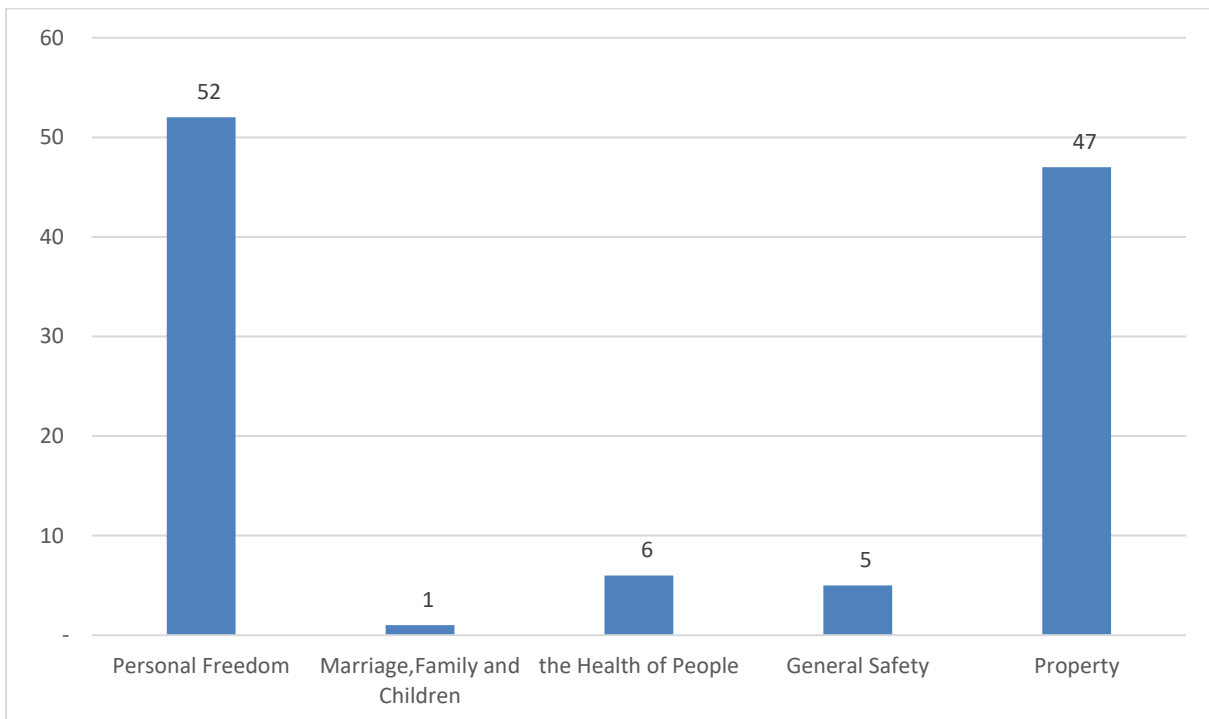
Graph 7.7.1.19: Adults – Judgement of Acquittal by category 1 in 2015



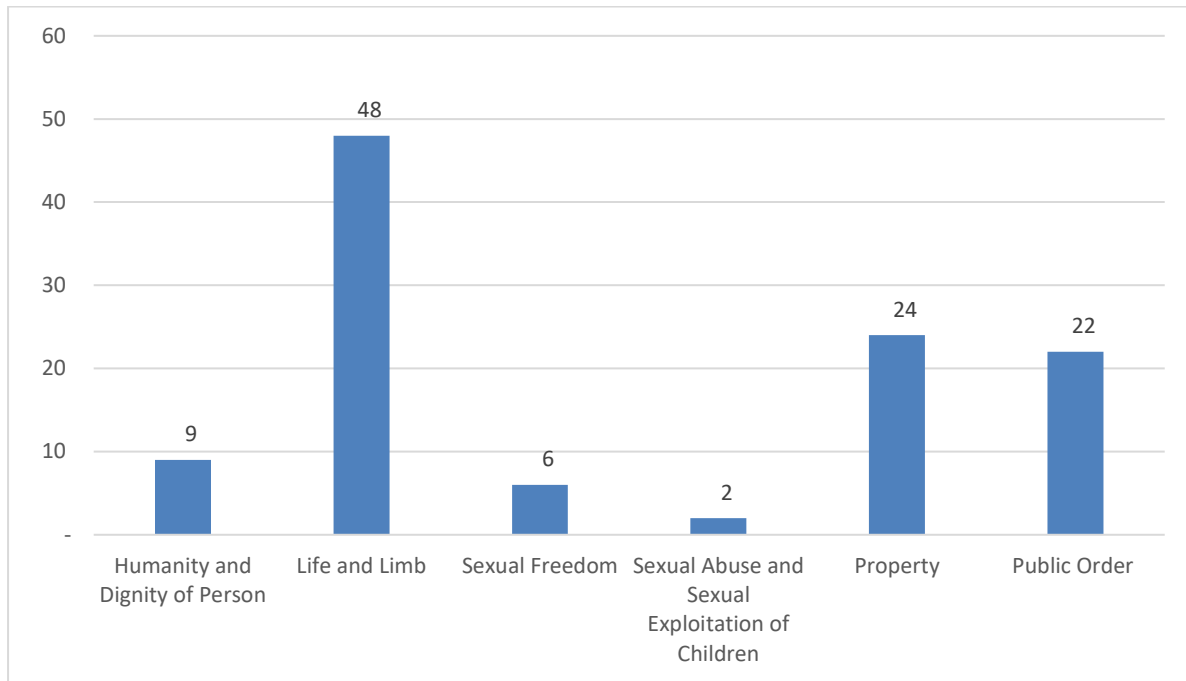
Graph 7.7.1.20: Adults – Judgement of Acquittal by category 2 in 2015



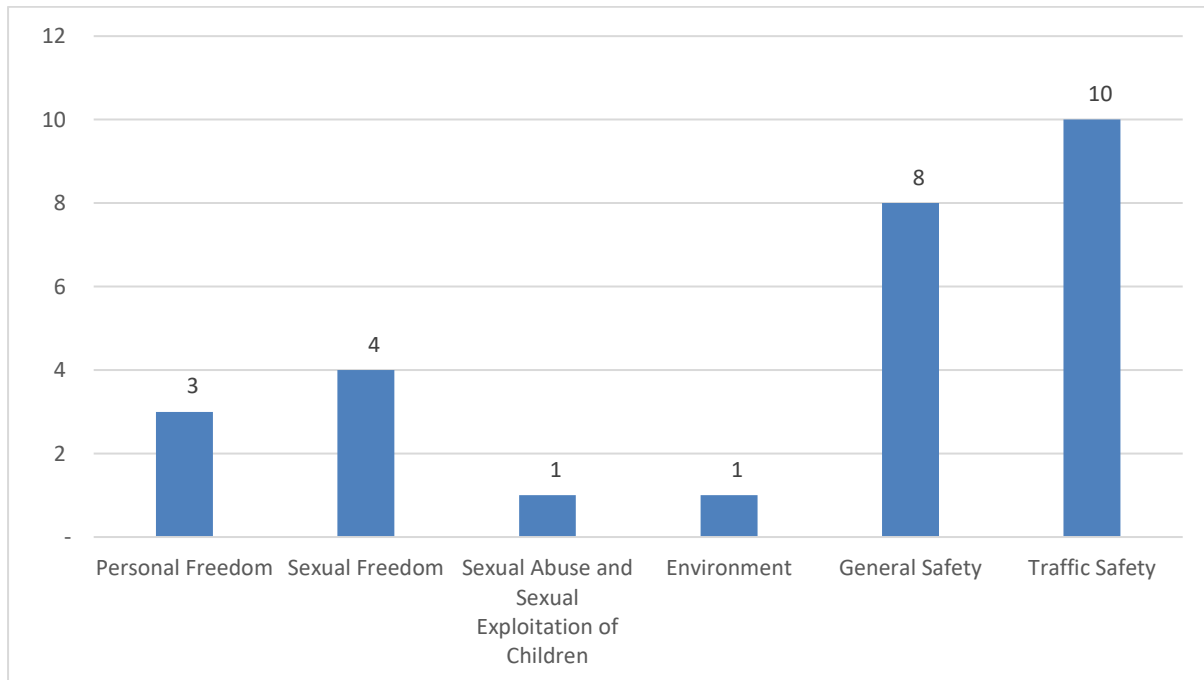
Graph 7.7.1.21: Adults – Judgement of Acquittal by category 3 in 2015



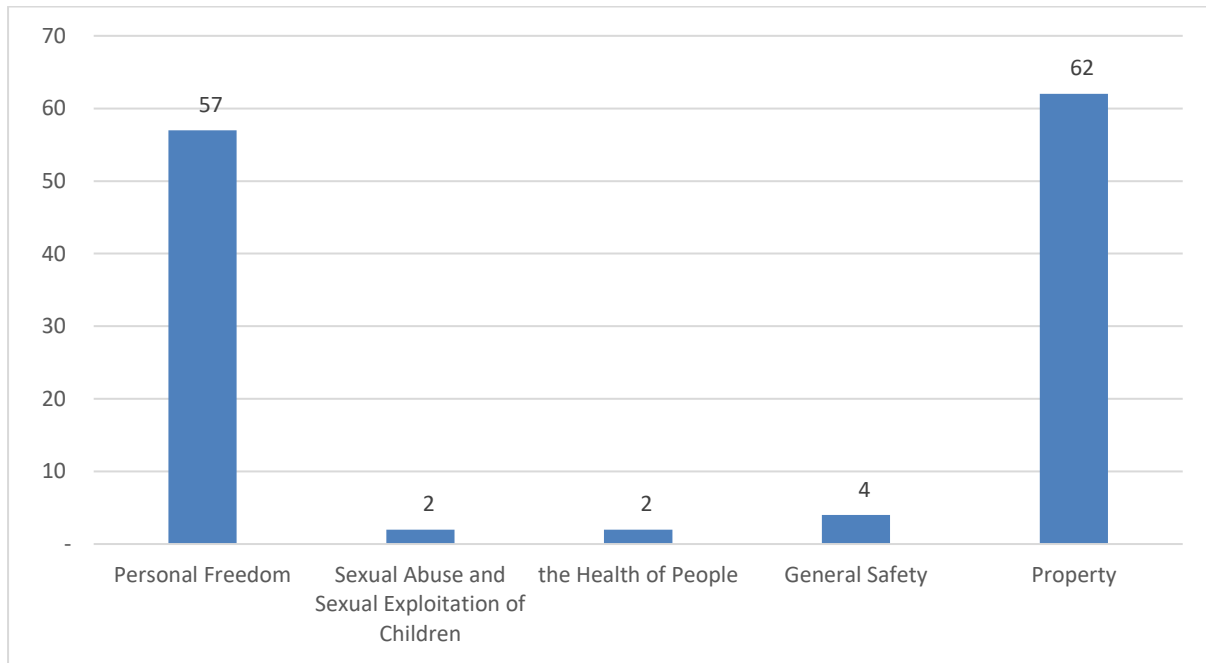
Graph 7.7.1.22: Adults – Judgement of Acquittal by category 1 in 2016



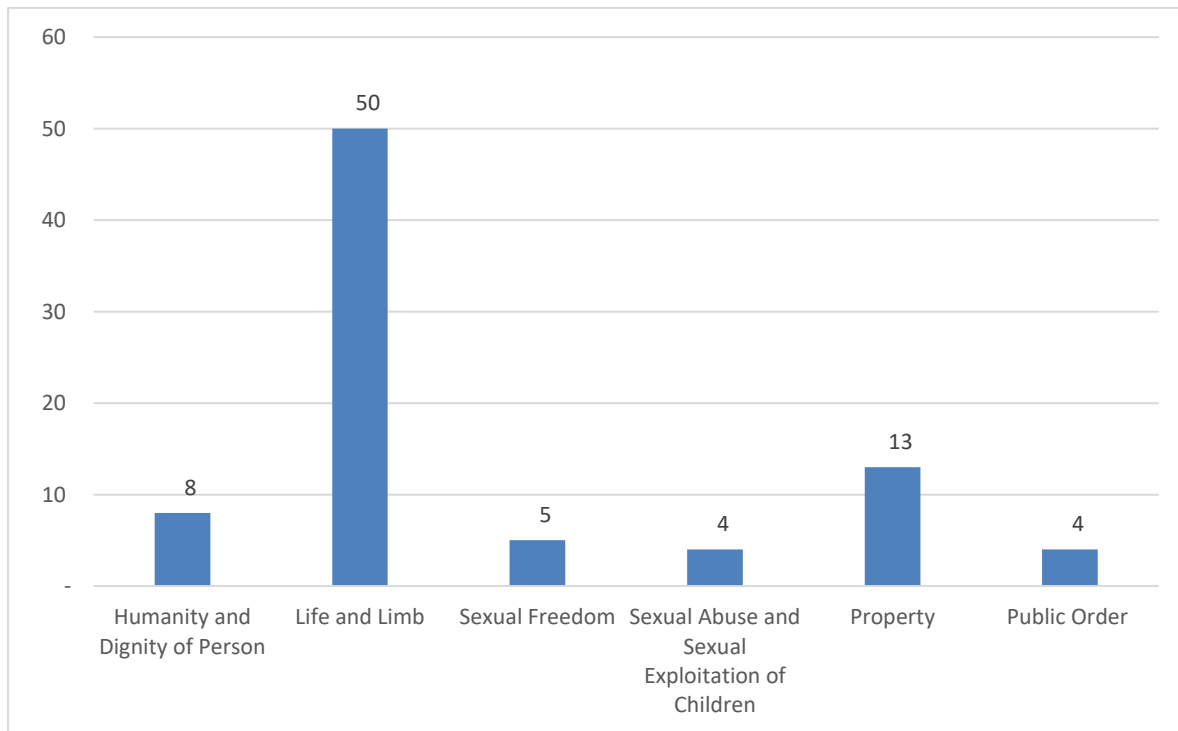
Graph 7.7.1.23: Adults – Judgement of Acquittal by category 2 in 2016



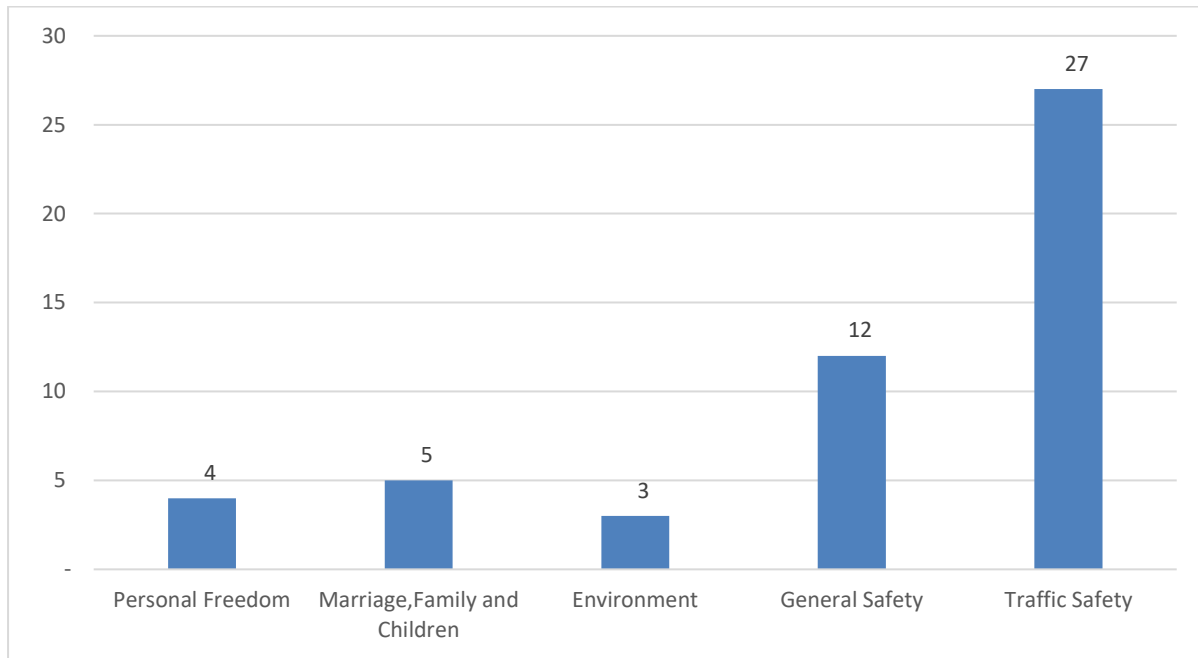
Graph 7.7.1.24: Adults – Judgement of Acquittal by category 3 in 2016



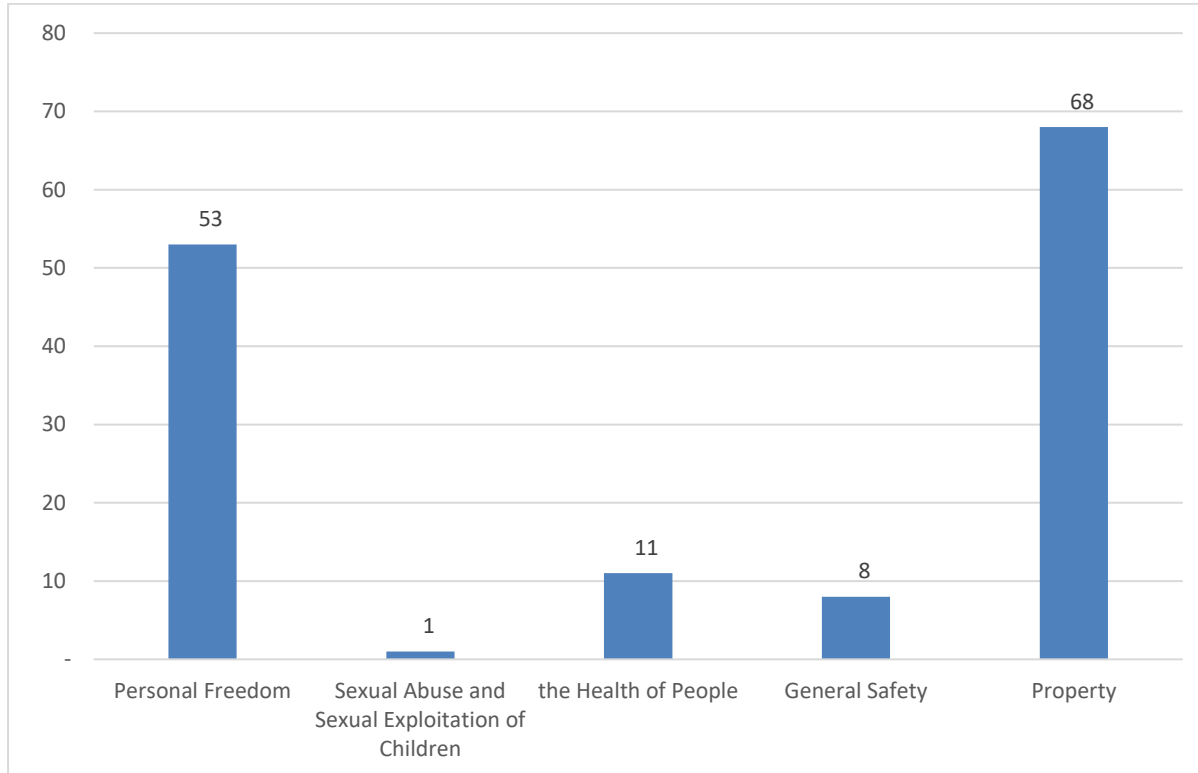
Graph 7.7.1.25: Adults – Judgement of Acquittal by category 1 in 2017



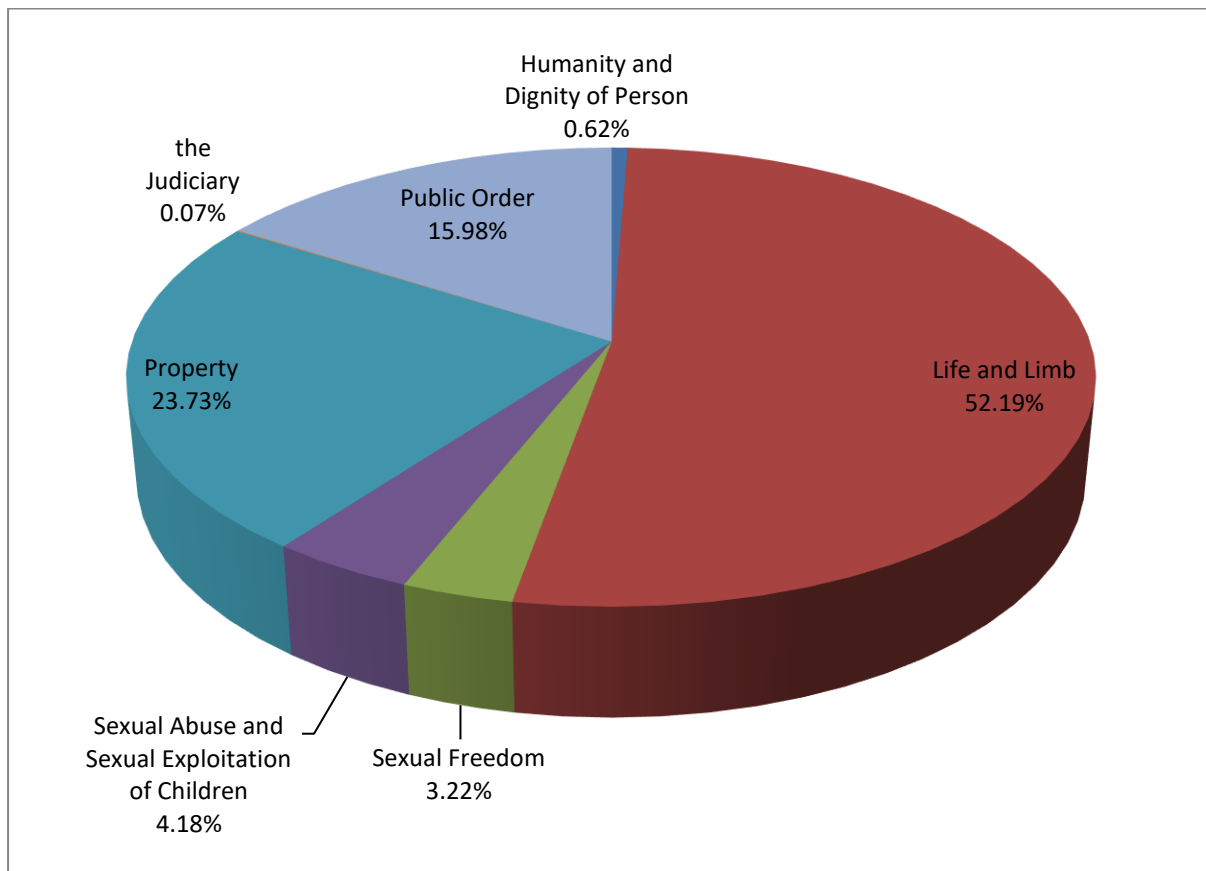
Graph 7.7.1.26: Adults – Judgement of Acquittal by category 2 in 2017



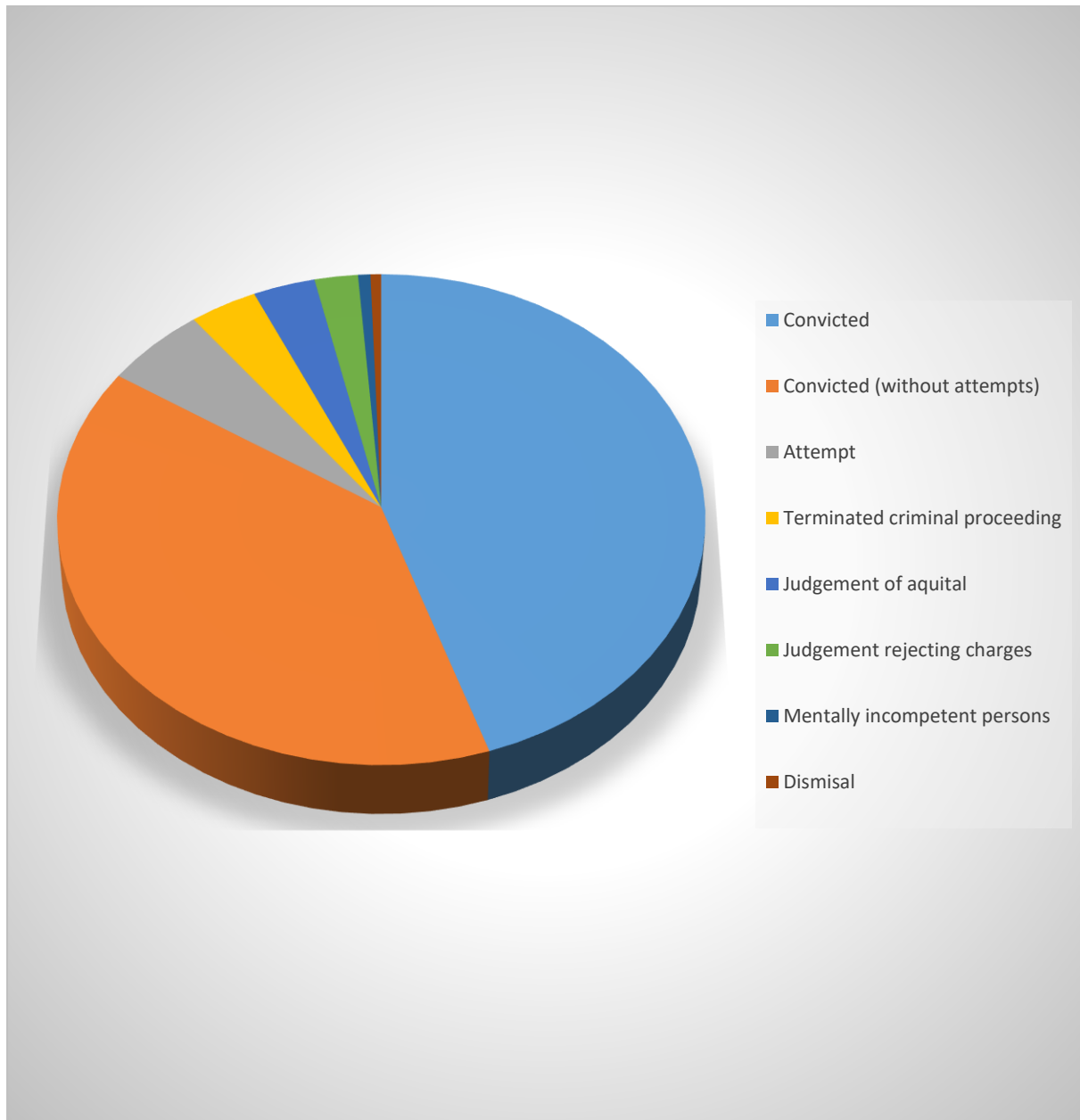
Graph 7.7.1.27: Adults – Judgement of Acquittal by category 3 in 2016



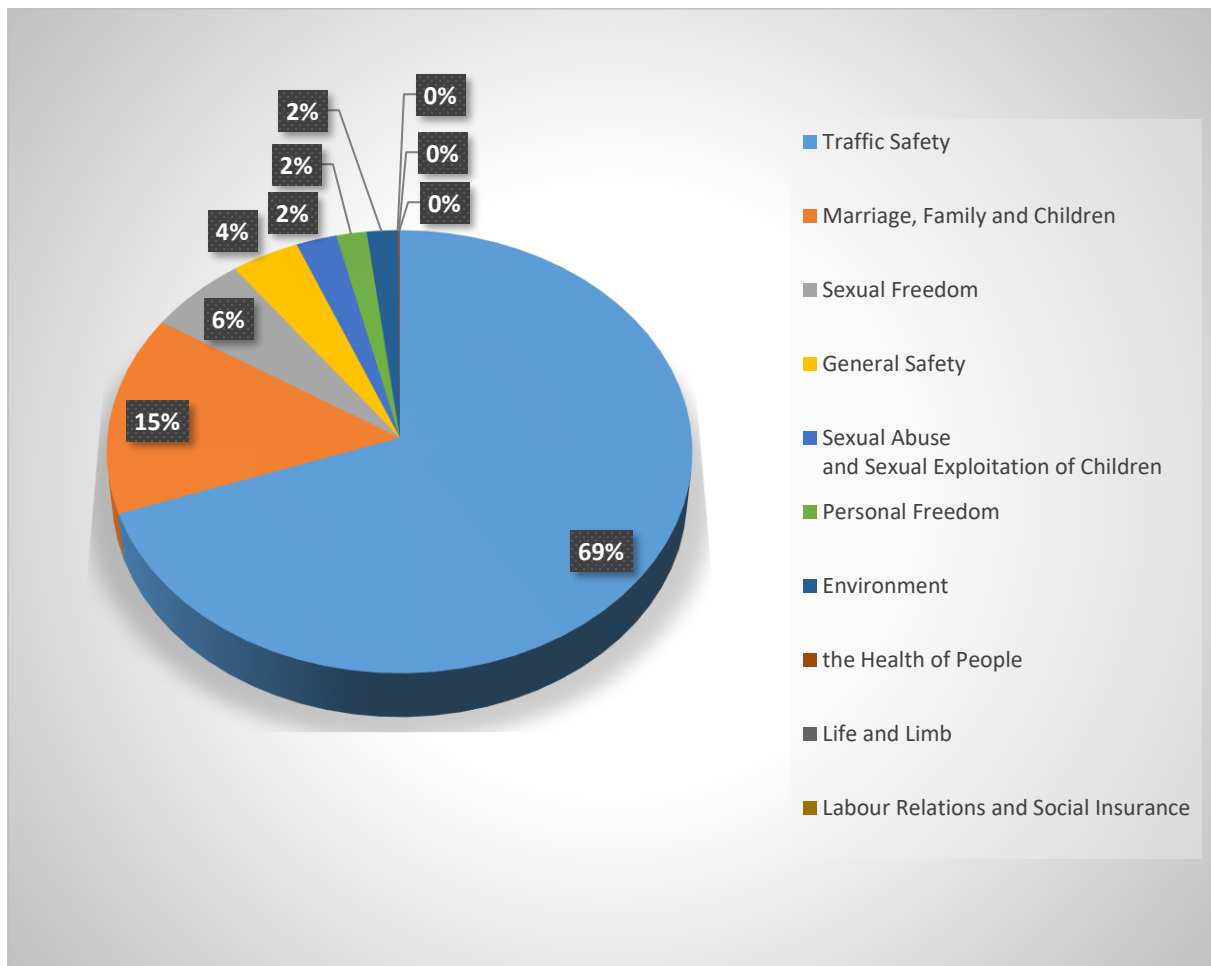
Graph 7.7.1.28: Adults found guilty of criminal offences from category 1 in 2015 (N=1458)



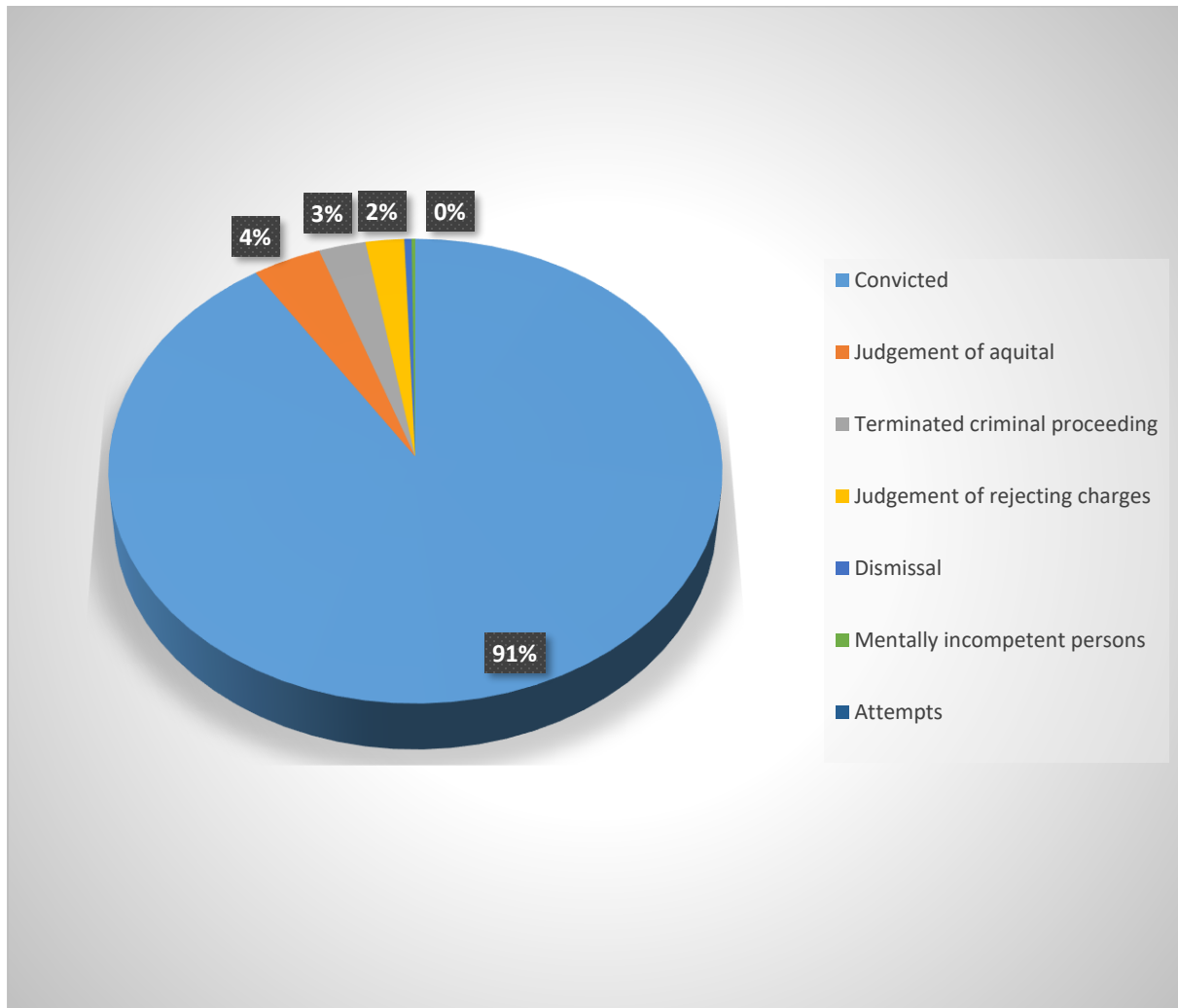
Graph 7.7.1.29: Adults – Accused according the decision type for offences from category 1 in 2015



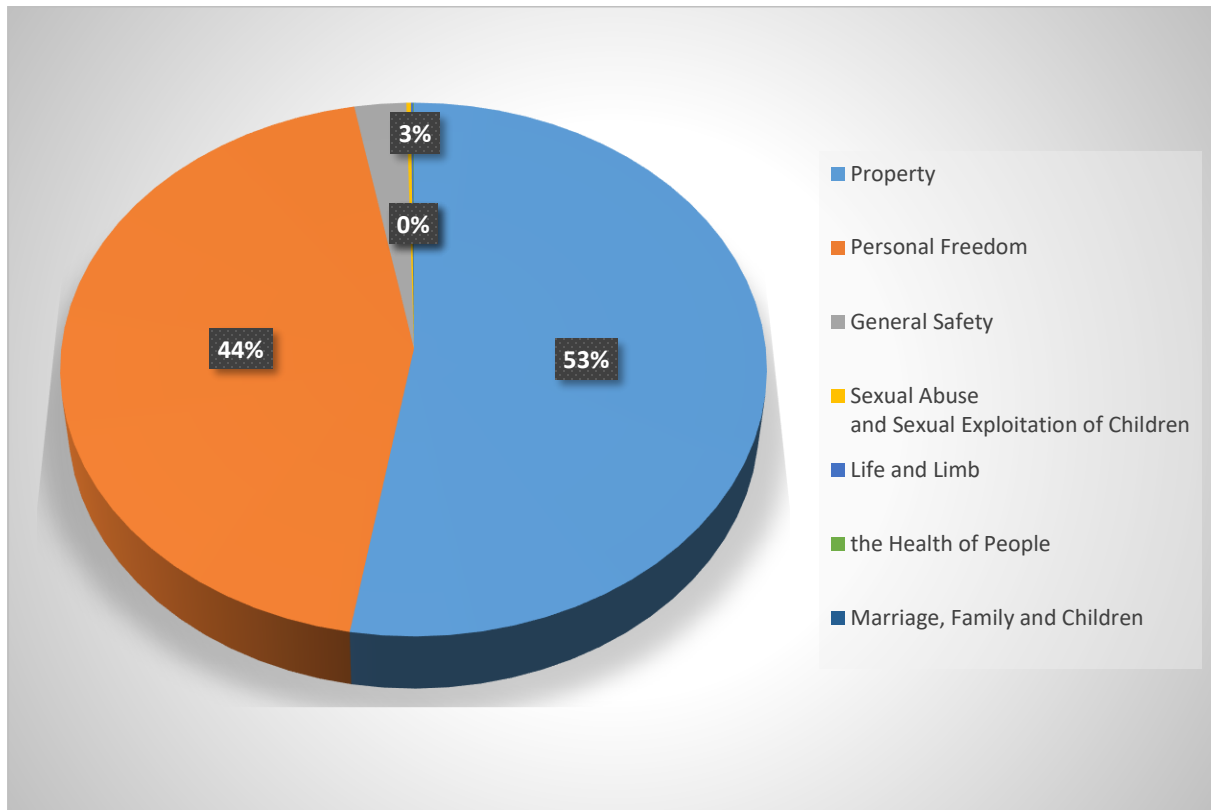
Graph 7.7.1.30: Adults found guilty of criminal offences from category 2 in 2015 (N=1345)



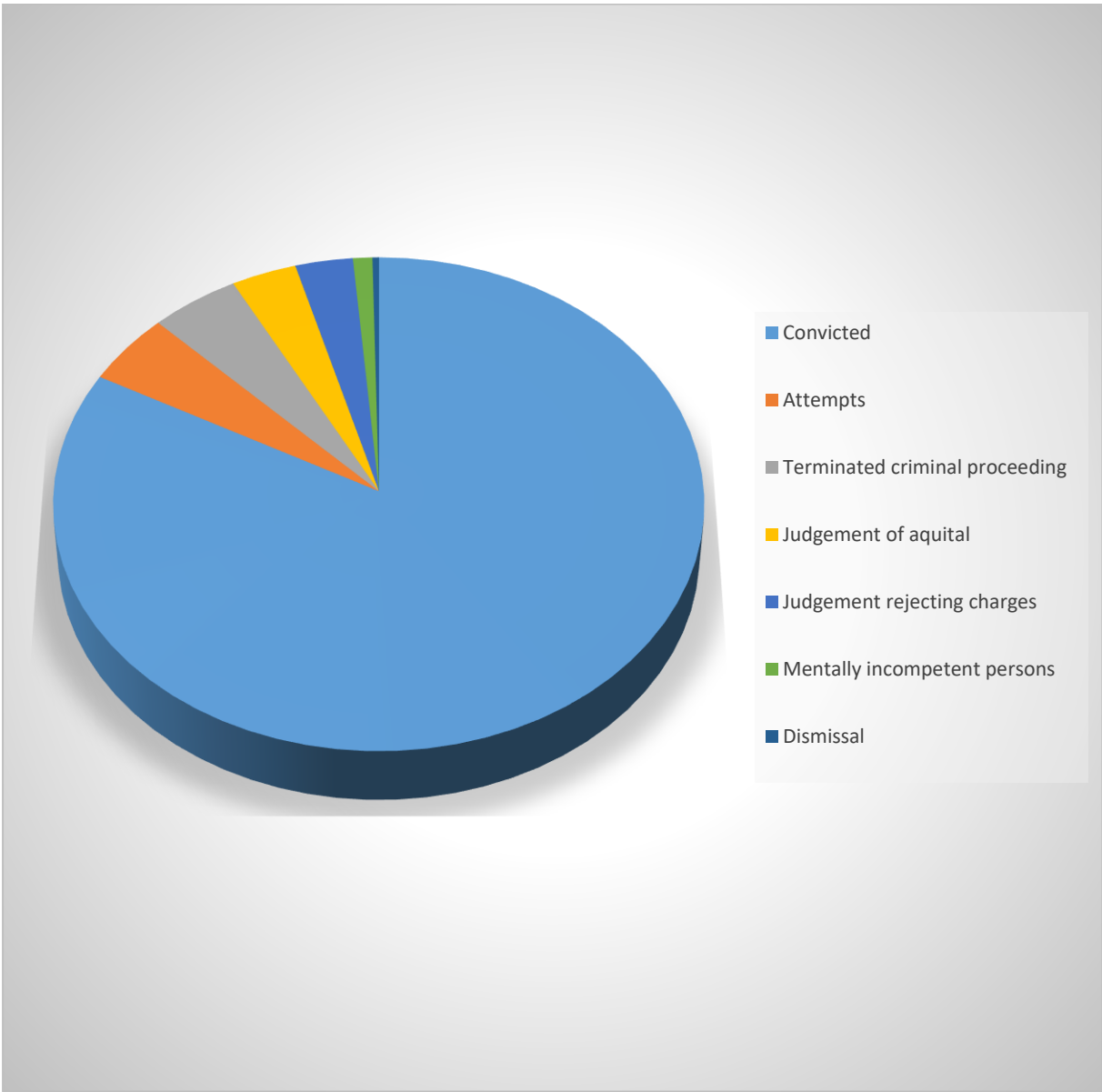
Graph 7.7.1.31: Adults – Accused according the decision type for offences from category 2 in 2015



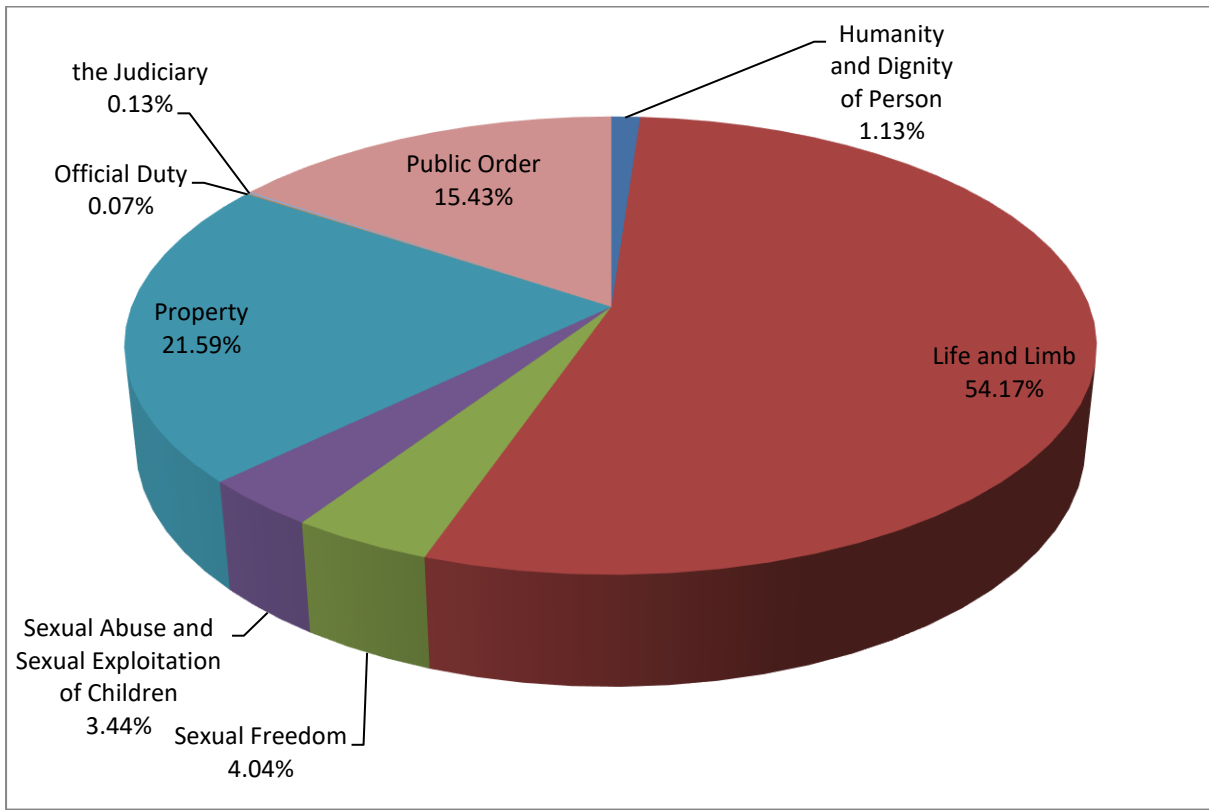
Graph 7.7.1.32: Adults found guilty of criminal offences from category 2 in 2015 (N=1345)



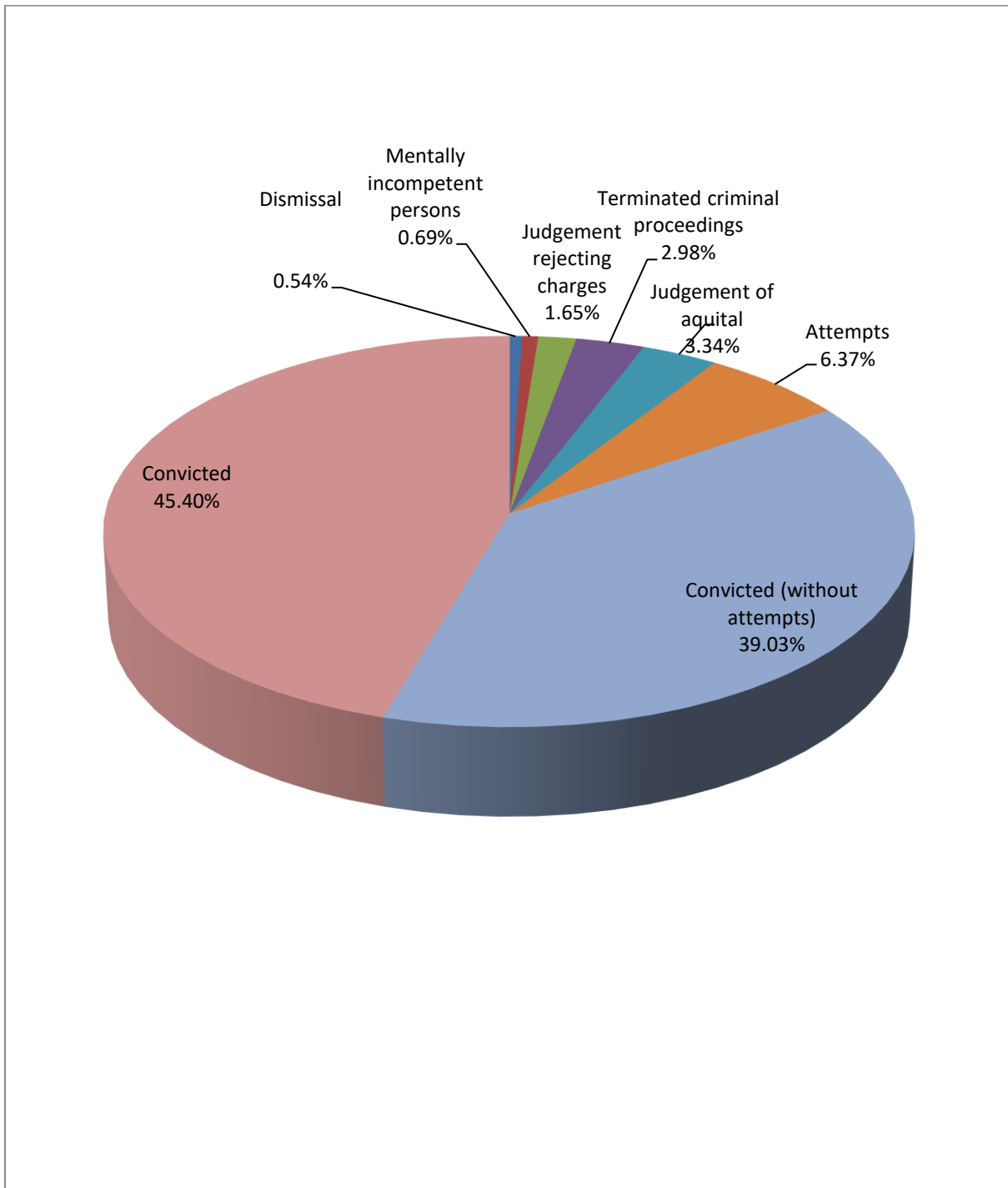
Graph 7.7.1.33: Adults – Accused according the decision type for offences from category 3 in 2015



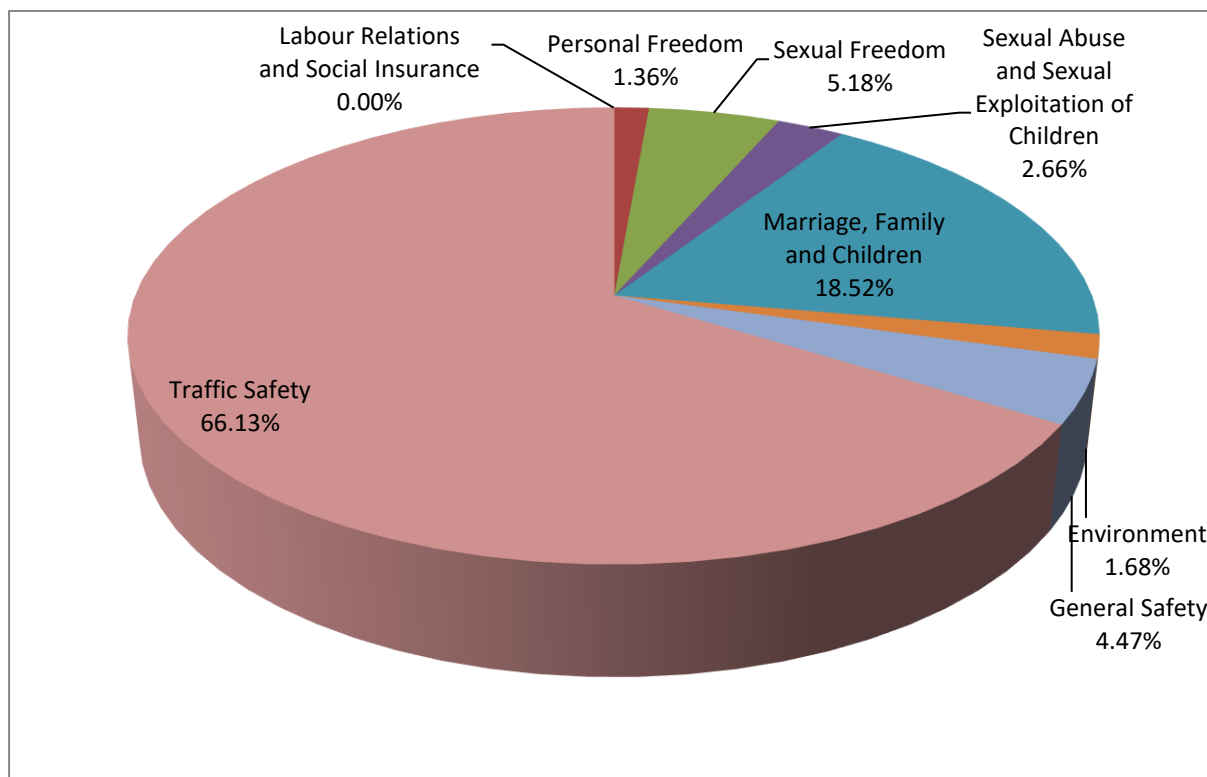
Graph 7.7.1.34: Adults found guilty of criminal offences from category 1 in 2016 (N=1510)



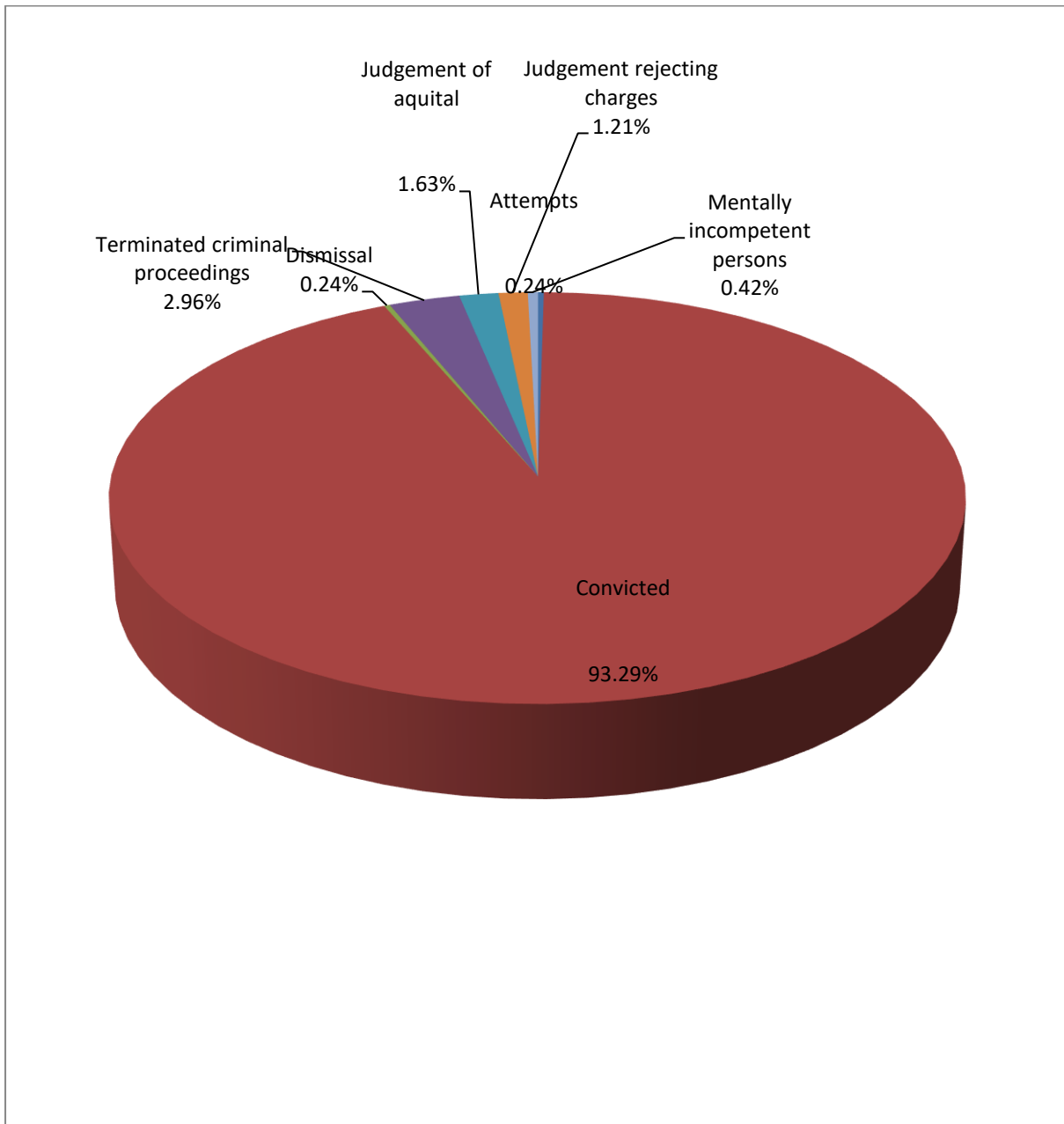
Graph 7.7.1.35: Adults – Accused according the decision type for offences from category 1 in 2016



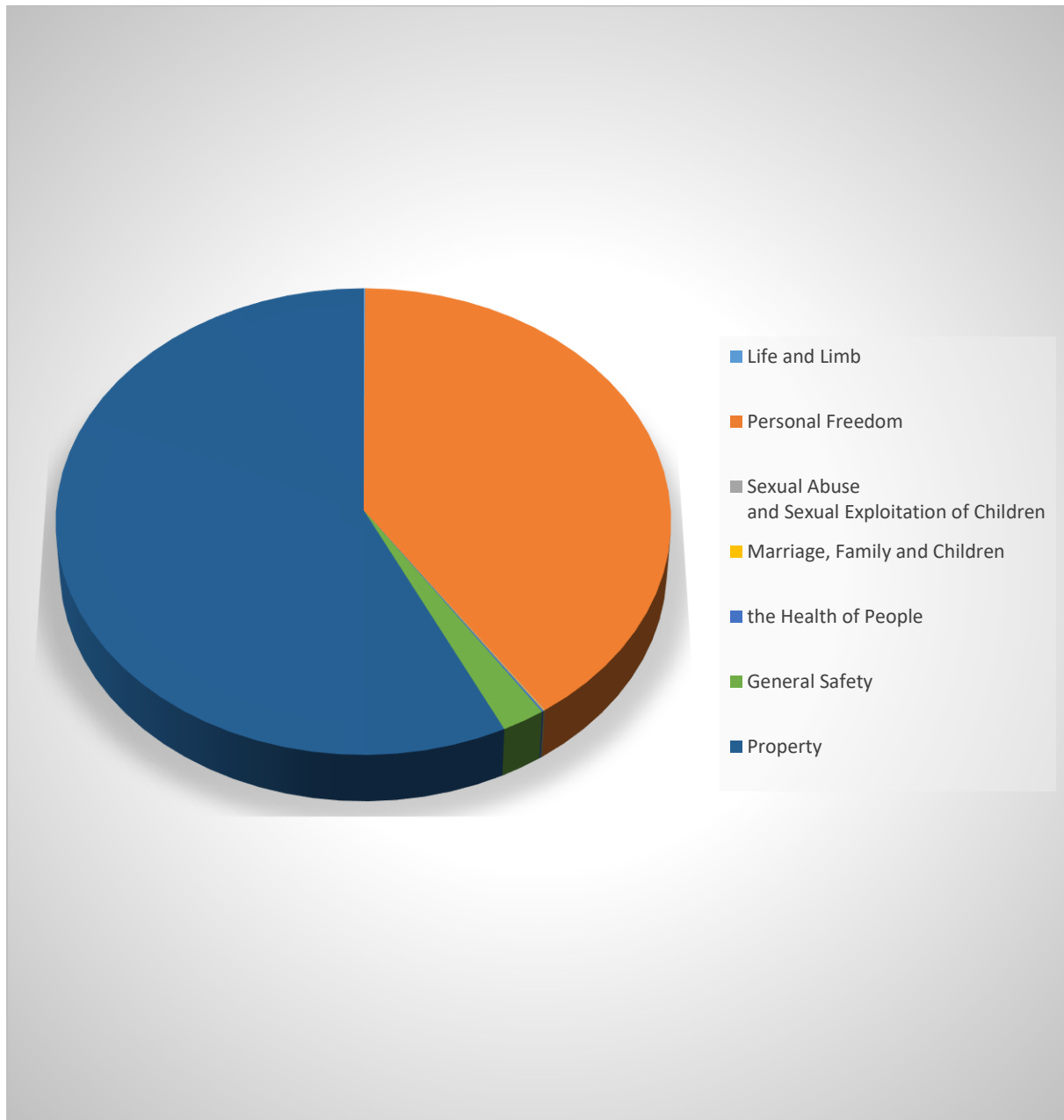
Graph 7.7.1.36: Adults found guilty of criminal offences from category 3 in 2016 (N=1544)



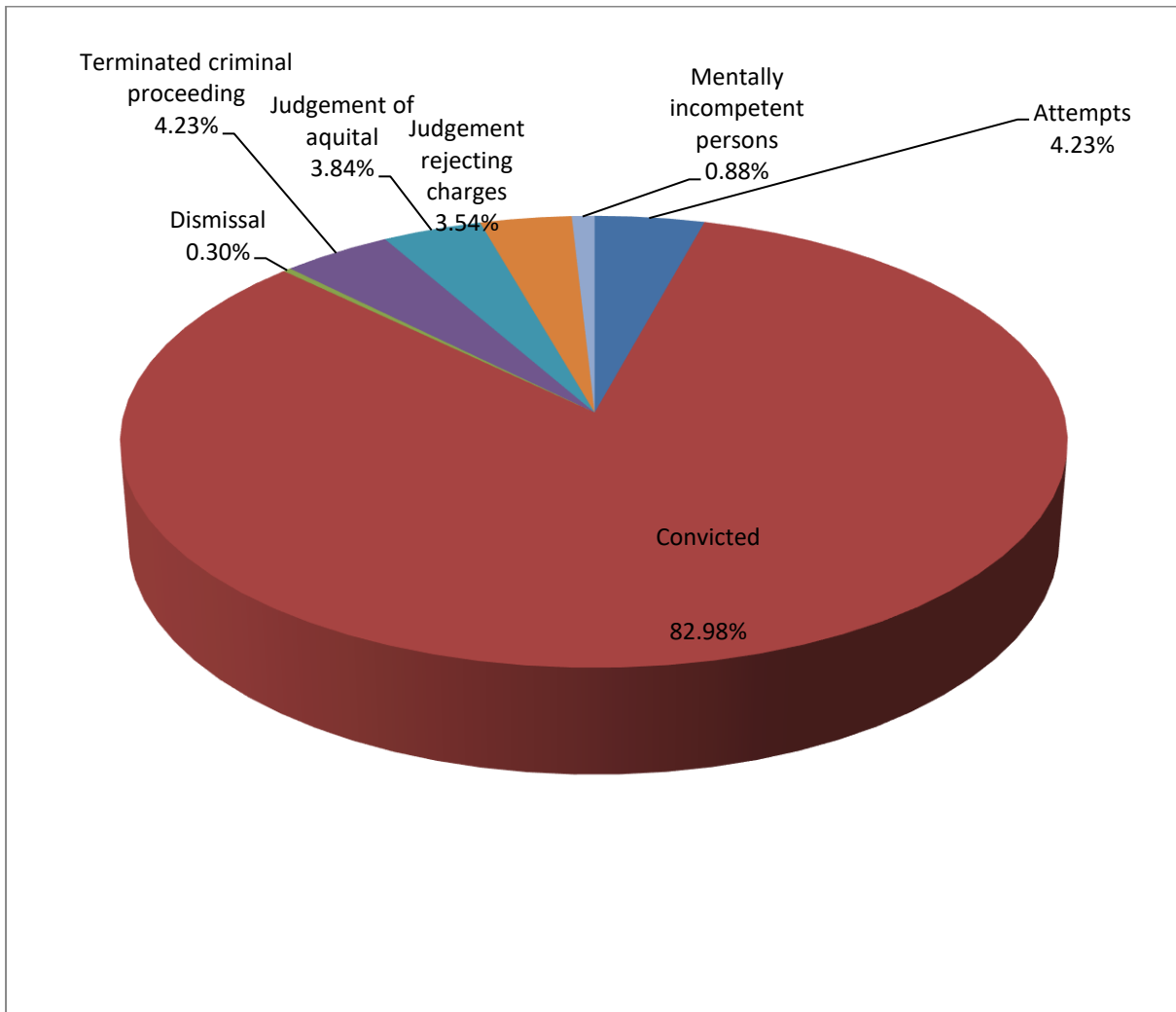
Graph 7.7.1.37: Adults – Accused according the decision type for offences from category 2 in 2016



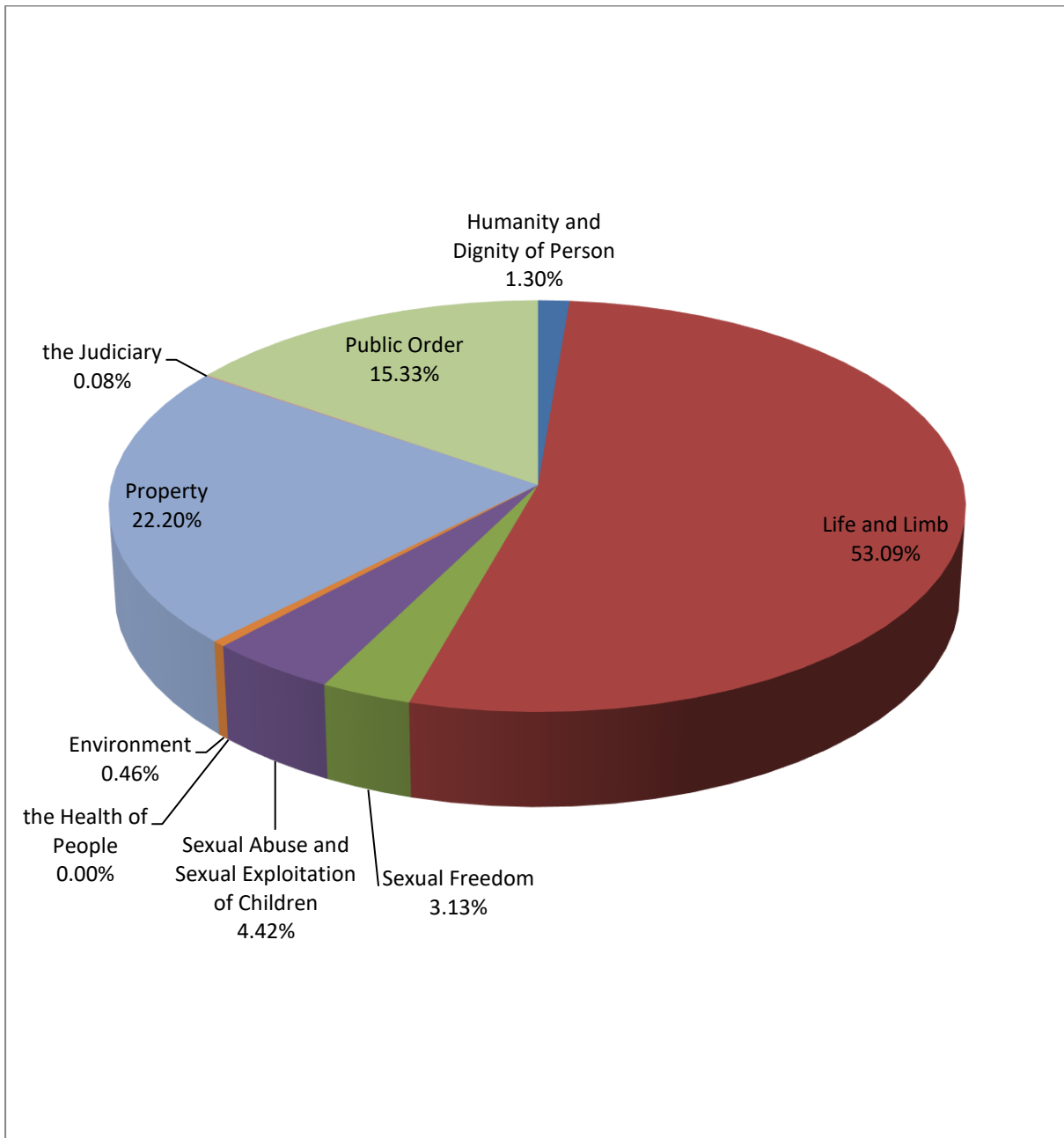
Graph 7.7.1.38: Adults found guilty of criminal offences from category 3 in 2016 (N=2744)



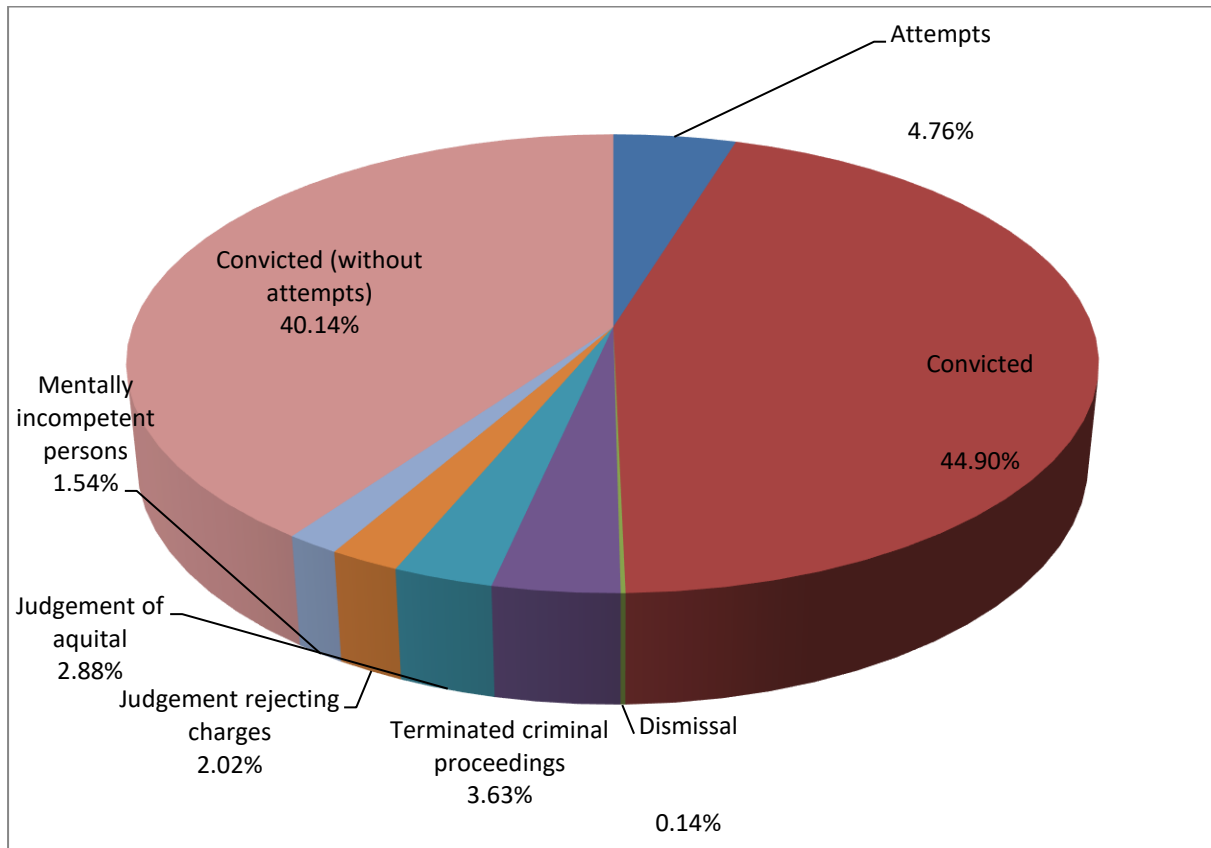
Graph 7.7.1.39: Adults – Accused according the decision type for offences from category 3 in 2016



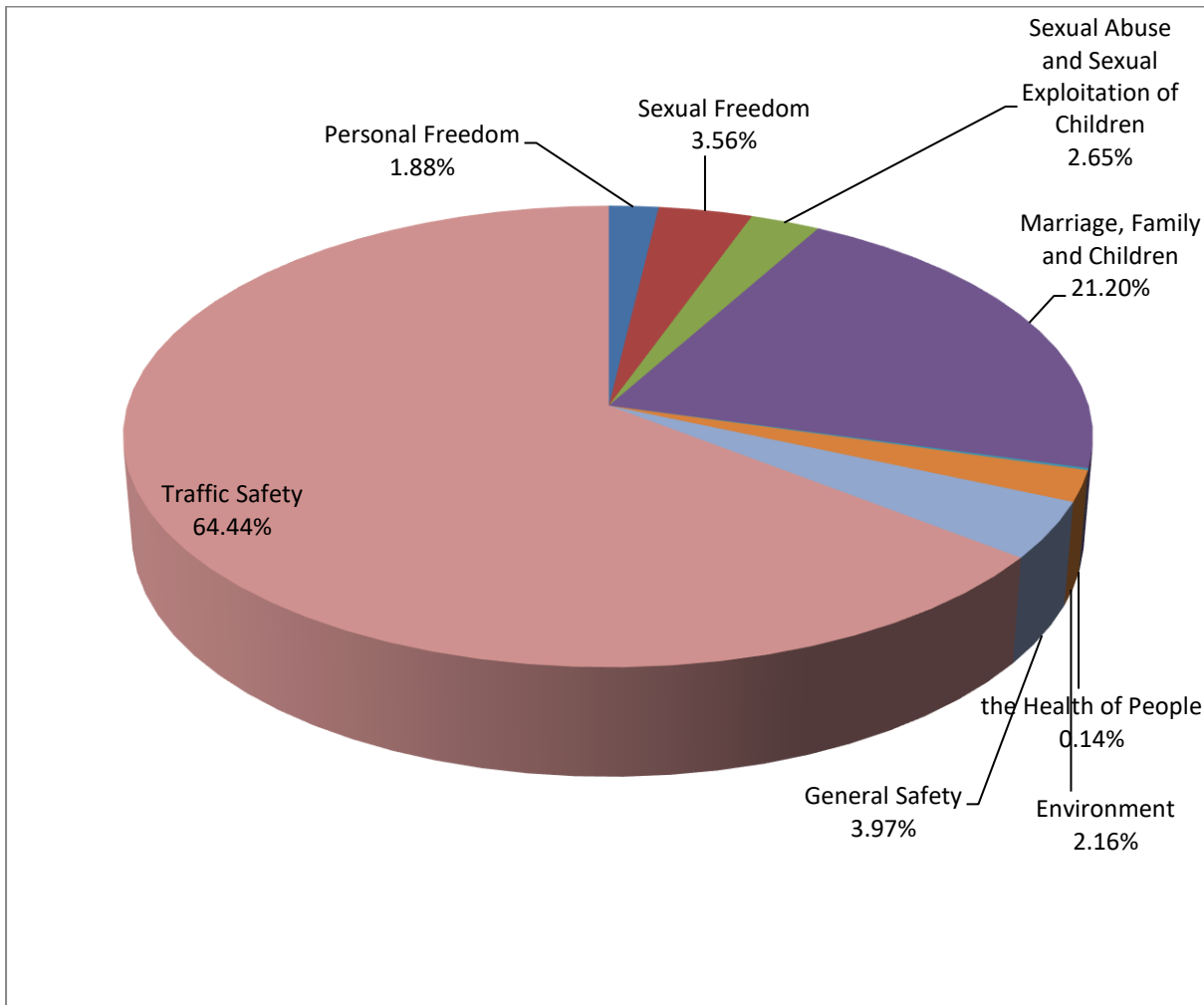
Graph 7.7.1.40: Adults found guilty of criminal offences from category 1 in 2017 (N=1311)



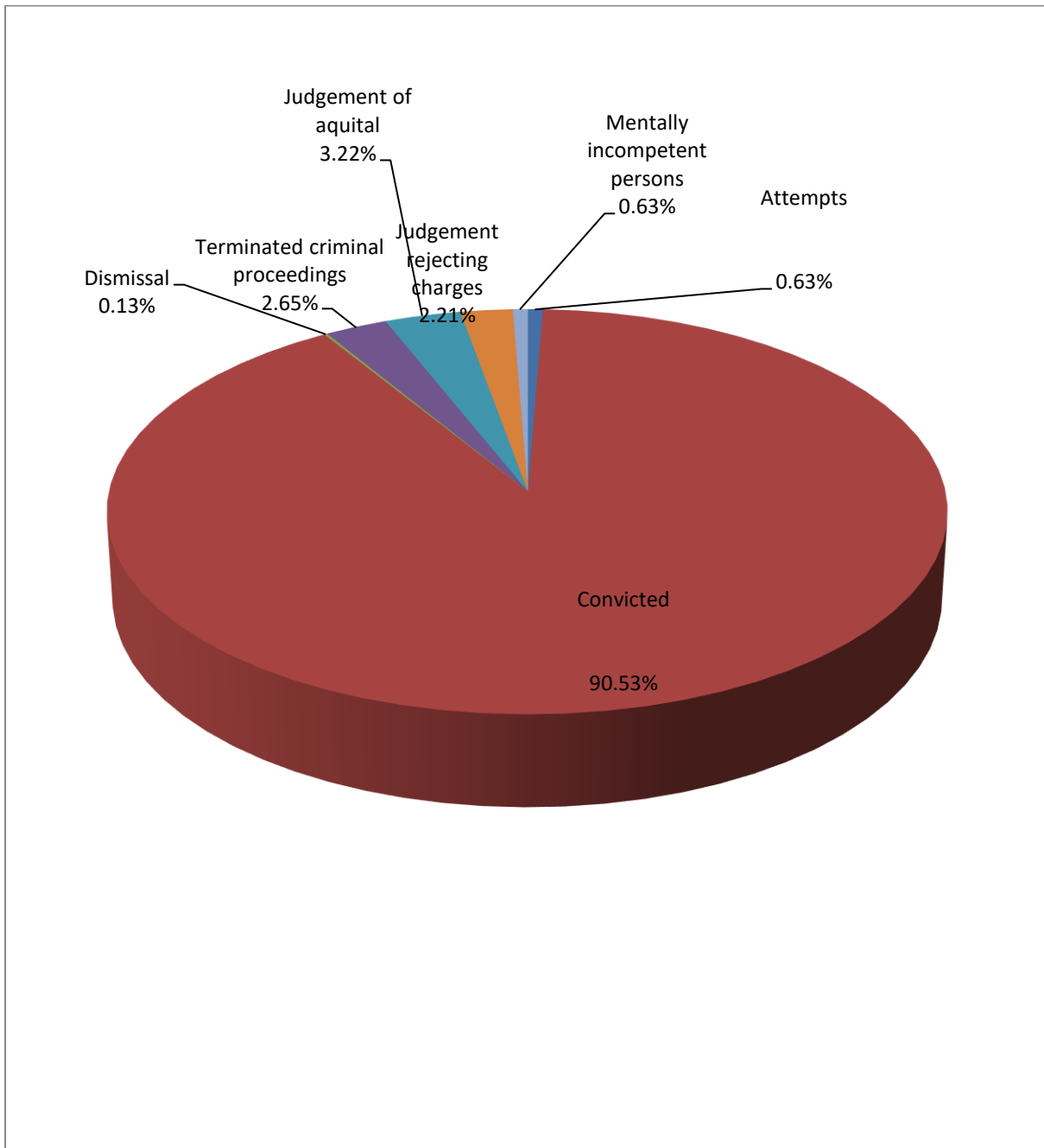
Graph 7.7.1.41: Adults – Accused according the decision type for offences from category 1 in 2017



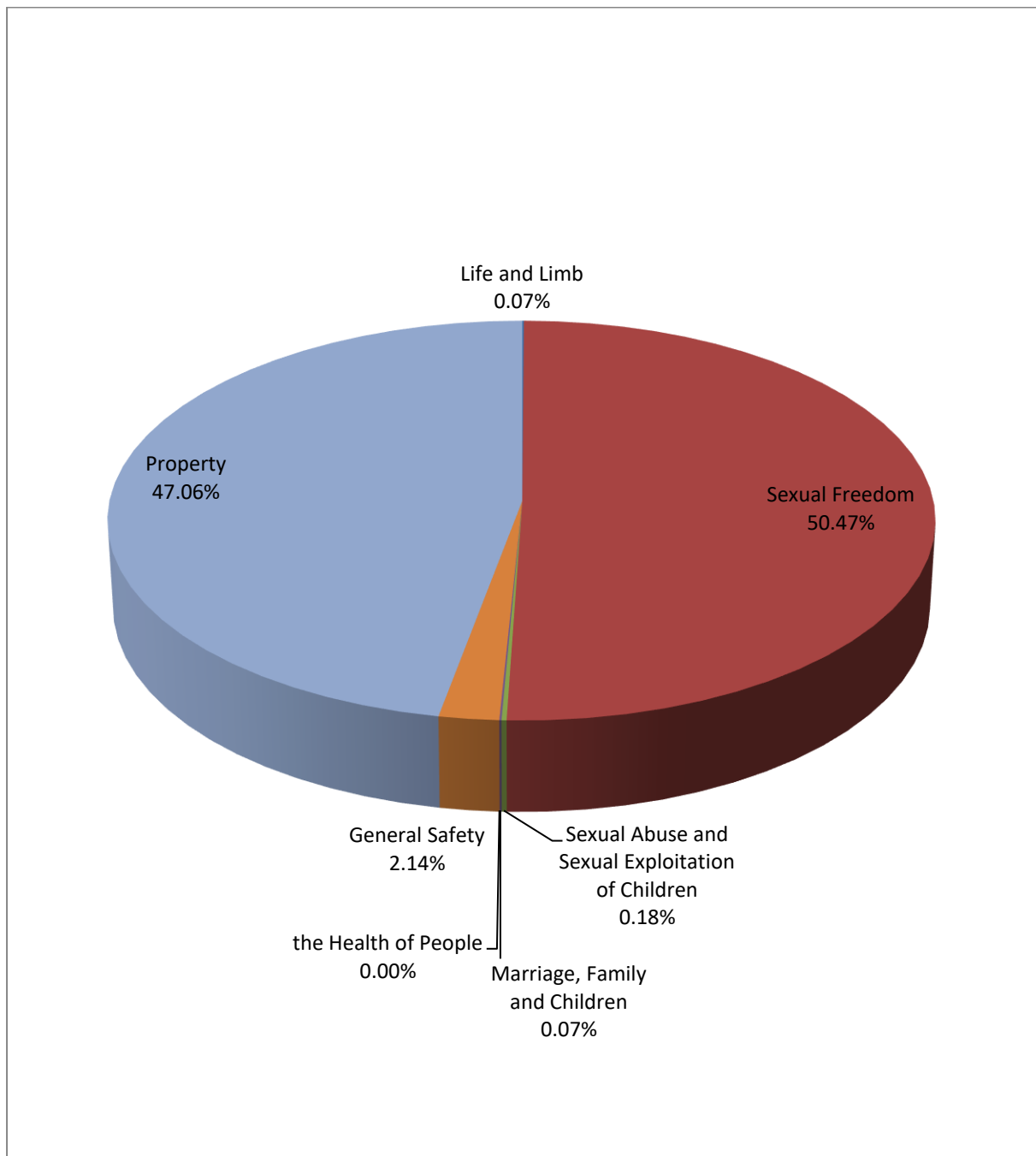
Graph 7.7.1.42: Adults found guilty of criminal offences from category 2 in 2017 (N=1434)



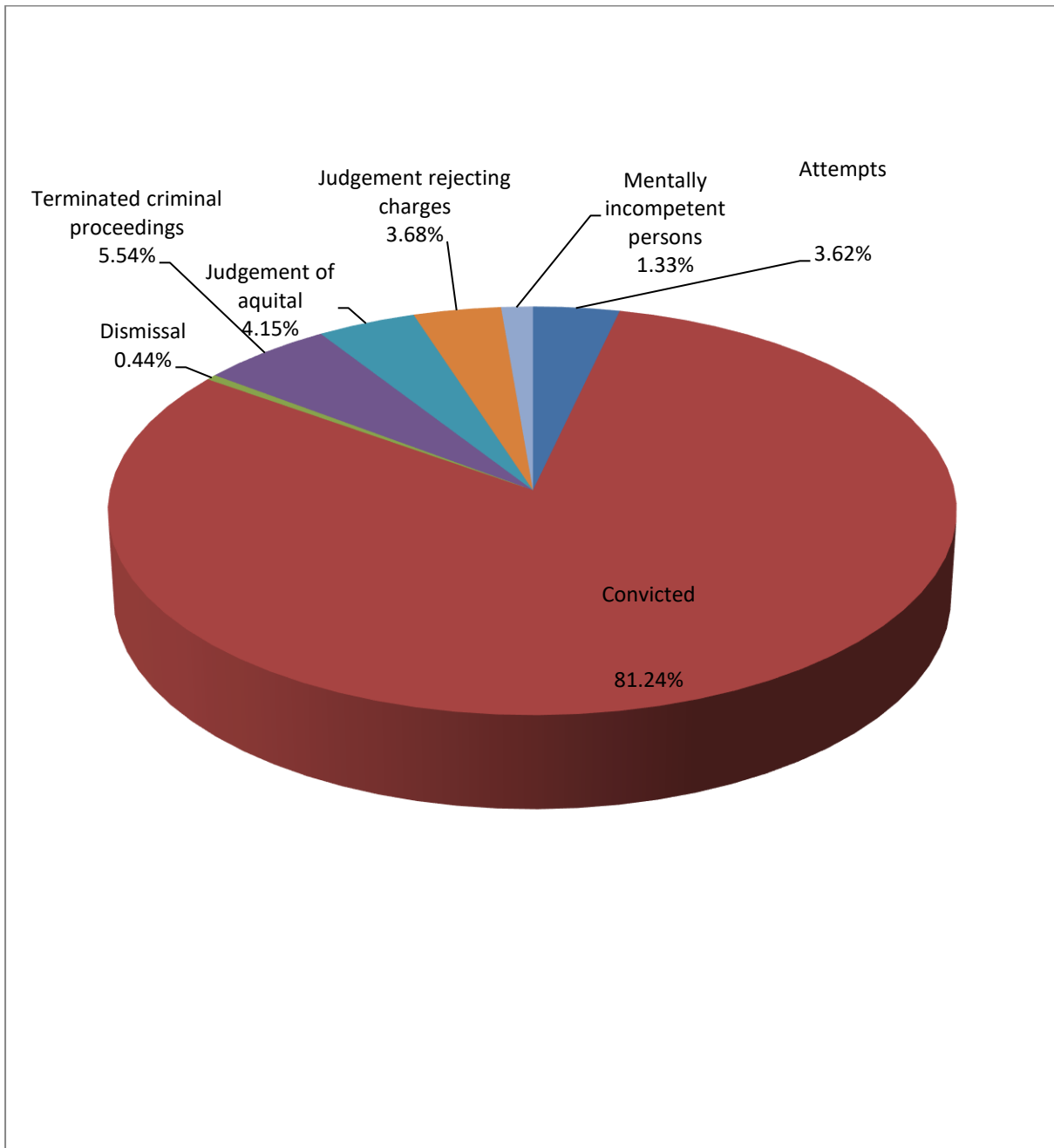
Graph 7.7.1.43: Adults – Accused according the decision type for offences from category 2 in 2017



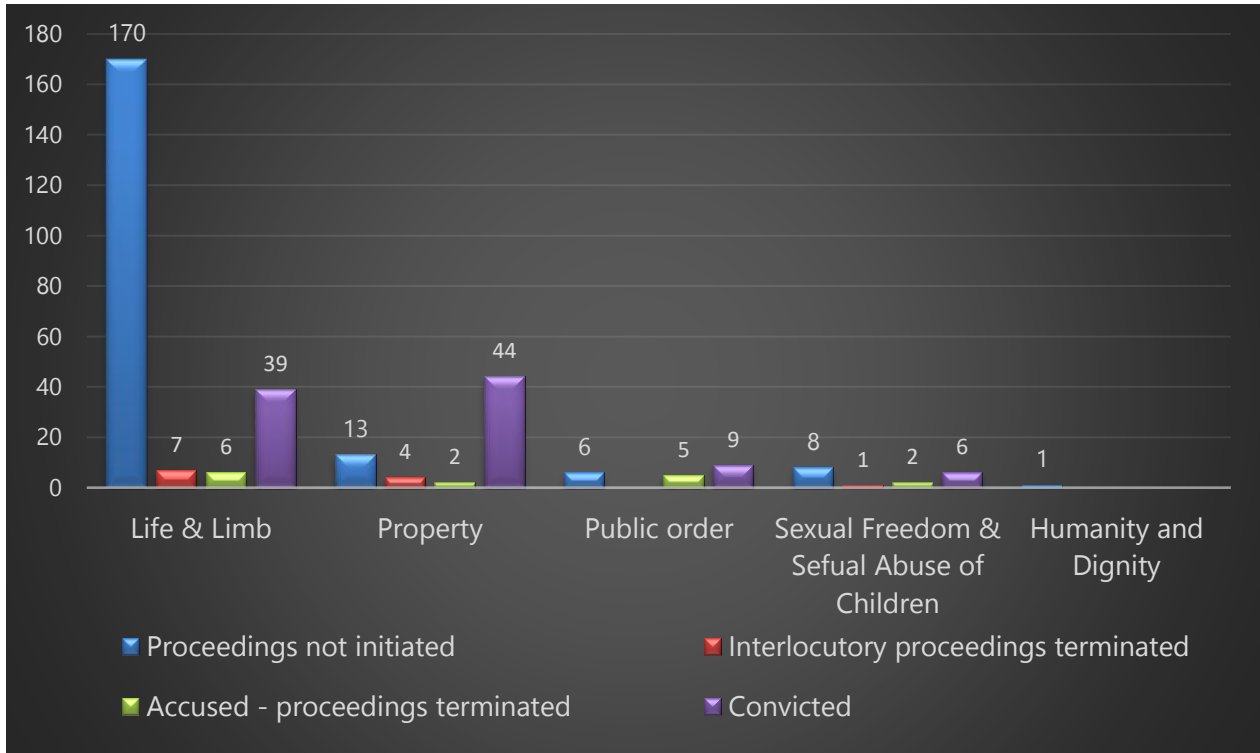
Graph 7.7.1.44: Adults found guilty of criminal offences from category 3 in 2017 (N=2758)



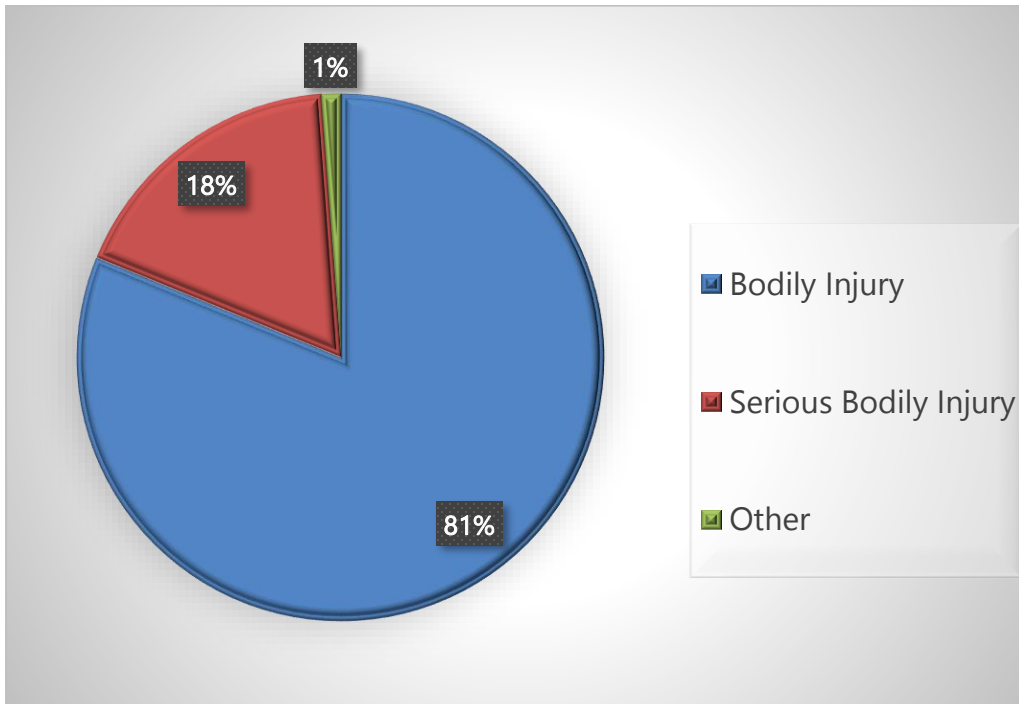
Graph 7.7.1.45: Adults – Accused according the decision type for offences from category 3 in 2017



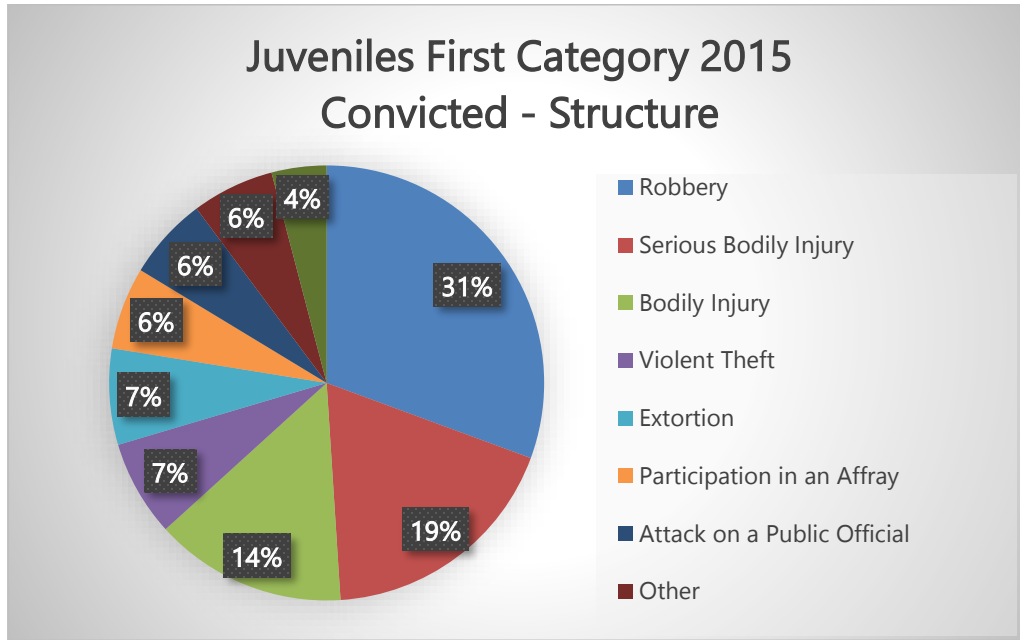
Graph 7.7.1.46: Juveniles - Recorded criminal offenses from category 1 according the prosecution phases in 2015



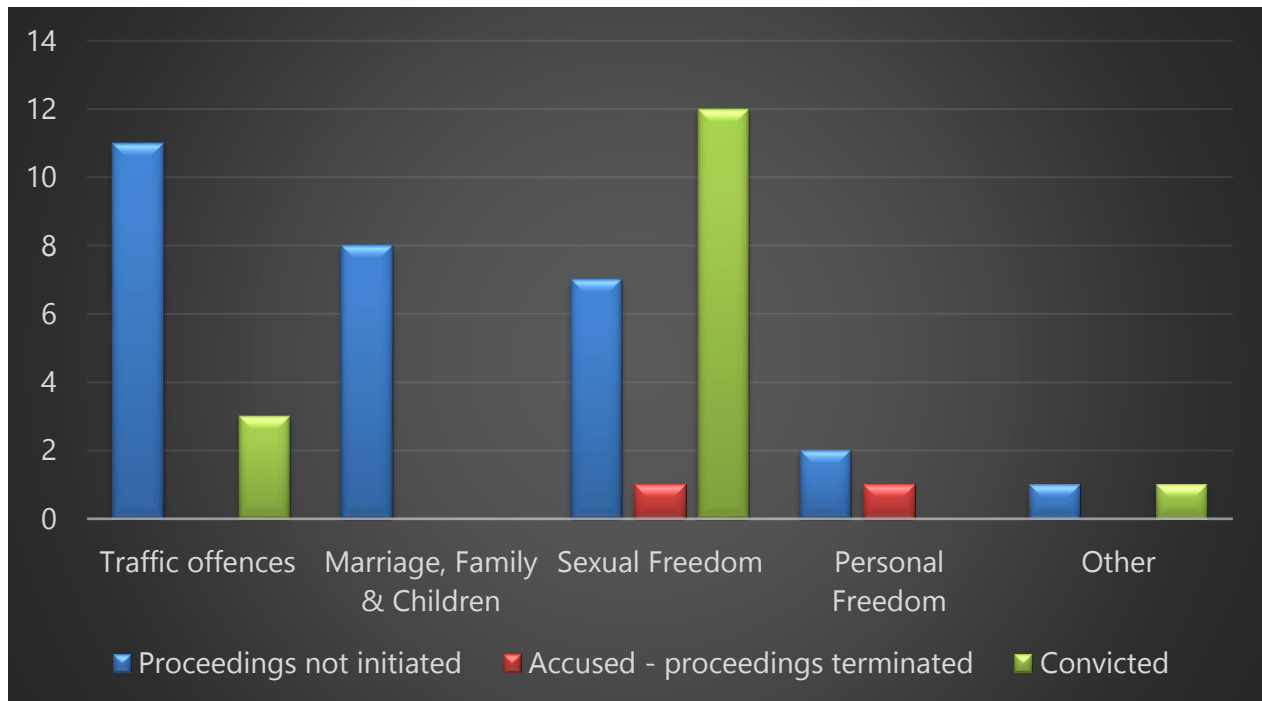
Graph 7.7.1.47.: Juveniles – Proceedings not initiated in criminal offences under the Title Life and Limb in 2015



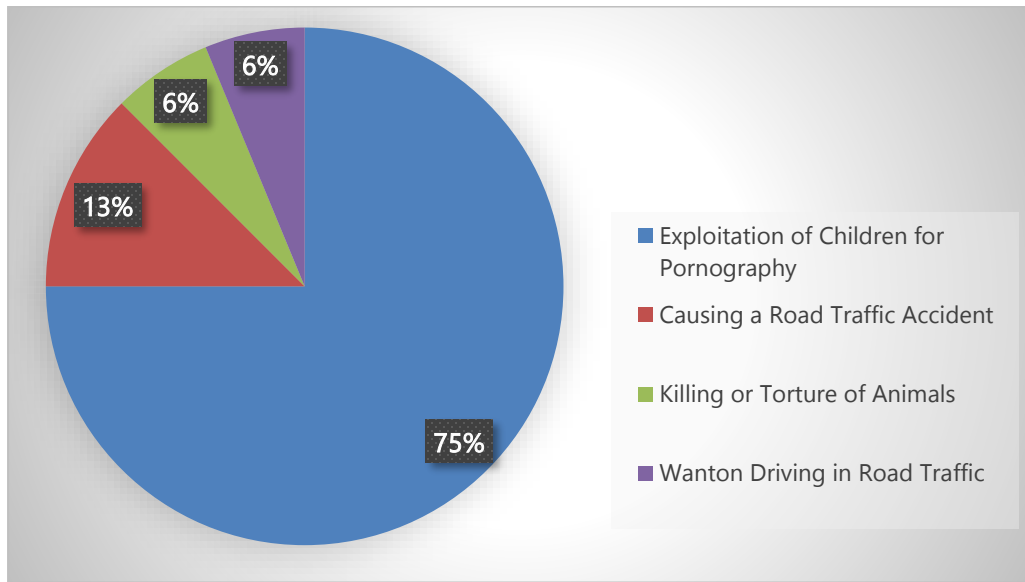
Graph 7.7.1.48: Convicted juveniles for criminal offenses under the category 1 in 2015



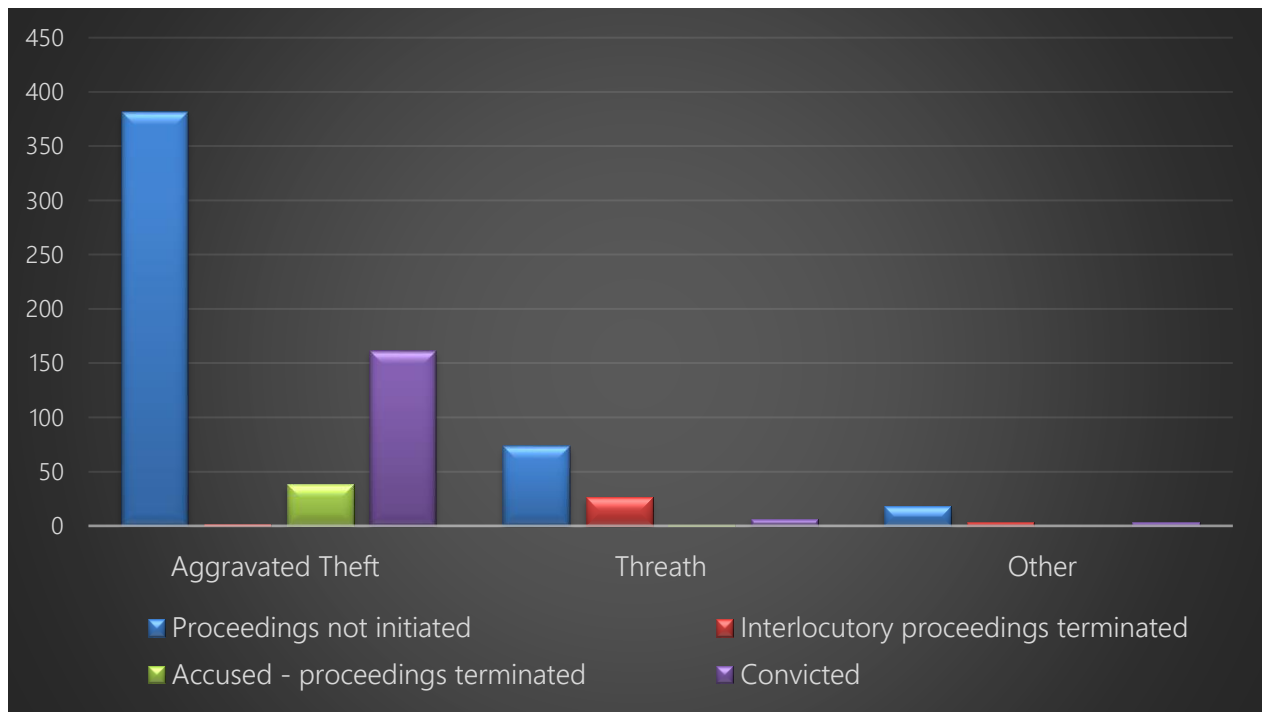
Graph 7.7.1.49: Juveniles - Recorded criminal offenses from category 2 according the prosecution phases in 2015



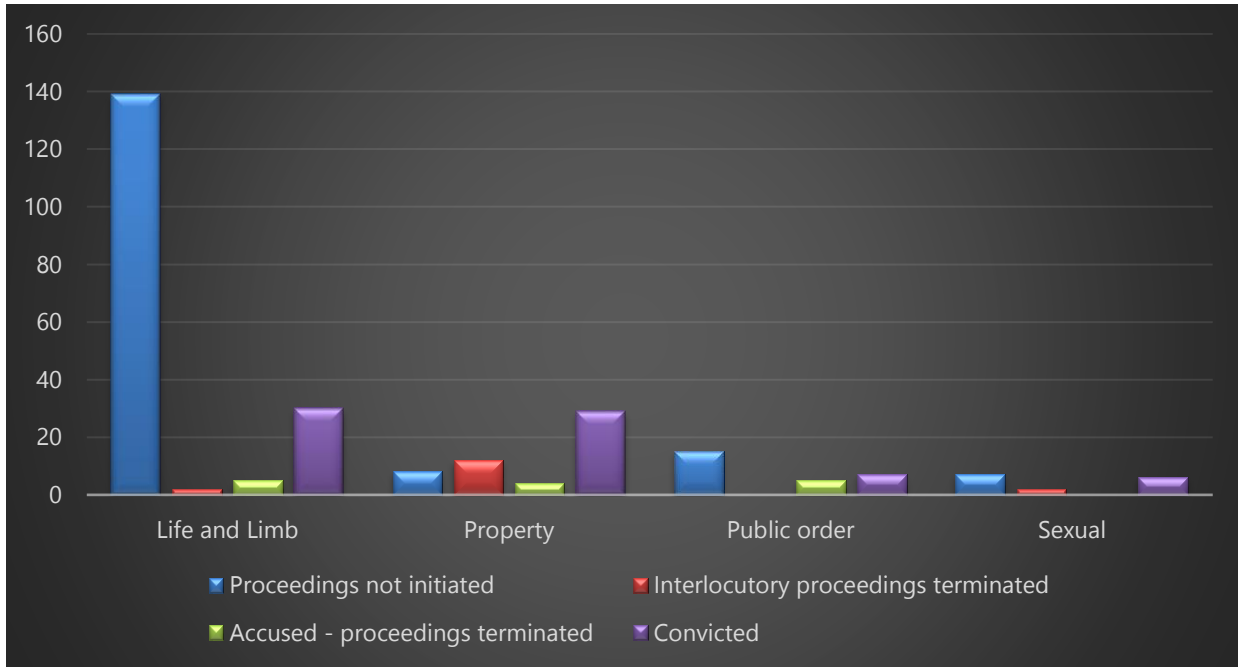
Graph 7.7.1.50: Convicted juveniles for criminal offenses under the category 2 in 2015



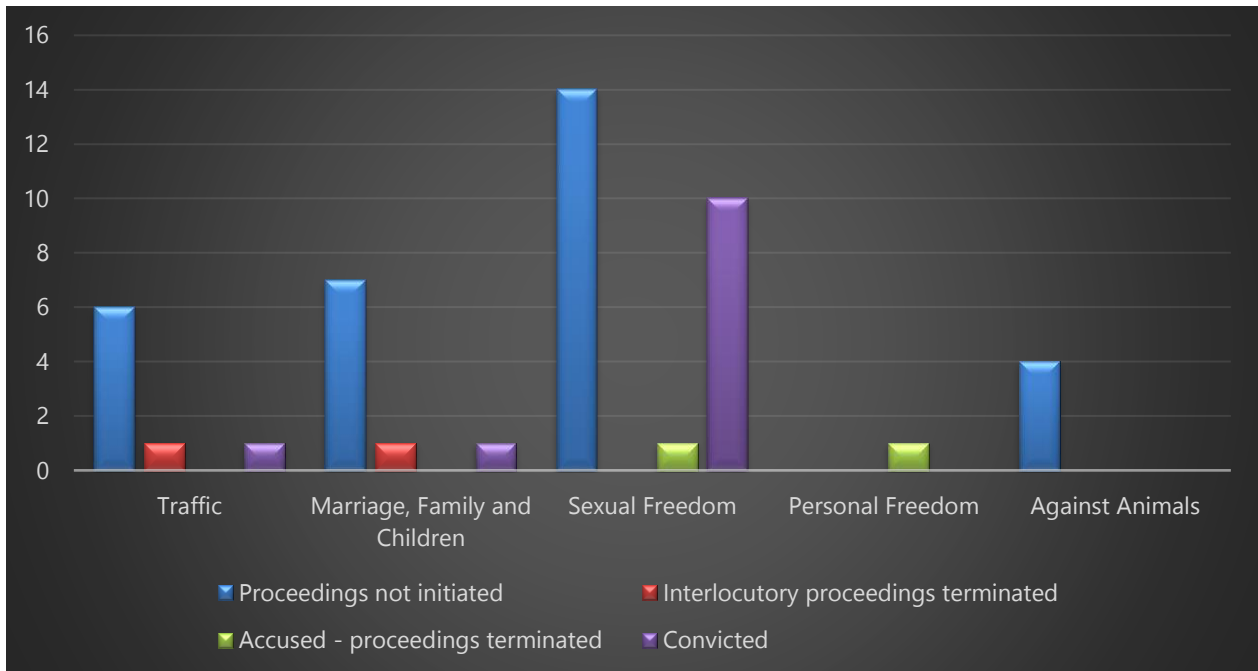
Graph 7.7.1.51: Juveniles - Recorded criminal offenses from category 3 according the prosecution phases in 2015



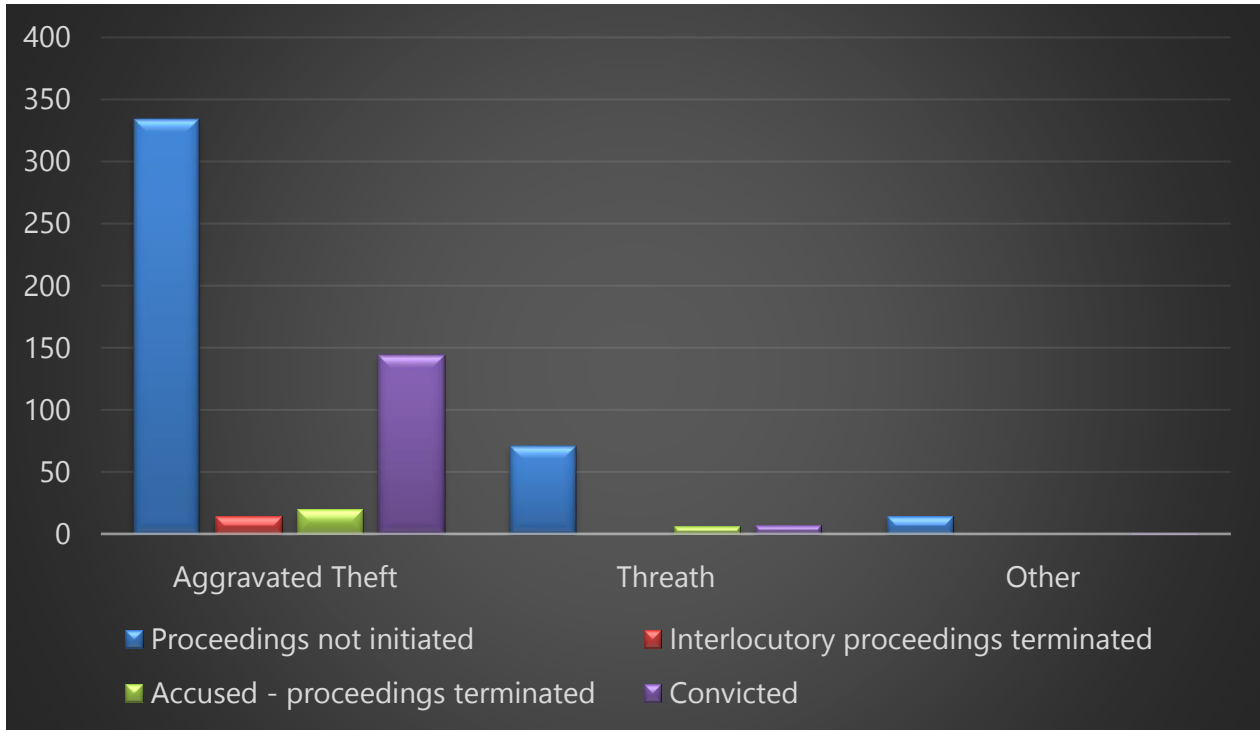
Graph 7.7.1.52: Juveniles - Recorded criminal offenses from category 1 according the prosecution phases in 2016



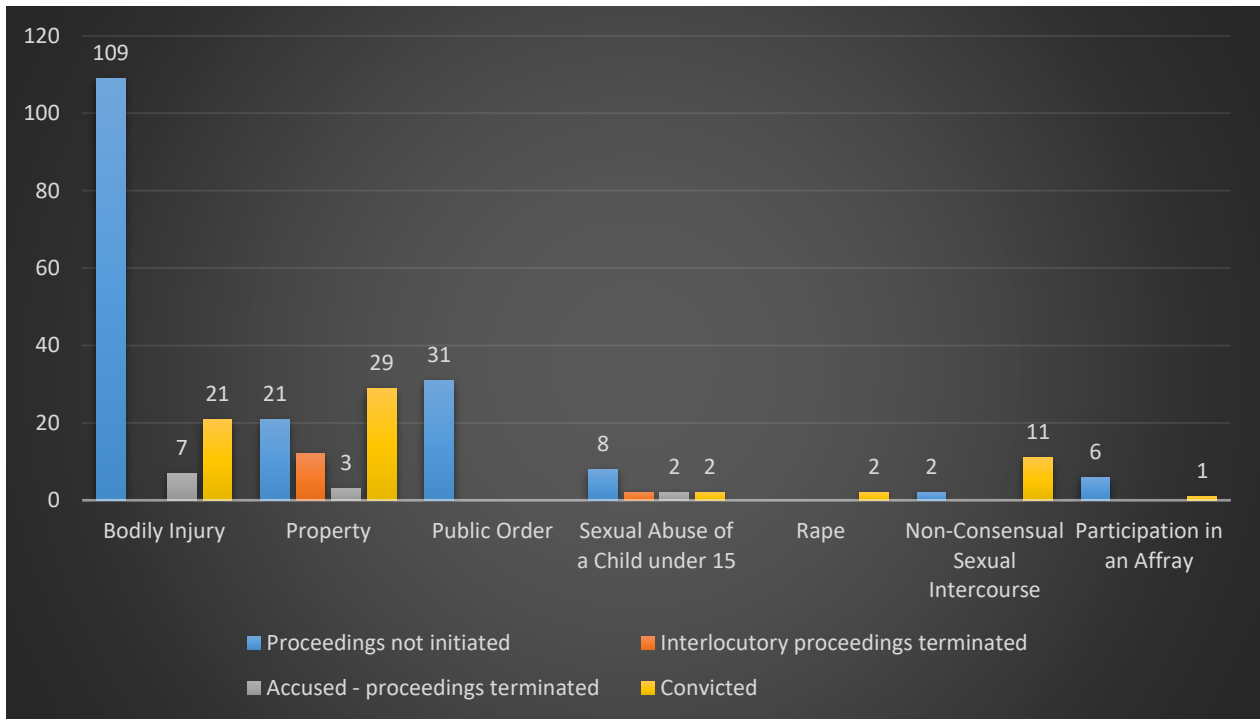
Graph 7.7.1.53: Juveniles - Recorded criminal offenses from category 2 according the prosecution phases in 2016



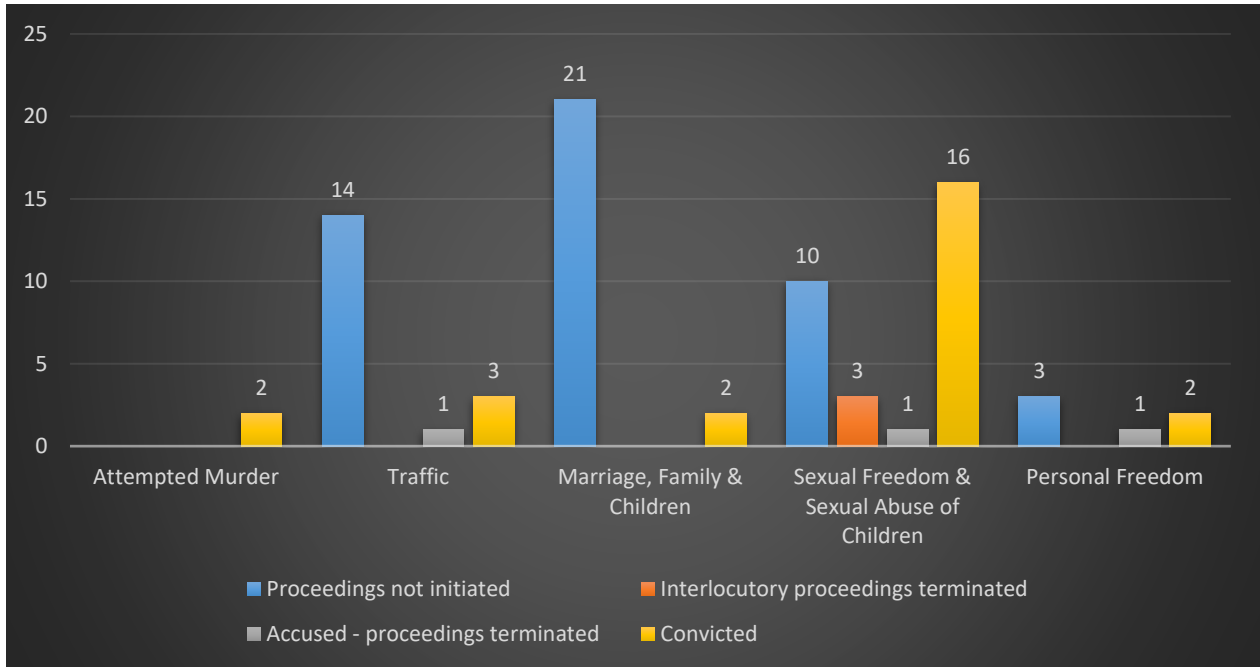
Graph 7.7.1.54: Juveniles - Recorded criminal offenses from category 3 according the prosecution phases in 2016



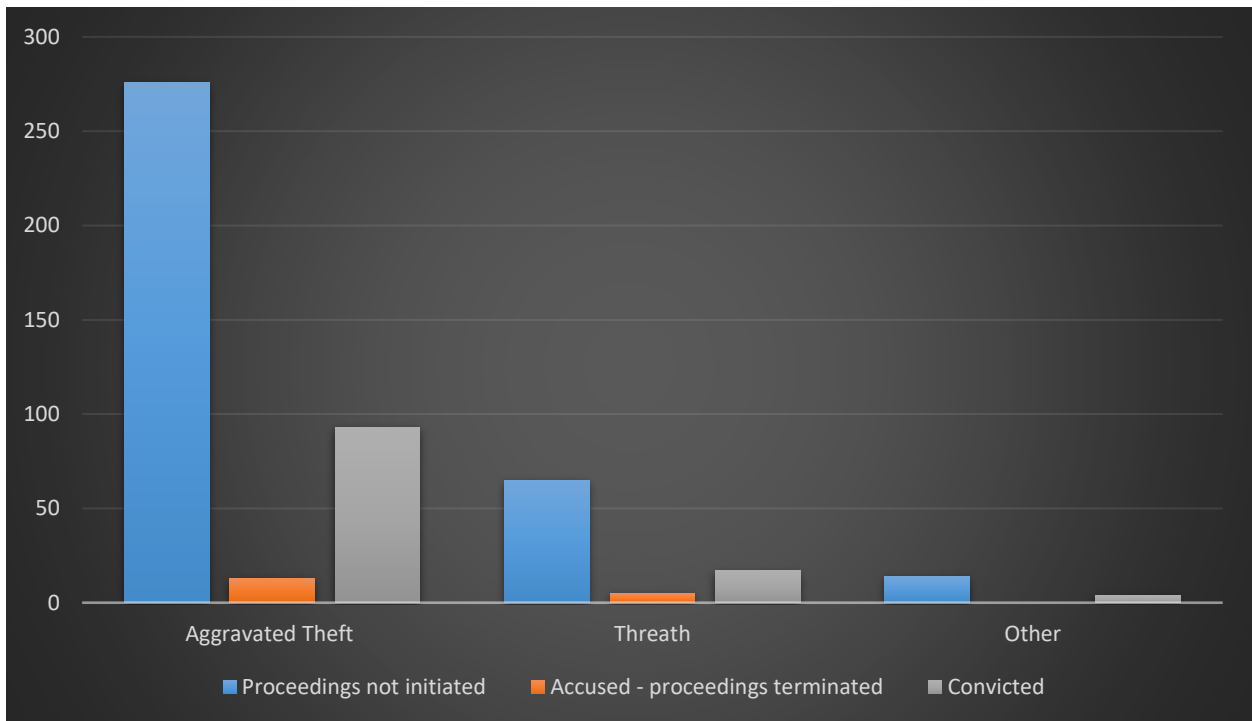
Graph 7.7.1.55: Juveniles - Recorded criminal offenses from category 1 according the prosecution phases in 2017



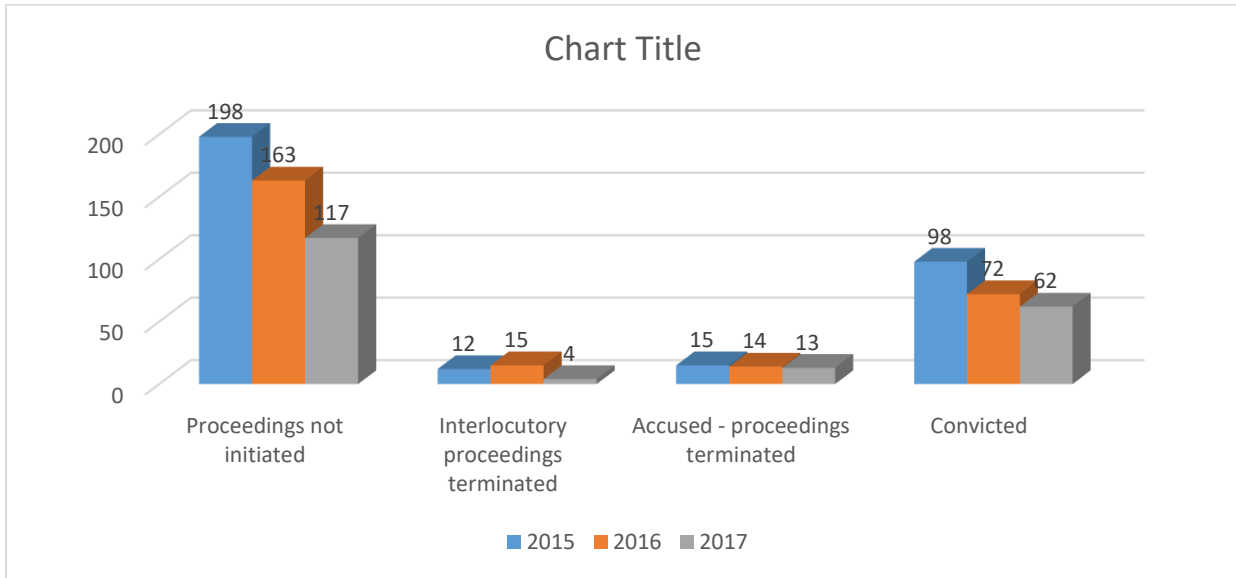
Graph 7.7.1.56: Juveniles - Recorded criminal offenses from category 2 according the prosecution phases in 2017



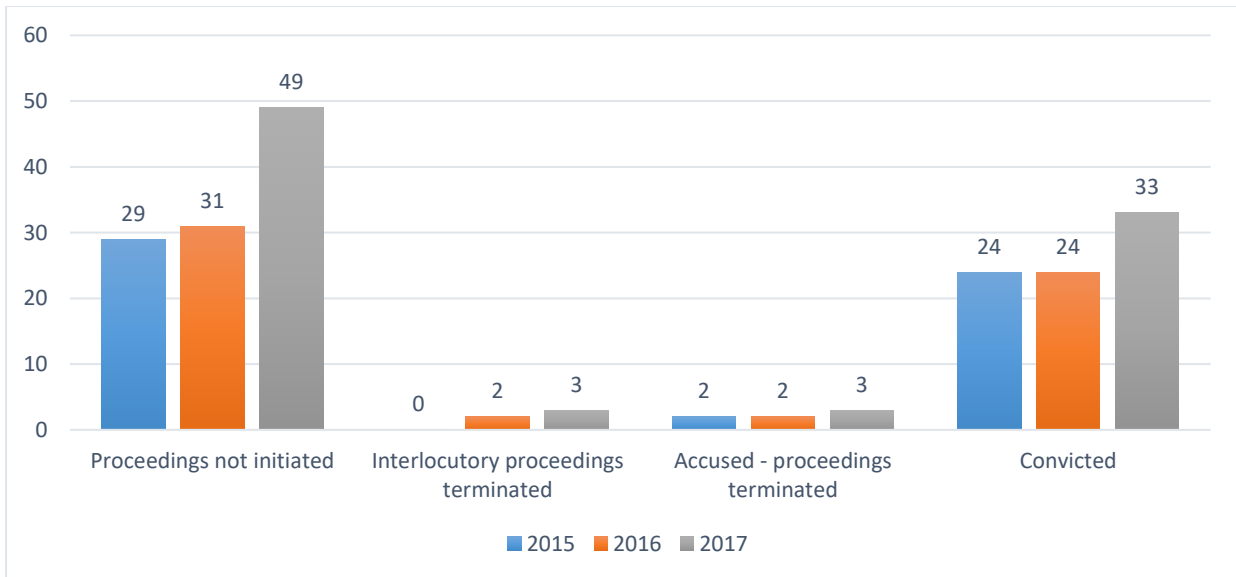
Graph 7.7.1.57: Juveniles - Recorded criminal offenses from category 1 according the prosecution phases in 2017



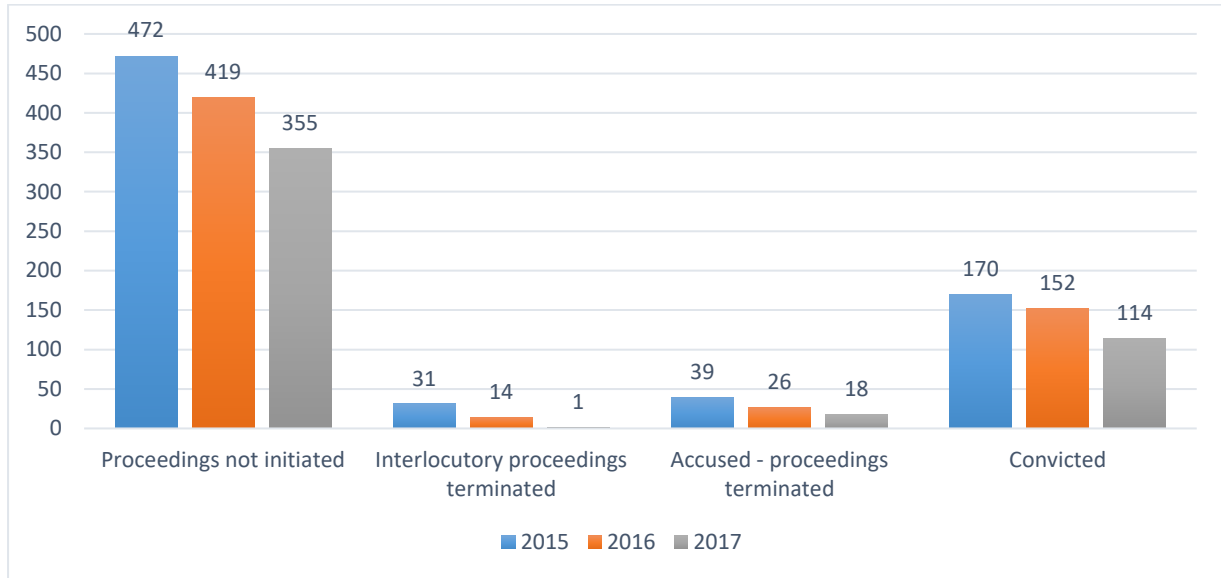
Graph 7.7.1.58: Juveniles - Recorded criminal offenses from category 1 according the prosecution phases from 2015-2017



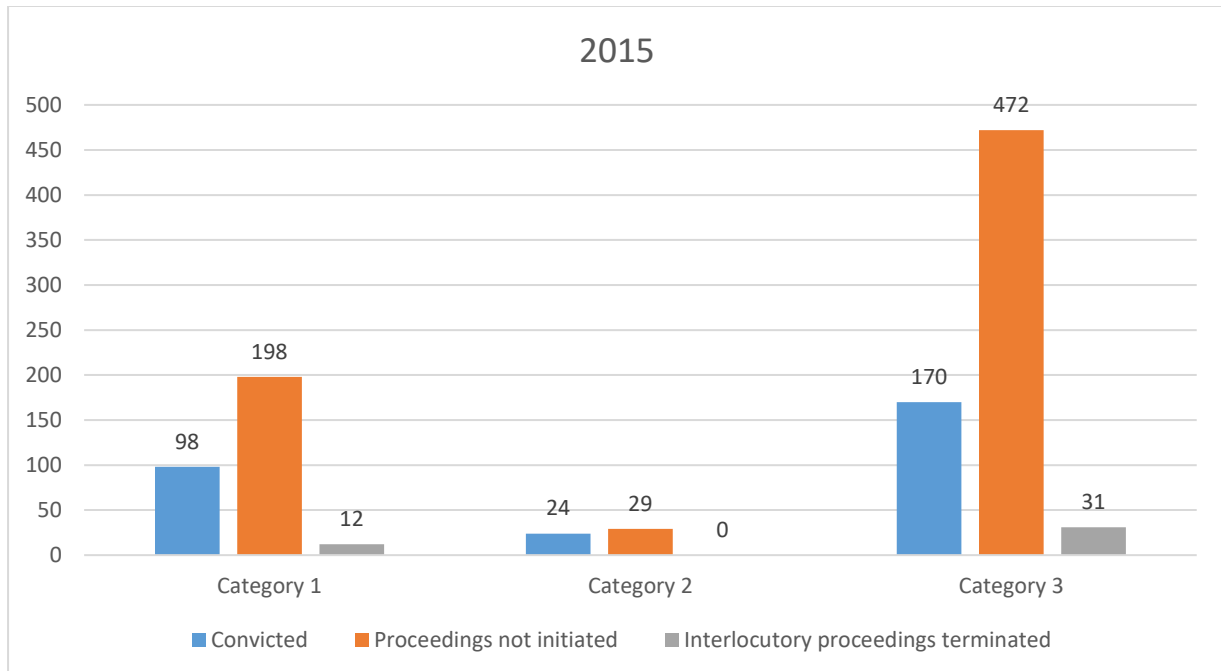
Graph 7.7.1.59: Juveniles - Recorded criminal offenses from category 2 according the prosecution phases from 2015-2017



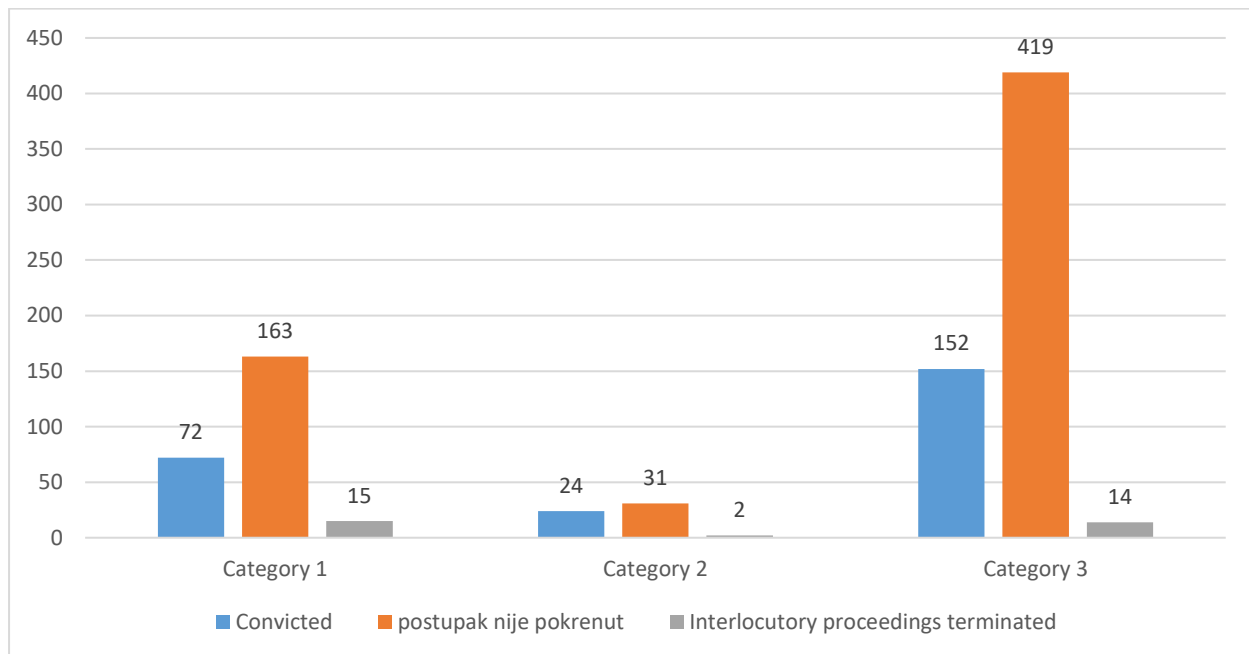
Graph 7.7.1.60: Juveniles - Recorded criminal offenses from category 3 according the prosecution phases from 2015-2017



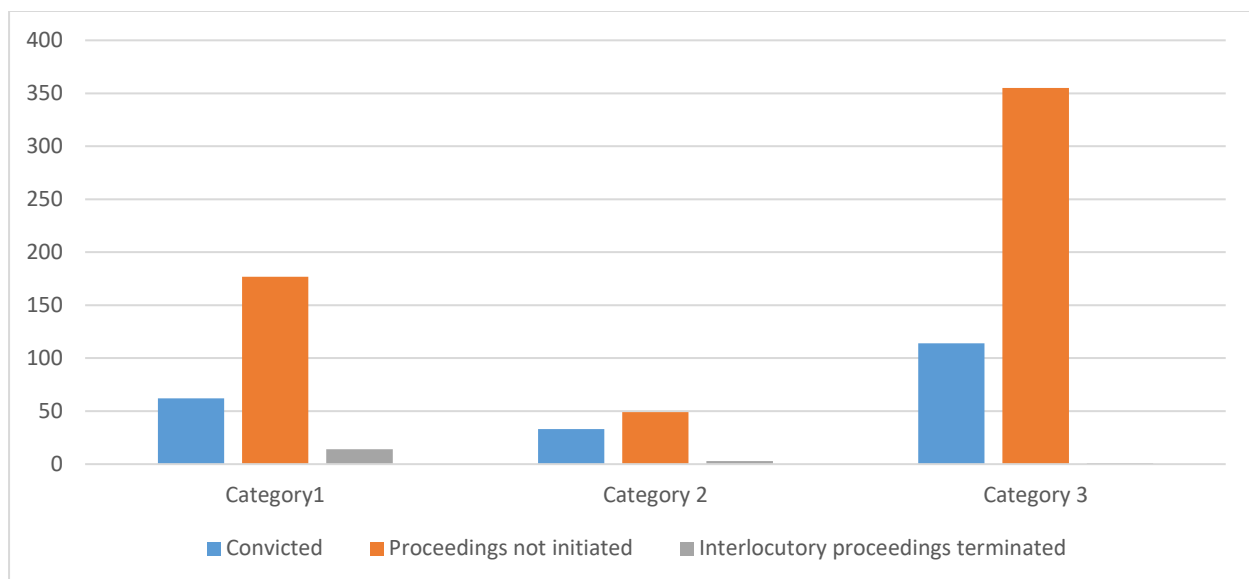
Graph 7.7.1.61: Juveniles - Recorded criminal offenses according the prosecution phases by category in 2015



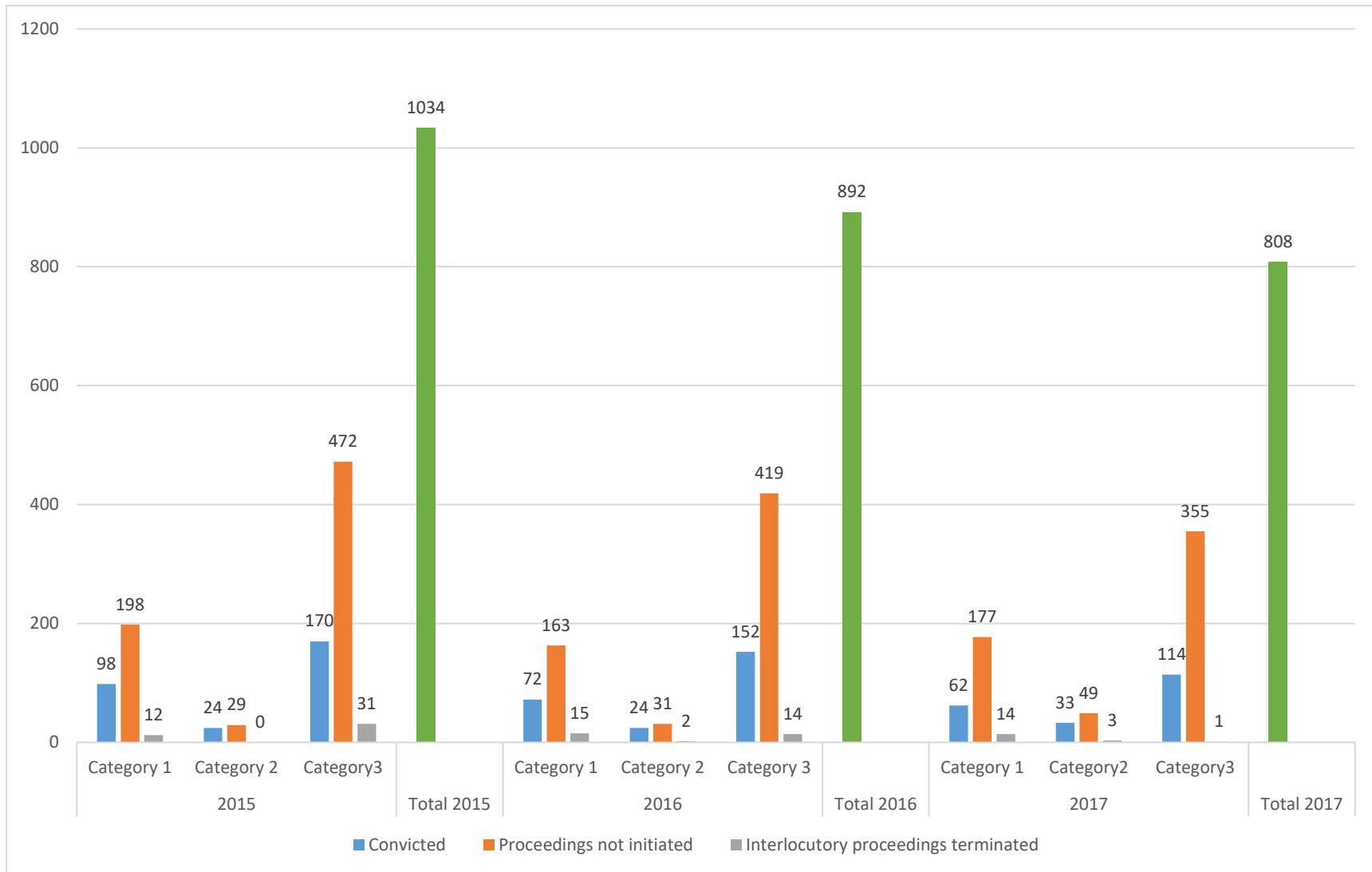
Graph 7.7.1.62: Juveniles - Recorded criminal offenses according the prosecution phases by category in 2016



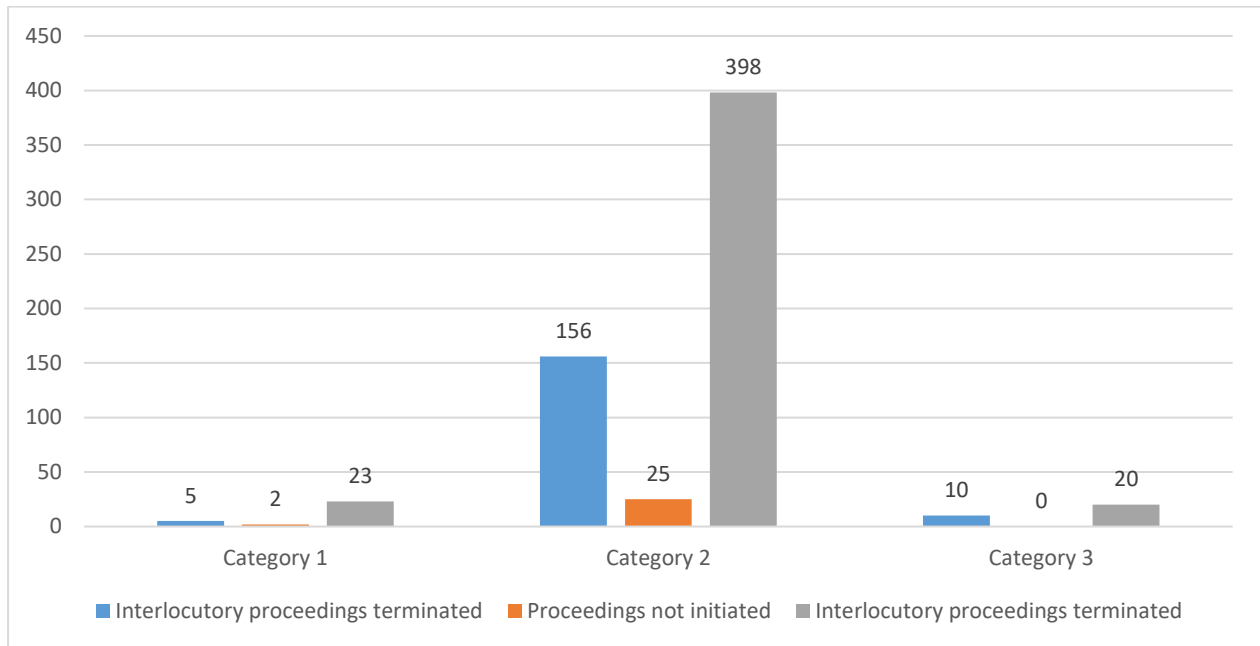
Graph 7.7.1.63: Juveniles - Recorded criminal offenses according the prosecution phases by category in 2017



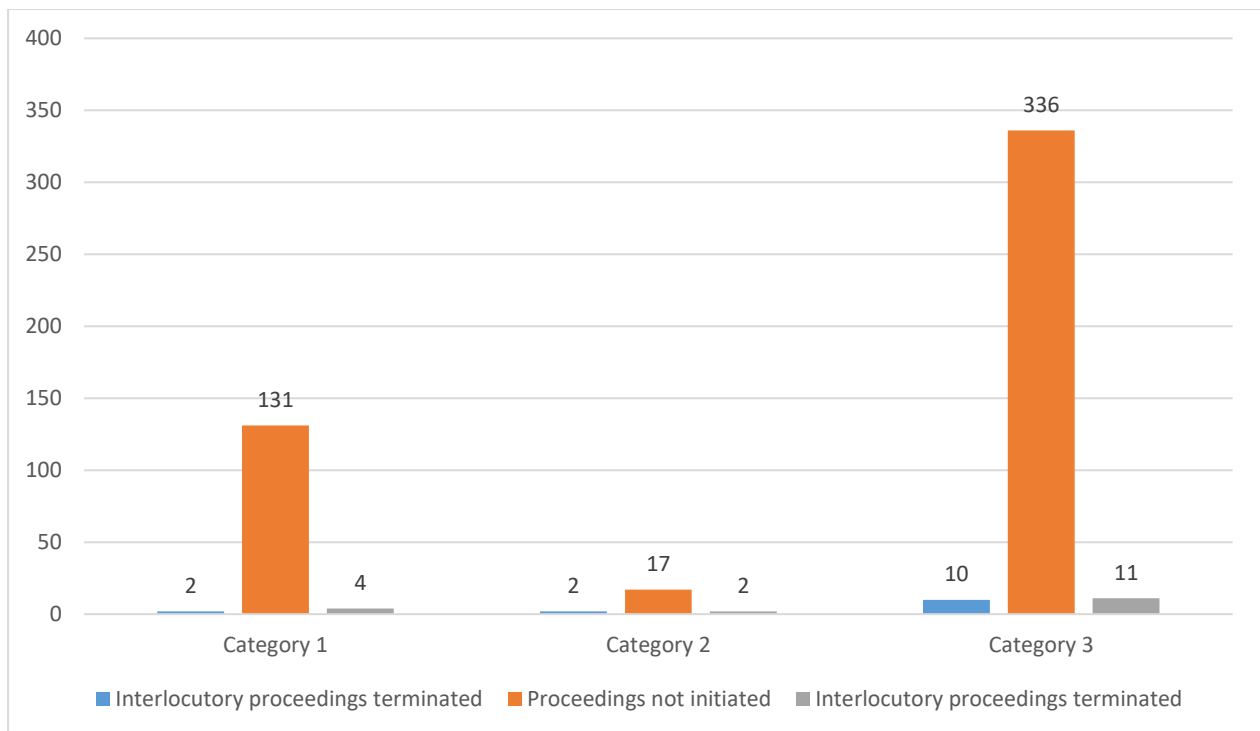
Graph 7.7.1.64: Juveniles - Recorded criminal offenses according the prosecution phases by 3 categories 2015-2017



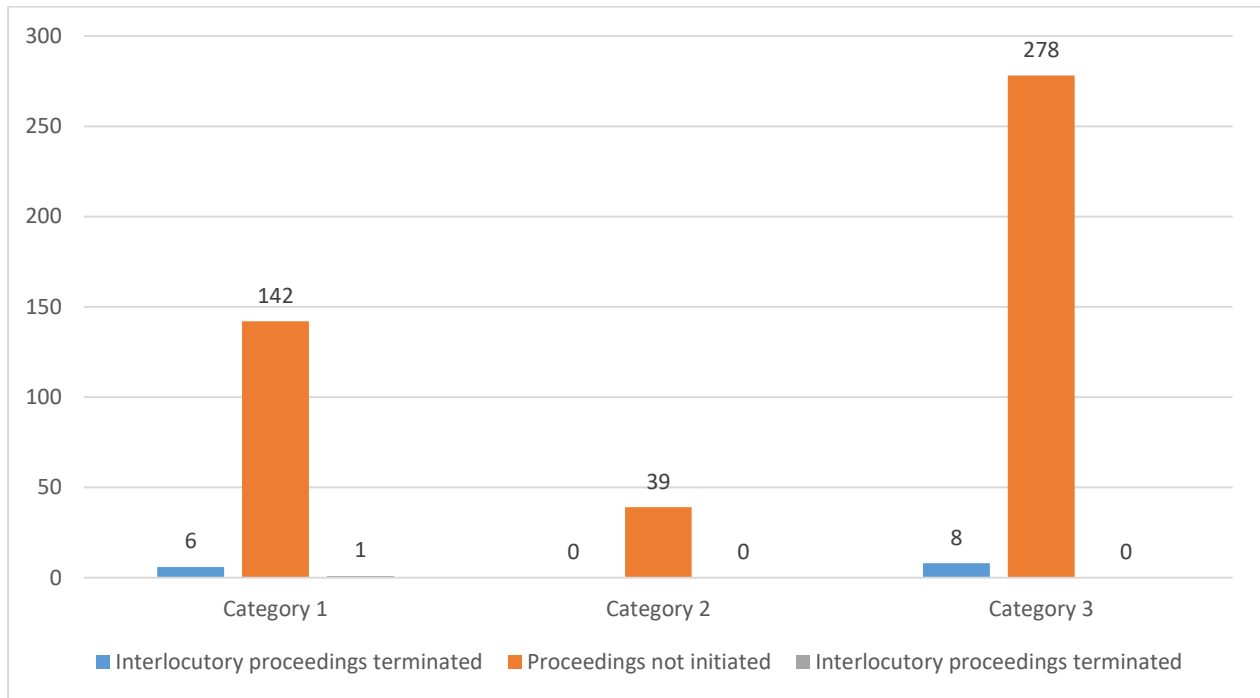
Graph 7.7.1.65: Juveniles - The principle of purposefulness according the prosecution phases by 3 categories in 2015



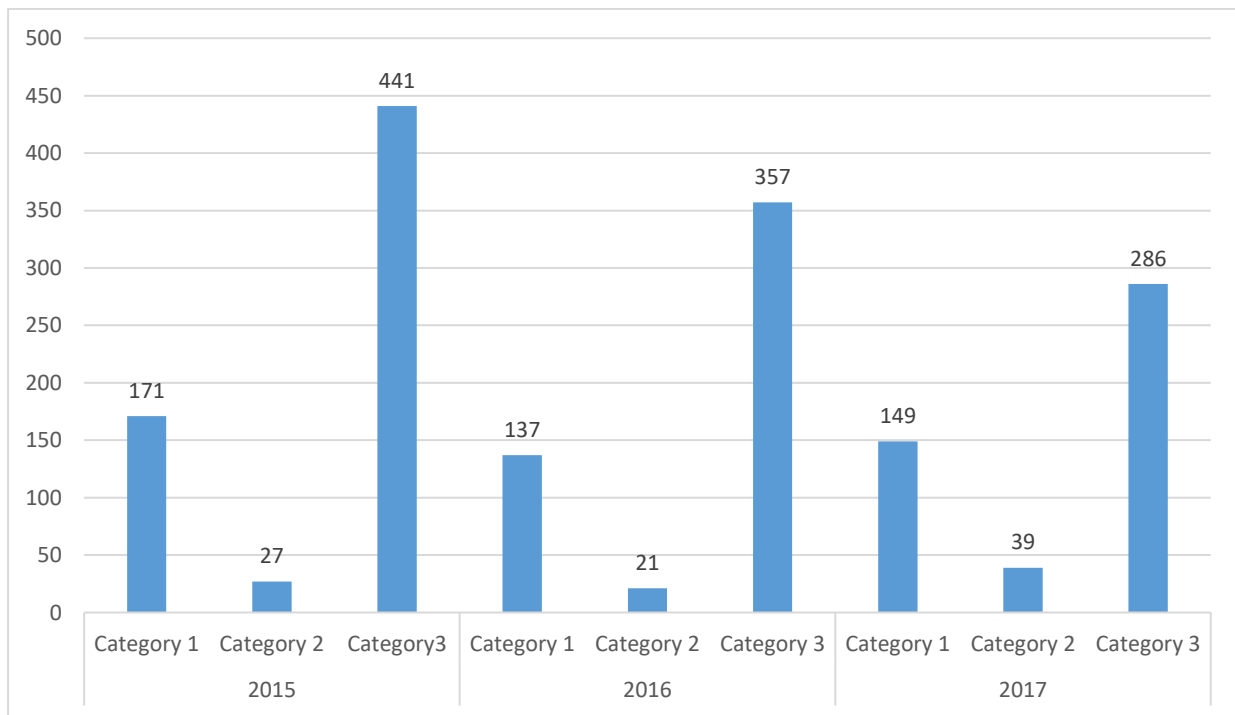
Graph 7.7.1.66: Juveniles - The principle of purposefulness according the prosecution phases by 3 categories in 2016



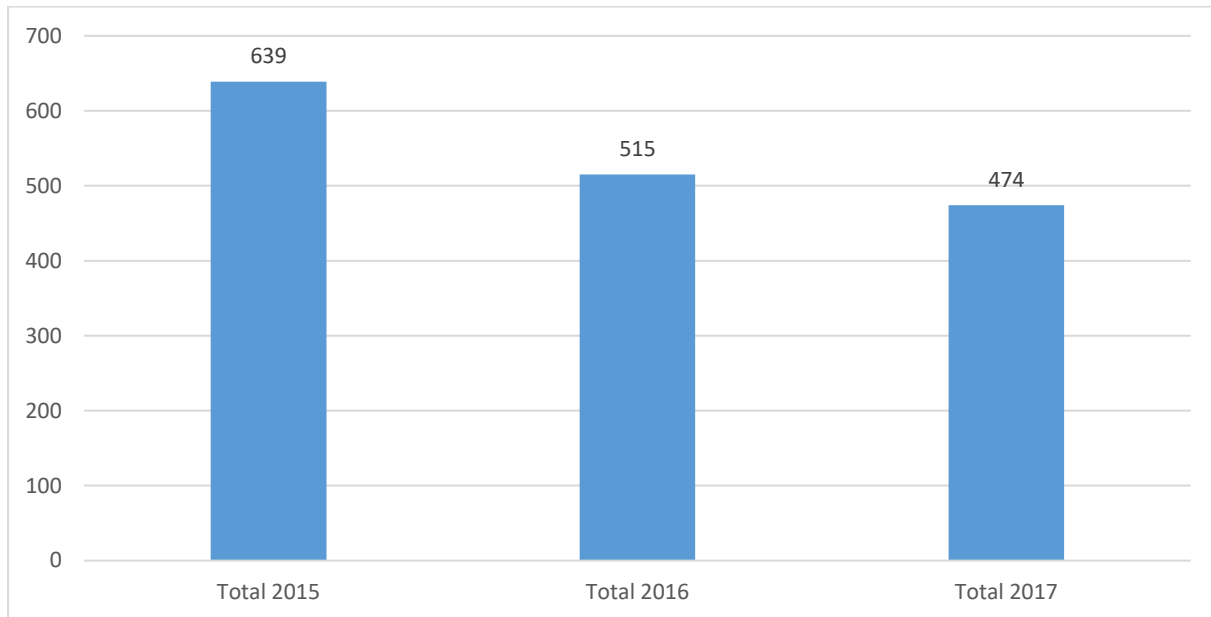
Graph 7.7.1.67: Juveniles - The principle of purposefulness according the prosecution phases by 3 categories in 2017



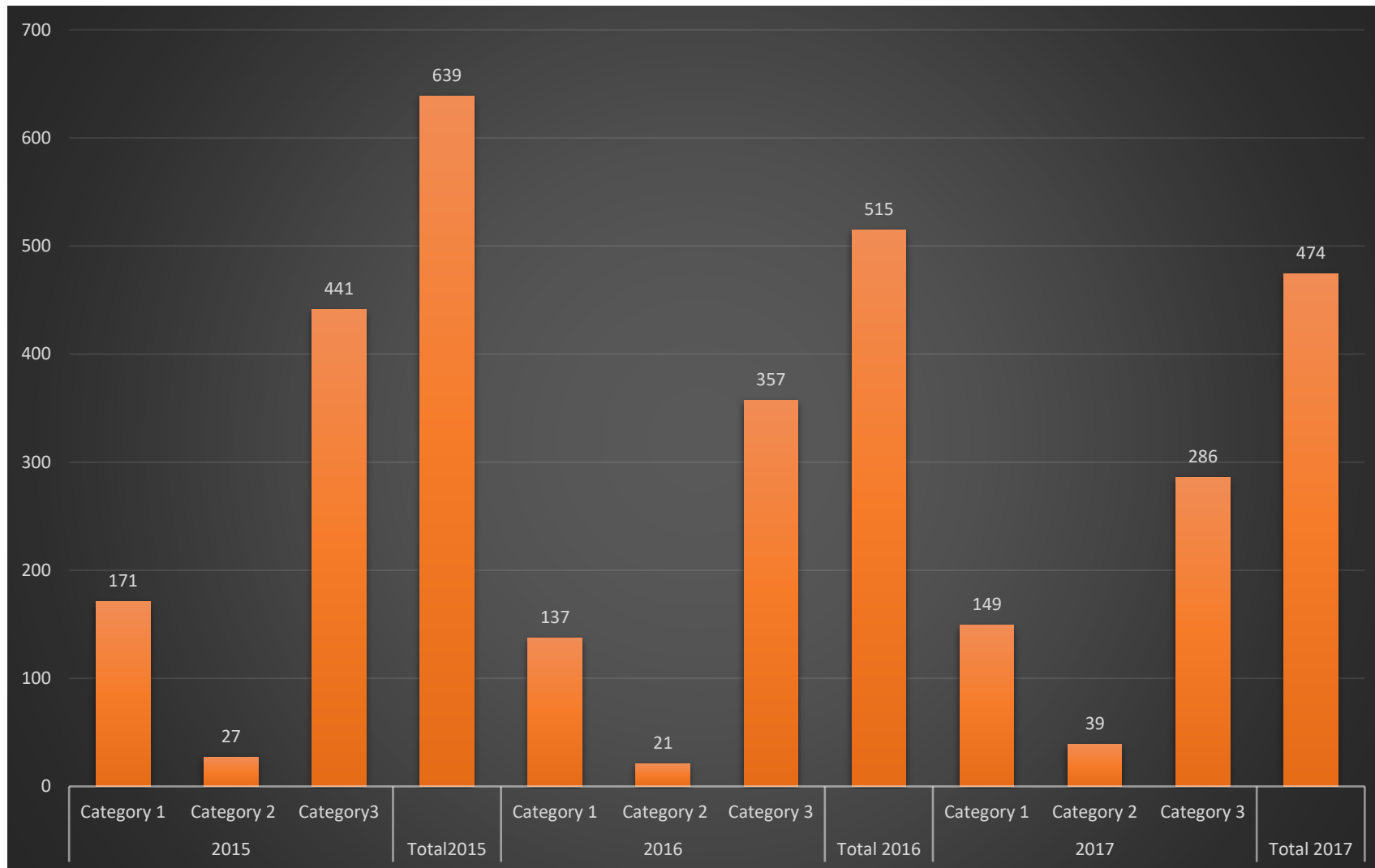
Graph 7.7.1.68: Juveniles - The principle of purposefulness in total by 3 categories 2015-2017



Graph 7.7.1.69: Juveniles - The principle of purposefulness in total for 2015, 2016 and 2017



Graph 7.7.1.70: Juveniles - The principle of purposefulness in total by 3 categories and for 2015, 2016 and 2017





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