

State of Art in Criminology and Crime in Kosovo



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Introduction



- Socio-political **developments** after 1999;
- New institutional structure established **impacted** the socio - cultural life;
- International expertise about **law** structure;
- **Limited funds** for public research institutions and **lack** of experience of private institutions was a failure towards contribution for **policy** making;

The focus of the presentation is on:

- The **educational** institutions in the field of criminology;
- **Policies** regulating the field of research, the research **institutions** and the way of conducting such research;
- **Analysis** of criminological challenges and crime trends in Kosovo;

Education

- **Public** Law Faculties:
 - Three of them as mandatory subject
- **Private** Law Faculties:
 - Three of them as mandatory and one as optional subject
- **Other** public institutions:
 - Kosovo Judicial Institute and Kosovo Academy for Public Safety



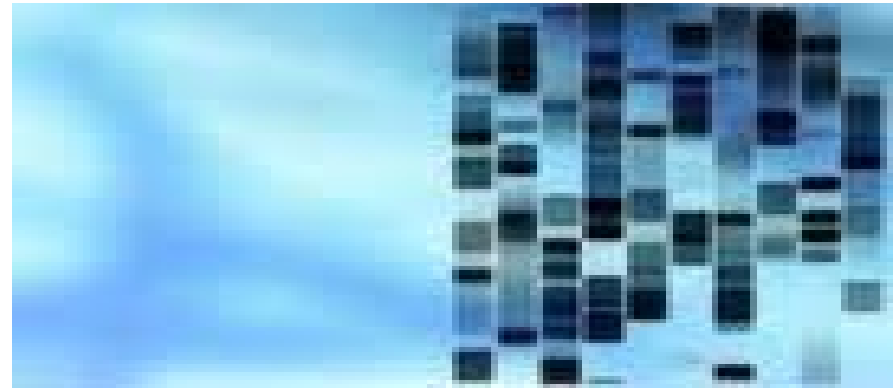
■ Regulation/law defining scientific areas

- Kosovo adopted a new **Law** on Scientific-Research Activity (**2013**);
- The law **regulates** the establishment, activity, organization, governance, rights and obligation of scientific workers and researchers, and establishes the National Science Council;
- The **National Science Program** adapted by the National Science Council, determines its priorities, one of which is “**social and economic study**”;
- This priority mentions different **research** activities, but **not** those related to the field of criminology.

■ Criminological textbook

- The main criminological textbook used for education in Kosovo is **Criminology** (prof, Dr. *Ragip, Halili* (1995) - revised and updated several times up to **2008**.

Research



- The main challenges in the area of social science research, **including criminology**, is the **lack** of harmonized statistical data on economic and social development.
- One of the greatest **difficulties** facing research is **poor** and **outdated** collections and the lack of international magazines in Kosovo's libraries.

Research



■ Institutions in Kosovo that **conduct research** are:

- Kosovo Judicial Institute (for developing judiciary);
- The Institute for Criminology and Criminal Justice;
- Kosovo Law Institute;
- The Institute for Researching War Crimes;
- Speak Up! Movement;
- The Institute for Policy Research and Development;
- The Balkan Investigative Reporting Network, BIRN Kosovo;

■ Main **mission** and **task** of these institutions (except KJI) is to:

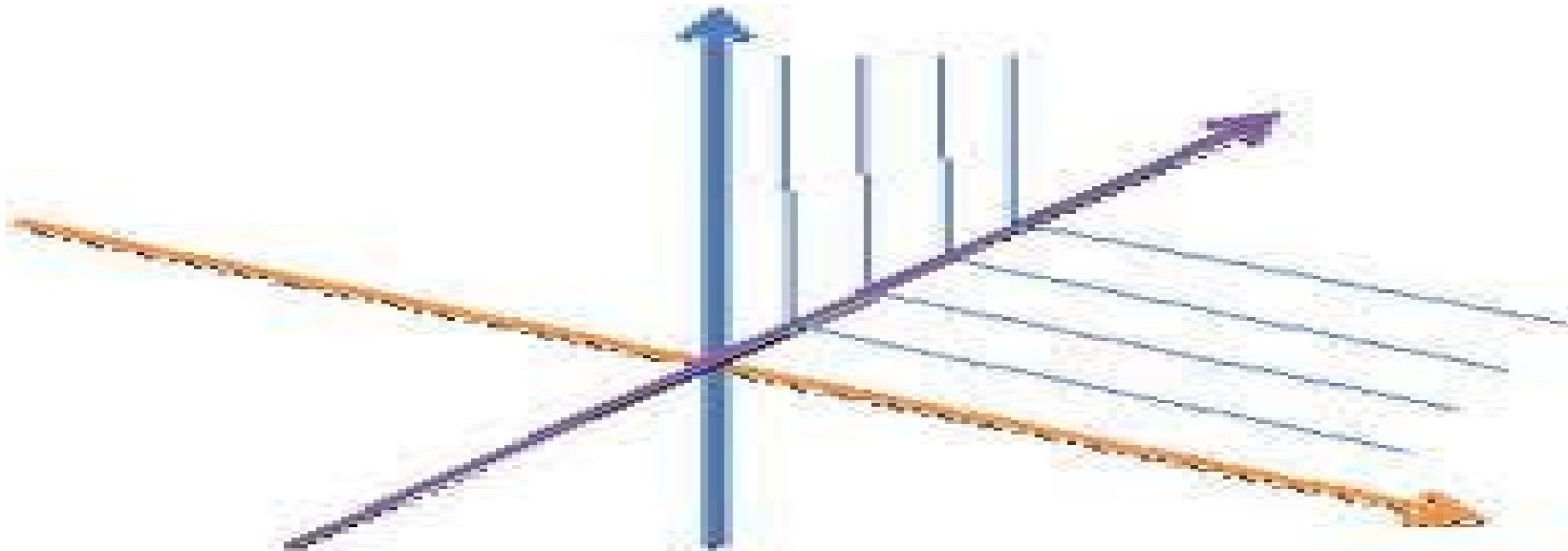
- **Conduct** researches in the field of criminology and criminal justice (including war crimes);
- **Publish** scientific research journals;
- **Conduct** research, and advocating in the judicial reform, rule of law, legislative initiatives, and implementation of laws;
- **Promote** democracy and democratic values in Kosovo through independent research, capacity development, and institution building;

The dominant approaches to empirical criminological research

- In Kosovo there is no major **debate** regarding criminological theory and/or research;
- The criminological **research** is not advanced and there is currently no research that would impose any changes regarding policy in this field;
- Unfortunately, in Kosovo does not seem to be a **connection** between criminological theory/research and the government;
- Currently, corruption and electoral fraud are the only crimes that **attract** researchers;
- Kosovo is not **participating** in ICVS, European sourcebook, ISRD etc., and there is not a specific criminological journal in Kosovo. The only scholarly journal is “E Drejta” (Eng. Law).

Crime trends and problems

- The major **sources** of data about crime are at Kosovo Police, State Prosecutor Office and Kosovo Judicial Council.
- Access is not an issue, but there are no clear systems of providing **harmonized information;**

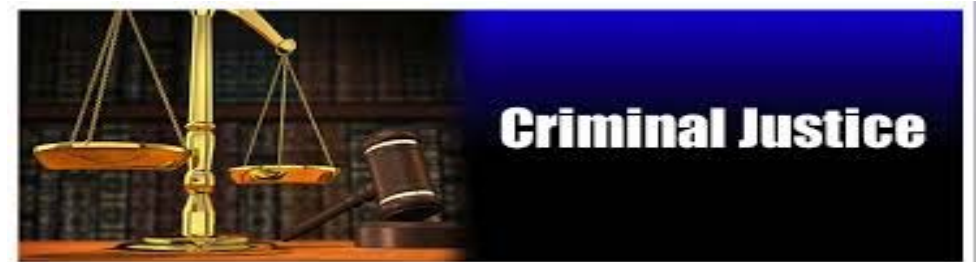


No	Criminal offences	Cases		Perpetrators	
		no	% 100.00 hab	no	% 100.00 hab
1	Murder	47	0.047	267	0.267
2	Human being trafficking	65	0.065	367	0.367
3	Soliciting hatred	3	0.003	16	0.016
4	Domestic violence	477	0.477	736	0.736
5	Terrorism	4	0.004	27	0.027
6	Criminal offences against sexual integrity	32	0.032	117	0.117
7	Criminal offences against marriage and family	23	0.023	45	0.045
8	Criminal offences against public health	366	0.366	994	0.994
9	Criminal offences against economy	479	0.479	1211	1.211
10	Criminal offences against property	359	0.359	711	0.711
11	Criminal offences – merchandise smuggling	120	0.12	374	0.374
12	Criminal offences – organized crime	11	0.011	248	0.248
13	Criminal offences against environment	3	0.003	8	0.008
14	Criminal offences against human safety and property	447	0.447	814	0.814
15	Criminal offences against justice administration	1	0.001	1	0.001
16	Weapon offences	1445	1.445	3456	3.456
17	Criminal offences of falsification	622	0.622	1157	1.157
18	Criminal offences against official duty	376	0.376	1670	1.67
19	Criminal offences of money laundry	21	0.021	167	0.167

- Kosovo has **particular** crime problems especially with organized crime, corruption, financial crime and informal economy;
- There is a **legislative** framework and different **mechanisms** to fight corruption and organized crime are established, **but** ?
- Public opinion on the extent of corruption is still **high**;

The criminal justice system

- Kosovo Constitution/Laws & **Justice**;
- Reforms/developments during **2004** in criminal field;
- **2004-2010** experiences, identified gaps in practice and changes;
- January **2013** the criminal system of Kosovo has adapted the new Criminal Code and new Criminal Procedure Code;



- 2013 **legal infrastructure**, created a mix criminal justice system, (accusatory-inquisitor);
- The **state prosecutor** is responsible for developing and leading the **investigations**;
- The **court** is a procedural subject and its role is only serving justice;
- The minimum age of criminal responsibility in Kosovo is **14**;
- **Prior** filing of an indictment, the minimum of detention on remand is **30** days, while the maximum is **18** months.
- **After** filing of an indictment the detention on remand can be decided only by the **court** order;

- Imprisonment **sentences** foreseen by the KCC **are**:
 - Punishment of **lifelong** imprisonment and
 - Punishment of **imprisonment**.
- The minimum of punishment of imprisonment is **30** days, while the maximum is **25** years;
- The term of juvenile imprisonment may not be less than **6** months nor more than **5** years;
- The maximum term of juvenile imprisonment is **10** years;

International support

- The **European Union** has supported various projects in order to improve the criminal justice system in Kosovo;
- Projects related to MoJ and KJC/KPC
- Projects related to the Criminal Code and Criminal Procedure Code have been implemented by US consultants through **US-DoJ**;
- Reforms in our country's criminal system are implemented under the **influence** of the US criminal system;

- The main **problems** of the Kosovo criminal system;
- There are many new laws and **established** institutions and task forces, but eliminating fighting some form of crimes remains a serious **challenge**;
- One of problems **remains** the lack of an effective database with information which would eliminate public doubts in the efforts of police, prosecutors and judges;
- The judiciary is **currently** working on a new electronic case management system;
- The possibility for involvement or influence of **politics** and **media** in the criminal justice system is protected by legislation, **but** ?
- Media – politics **and** the judiciary;

Conclusion



- It is observed that there is a **lack** of original publications and infrastructure for research in the field of criminology;
- There are no efficient and **harmonized** databases which provide information needed for the purpose of **criminology studies**;
- Private initiatives are in the **initial** phase of criminology research and they still need to be further developed;
- Field of criminology **needs** serious support in order to meet proper standards and to contribute to **policy making** authorities;
- Institutional structure **should** be effective and ensure rule of law;



Thank you for your attention