



# BALKAN CRIMINOLOGY

## Sentencing and Imprisonment Practices in Prostitution Cases in Croatia

Pero Mihaljević

National Police Office for Suppression of Corruption and Organized Crime  
Ministry of the Interior



# Introduction

- **Prostitution** is the business or practice of engaging in sexual relations in exchange for payment or some other benefit. Prostitution is sometimes described as **commercial sex**.
- **Punishment** for prostitution varies from country to country. Prostitution, solicitation, and agreeing to engage in an act of prostitution are considered as misdemeanor in some jurisdictions. But in some jurisdictions they are considered more serious offenses.
- According to the Croatian Criminal Code (Official Gazette 125/11, 144/12), policy makers decided to treat prostitution as serious crime (organizing and pandering), while persons who work as prostitutes are punished as misdemeanor offenders.





# Article 157- Prostitution


- (1) Whoever for the purpose of making a profit or gaining some other benefit entices, recruits or incites another person to provide sexual services, or organises or enables another person to provide sexual services **shall be sentenced to imprisonment for a term of between six months and five years.**
- (2) Whoever for the purpose of making a profit coerces or induces another person 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, to provide sexual services, or uses the sexual services of such a person in exchange for payment, where he/she knew or should and could have known about the above circumstances, **shall be sentenced to imprisonment for a term of between one and ten years.**
- (3) Whoever advertises prostitution via the media and other similar means **shall be sentenced to imprisonment for a term of up to three years.**
- (4) Whether the person being enticed, recruited, incited or used for prostitution has consented to this and whether he/she has already engaged in this activity shall be of no relevance to the existence of the criminal offence referred to in this Article.



# General overview

- Upon review of police reports per year for offences related to prostitution, filed misdemeanor (approx. 200) and **crime reports (approx. 50)**, one might get the impression that this phenomenon is rarely represented.
- It is impossible to determine exact number of persons involved in prostitution, but according to some police assessment that number is approximately 2.000 female persons.
- In their research, the group of authors *Vandepitte et al.* in 2006 estimated that the number of women engaged in prostitution in Europe is between 0.1 to 1.4% of the total female population (aged 15-49), which in Croatia would be the figure in the range from **973 to 13.621** persons.





# Annual Report of the Prison system 2013 and 2014

- In 2013, 7 persons were convicted to prison sentences (6 male, 1 female) for criminal offences related to prostitution. 2 persons were in investigative prison.
- During period of 2014, 7 persons (6 male, 1 female) were convicted to prison sentences for criminal offences related to prostitution.





# Statistics of Probation System 2009 – 2015

- For the period 2009-2015, there were 24 convicted persons (19 male, 5 female) for the cases related to prostitution in probation system.
- In 9 cases, special report about convicted persons in jail, expertise on the demand of judge, was provided.
- In 15 cases, convicted persons on parole and on work for the community service were monitored.
- 15 convicted persons were recidivists.





# Execution of sentences

- Execution of prison sentence is based on rehabilitation approach which presupposes individual approach to the punishment through individual program of serving the sentence
- Certain programs of the execution of prison sentence include educational, labor, health, psychological, social and safety procedures appropriate for characteristics and needs of prisoners
- Special treatment programs include group and individual psychosocial treatment of prisoners and represents basis for rehabilitation and re-socialization of prisoners.







# Case study

- According to the indictment of the Office for the Suppression of Corruption and Organized Crime (USKOK), no. K-US-25/15 of 28 April 2015, Darko Z., in the period from 22 July 2014 to 27 January 2015, associated into joint enterprise Darko K., Gorano G., Anita Lj. and Ivana V.Š. for the purpose of organizing and providing sexual services in exchange for money in Croatia and Germany. First defendant was indicted for committing criminal offences of criminal association referred to in Article 328/1 of the CC and prostitution within criminal association referred to in Article 157/1 of the CC, while other defendants were indicted for committing criminal offence of prostitution within criminal association referred to in Article 157/1 of the CC.
- After association, the 1<sup>st</sup> defendant hired 20 women, citizens of the Republic of Croatia and Serbia and provided them with accommodation in Germany, then advertised and found sexual services' buyers (via web sites, newspapers ads, etc.), also provided transport and determined price of the service (EUR 100-150 per hour). The money was divided in two equal proportions.
- On 4 August 2015, County Court rendered a final judgement, no. 3 Kov-Us-22/15, confirming settlement between the prosecutor and 1<sup>st</sup> defendant thus sentencing
- **1<sup>st</sup> defendant Darko Z. to unique prison sentence in duration of 2,5 years (multiple recidivist in regard to prostitution),**
- **2<sup>nd</sup> – 5<sup>th</sup> defendants Darko K., Goran G., Anita Lj. and Ivanu V.Š. to prison sentence in duration of 1 year exchanged for community service.**





# Conclusion

In practice, prostitution is considered as a lesser crime, and the prison sentences are typically reserved for recidivist and prostitution cases involving coercion or juvenile persons.

Other possible penalties for prostitution include probation, physical labor and community service. These are the types of punishments a judge more often renders to accused persons.

Public humiliation may result from arrest and conviction. People may also lose their jobs for engaging in prostitution, especially if someone works as a public official.



# Thank you for your attention!



## BALKAN CRIMINOLOGY

[www.balkan-criminology.eu](http://www.balkan-criminology.eu) • [info@balkan-criminology.eu](mailto:info@balkan-criminology.eu)