

**Development of Monitoring Instruments  
for Judicial and Law Enforcement institutions  
in the Western Balkans  
2009-2011**

**Technical Assessment Report**  
Croatia



CARDS Regional Action Programme

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# Technical Assessment Report Croatia

## 1

## 1. Introduction and Background

This report has been written within the context of the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' funded by the European Union CARDS Regional Action Programme. It describes the Croatian data collection systems on crime and criminal justice as well as on migration, asylum and visa on the basis of the information gathered during the on-site research mission to Zagreb from 16.11. to 20.11.2009. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in Zagreb. The whole mission was made possible through the close cooperation and assistance of the Croatian authorities, especially Mrs Maja Gregurić from the Croatian Ministry of Justice, and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in Croatia against international and EU standards. It is thus part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU *acquis*, standards and best practices. Project activities to date include a first desktop research study entitled 'Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans' and a second study entitled 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. Further project activities will comprise the development of technical guidelines, the development of regional indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many 'standards' are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organisations such as the Statistical Office of the European Communities (Eurostat), rather than in EU *Acquis* having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU *and* international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding *acquis*, then this is indicated in the standard by means of a clear note.

## 2. Crime and Criminal justice statistics

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### 2.1 Police statistics

#### 2.1.1. Introduction

##### 2.1.1.1. Institutions responsible for data collection and management

The Croatian Police operates within the Ministry of Interior (Mol). The overall organization of the Mol includes 20 police districts and 130 police stations, which cover the territory of the Republic of Croatia. All organizational units within the Mol perform continuous data gathering and input through an automatic data processing system administered by the Mol Department of IT. Drawing from these data, the Department for Analytics and Development produces aggregate crime statistics monthly and carries out periodic analysis of specific crime issues.

#### 2.1.2. Data input (recording of crimes)

##### 2.1.2.1. Data entry

###### **Standard**

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused ('formal contact' with the police as a suspect).

###### **Assessment**

Every reported or suspected crime incident coming to the attention of the police is first recorded in a book of daily events. If the recorded event is considered a crime, it is then registered into the criminal registry of the police station (KU). The following information is recorded in the KU: Consecutive number/year; Date of registration; Reporting source; Information on the victim; Information on the offender; Article of the criminal code applicable; Officers working on the case; To which prosecution office (municipal or county) the crime report has been submitted; Date of submission of the report to the prosecutor; Joint cases (whether several cases have been joined into one for recording and investigation); Date of submission of the statistical form to the CBS; Whether the case was solved; Notes.

The threshold for recording an incident as a crime in the KU is submission to the prosecutor: Once the police have learned about an event that may be a crime, the report of the police is submitted to the prosecutor once there is sufficient reason to believe that a crime has been committed (both for known and unknown offenders). This is the case for most crime reports submitted to the prosecutor. In addition, crime reports submitted to the police by victims, other citizens, companies, governmental bodies or other persons are directed towards the prosecutor immediately.

From the crime registry and the case file, the data are entered into statistical forms (KRIM -1, -2 and -13). The police crime statistics system follows a unit record-based system which contains details of each individual incident and person accused, as well as on the victim (if applicable). These statistical forms are first filled in manually, and later inputted into an electronic database. 'KRIM-1' is the statistical form on reported incidents and collects records information by crime type; 'KRIM-2' records information on suspected offenders (if known) by crime type, age and citizenship and 'KRIM-13' on personal characteristics of victims.

In particular, information on reported incidents recorded in 'KRIM-1' includes a description of the event; its classification based on the Criminal Code; whether it was an attempted or completed crime; whether it occurred in conjunction with other crimes; date and place of crime; consequences or damage; and data on criminal proceedings relating to the crime (For more information see Annex I).

While unit records on police recorded crime incidents contain a great number of details, it is not clear whether there are detailed written rules on the initial recording in the Criminal Registry of crime incidents and persons suspected of crimes at the level of the police station.<sup>1</sup>

#### 2.1.2.2. Person records

##### **Standard**

Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.

##### **Assessment**

Data on suspected offenders that are recorded in the 'KRIM-2' statistical form as a unit record include the following: personal data on the perpetrator (name, date and place of birth, sex, citizenship; alien status, civil status, nationality (ethnicity<sup>2</sup>), place of residence, etc); prior convictions; previous arrests; information on the offence (but not by article of the Criminal Code), motive for the crime; and other details. More specific information is collected on juvenile (14-18) and younger adult (18-21) offenders (See Annex I and II for a full translation of the forms).

Data on victims of crime that are recorded in the 'KRIM-13' statistical form as a unit record include personal data (name, sex, date of birth, citizenship, civil status, nationality (ethnicity), permanent/temporary residence, profession, etc) or data on the legal entities (if applicable) and data on the consequences/damages of the crime (See Annex III for more information).

Police recording of suspected offenders and crime victims is quite comprehensive but does not include data on the offender-victim relationship.

<sup>1</sup> According to the Analytics Department of the MoI detailed written rules are kept by the MoI Informatics Department, whereas this Department has no knowledge of such written rules and the matter remains unclear.

<sup>2</sup> Whereas citizenship status indicates the formal status a person has, nationality is the self-reported national / ethnic affiliation of a person (e.g. German citizen of Croatian nationality; Croatian citizen of Hungarian nationality; Croatian citizen of Croatian nationality, etc.). The term used in the forms statistical forms of the police, prosecution and courts is "nacionalnost" (nationality) and not "etnička pripadnost" (ethnicity), though some may refer to ethnic minorities without a "mother nation", such as Roma and Sinti.

### 2.1.2.3. Case file numbering and integrated file numbers

**Standard**

It is good practice for a system to assign an 'incident number' to reported events, and an 'integrated file number' (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

**Assessment**

In the criminal registry (KU), a unique 'incident number' is assigned to each case – this is the same number that is on the crime report, plus an additional number identifying the police station. This unique identifier is not shared by other criminal justice actors (prosecution, courts), though it is referred to in the records of the prosecution system. Individual tracking of cases is thus theoretically possible as the system is automated and a search in the databases of the police and prosecution by the recorded case number can identify the related case record.

### 2.1.2.4. Offence classification system

**Standard**

Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the 'charge' assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.

**Assessment**

In recording offences and compiling crime reports, a standard offence classification scheme is used that is based on the Croatian Criminal Code (and other criminal provisions in special laws concerning mainly legal entities). It should be noted that this offence classification system covers crimes but not misdemeanors, for which there is an equivalent reporting and counting procedure.

## 2.1.3. Data flow

### 2.1.3.1. From local to central level

**Standard**

Data from *local* police stations should be reported in a uniform format, using the standard crime classification scheme to a *central* institution.

**Assessment**

On the basis of the crime report submitted to the prosecutor, standardized statistical forms are used by the police for their statistical records ('KRIM-1', 'KRIM-2', etc.). The police officer handling the case fills in the form on paper and needs to get the authorization by the higher ranking superior (normally the chief of the police station) before passing on the form to the statistical or administrative unit of the police station. These forms are the same at all three levels filling out such forms (local police stations,

police districts and the General Police Directorate at the Ministry of Interior). Each form has a specific field to be marked that indicates the level at which the form is compiled. Crime data are reported in three basic forms: 'KRIM-1' records information on reported incidents; 'KRIM-2' on suspected offenders (if known), 'KRIM-13' on victims (if applicable).

Three additional forms are also used that add more details when needed: 'KRIM-21', which is compiled when a person commits more than one offence; 'KRIM-11' reports data on counterfeiting of money, 'KRIM-12' on drug-related crimes.

At the moment, the first police officer who is handling a criminal case fills in the standardized data collection forms (KRIM 1, KRIM 2, etc.) on paper, which is later manually inputted into the electronic database. In particular, the statistical or administrative unit of the police station inputs the complete information contained in the statistical forms into an IBM protected electronic database system, the so-called 'DB2' (there is normally one dedicated person per police station for this task). This is an internal information system of the Ministry of Interior. It has been set up in 1976 and is shared by all levels. Each police station is part of the system, which is used for both operational and statistical purposes. Data are inputted into the system within a maximum of three days, and in most cases on the same day, the crime is confirmed. Data inputted at the local police station go directly into the central database in Zagreb, without passing through the regional level (police districts).

When new information about a case becomes available, the local police officers must update the old information (generally this can be done until an indictment has been issued by the prosecutor).

#### 2.1.3.2. Counting rules

##### **Standard**

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

##### **Assessment**

In compiling aggregate statistics, standard procedures are established and seem to be applied uniformly. The following basic counting rules are applied: if one person commits more than one offence simultaneously, all offences are counted separately (no principal offence rule is applied), since the basic counting unit at the police level (in contrast to the prosecution, courts and the Central Bureau of Statistics) is the offence; One offence committed by more than one person is counted as one offence. However, if more than one offender is involved in a crime, one separate form per offender is filled in and all offenders are counted separately as suspects.<sup>3</sup> Accordingly, when one or several offenders commit several offences, they are each counted as offenders only under the most serious offence they committed.

<sup>3</sup> According to the Analytics Department of the Mol, per 1 offence there are approx. 1.8 perpetrators.

Counting Rules	Application
When are data collected for inclusion in statistics?	When the crime report is submitted to the prosecutor
Principal offence rule applied?	No
How are multiple offences counted?	As separate offences
How is an offence committed by more than one person counted?	One offence
How many persons are counted in joint offence?	All offenders

The above listed counting units and counting rules are not shared by other criminal justice actors. These differences in counting units and counting rules between different actors of the criminal justice system (police, prosecution, courts) can lead to incompatible data that are often confused in the media and in public statements.

#### 2.1.3.3. Coverage: Geographic and institutional

##### **Standard**

Data on reported crime incidents in *all geographical regions* and by *all responsible law-enforcement authorities* should be recorded and included in national aggregate statistics.

##### Assessment

Crime data are recorded and reported by all police stations in the formats described above. The entire country and all relevant law-enforcement authorities are covered. Specialized police forces (who may cooperate in criminal investigations) do not report their own crime data, but the crime incidents are covered by the local police stations or responsible police departments.<sup>4</sup>

#### 2.1.3.4. Timeliness and periodicity

##### **Standard**

Data on reported crime incidents, victims and suspected offenders should be *regularly reported* to a central authority.

##### Assessment

Monthly, quarterly, semi-annual and annual statistical data analyses are carried out within the Ministry of the Interior. For this purpose, the IT Department extracts data electronically from the central database (a protected IBM electronic system called "DB-2") for restricted circulation within the Mol. In particular, IT delivers the statistical tables to all competent Mol organizational units for their particular crime monitoring levels (police station - locally, police administration - regionally, Mol headquarters - nationally). These organizational units then carry out the analysis of data referring to their own business processes within their areas of competence.

and, taking into account Tables with all data are filled out for restricted circulation within the Mol.

<sup>4</sup> Generally, the police officer taking up the case is the recording and reporting person, and in principle this can be any police officer, regardless of hierarchical or subject matter structure of the Mol.

## 2.1.4. Output (Production of Statistics)

### 2.1.4.1. Data validation

#### Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

#### Assessment

Each police station, on the 3rd and 4th day of each month, processes the data for internal purposes (as well as for use by other relevant governmental bodies) to have a short overview about the local crime situation. In the process, validations and checks are performed directly by the reporting offices. A special field in the data entry form ('Kontrolirao') confirms that the check has been made by the reporting officer's superior. When entering the data from the paper form into the automatic database, the inputting person checks again for typing errors. Furthermore there is an automatic level of control ('logical control') while inputting the data into the electronic database DB2.

### 2.1.4.2. Statistical analysis of data

#### Standard

Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

#### Assessment

Sophisticated analysis is carried out using Excel and other software within the Department for Analytics and Development of the Ministry of Interior. This analysis includes the analysis of offence series in a given period of time as well as pattern and trend analysis. Data are integrated with resource and population data. These analyses are typically produced on an annual basis, either for restricted audiences or, at least partly, for the wider public in the form of tables or special studies (for example on robberies, burglaries, car thefts or organized crime). Depending on the user, different formats are used. It should be noted that similar analyses on serious offences are carried out at the regional level (police districts).

### 2.1.4.3. Reporting

#### Standard

Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority.

The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.<sup>5</sup>

<sup>5</sup> At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU *acquis* indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.

## Assessment

Criminal offences are reported by crime type in a detailed way by the Ministry of Interior, by article of the Criminal Code.<sup>6</sup> In principle, this includes all the crime type disaggregations recommended by international standards, although the legal definition of the crime type may vary. Since the criminal offence is the main counting and reporting unit of the police statistics, there are fewer and less detailed data published on offenders and victims by crime type, age, sex and citizenship.<sup>7</sup> Thus, while the reporting of the Croatian Police on criminal offences is very comprehensive, the reported data on offenders and victims of crime are less detailed and could be expanded.

There is no special reporting or data collection procedure on organized crime. According to the Croatian Criminal Code, basically every criminal offense can be an organized crime offence if it is committed in an organized criminal group (e.g. robbery, car theft etc.). The commission of a crime as part of a criminal group is noted in the Crime Registry ('KRIM-1') and data on the number of such crimes can be produced from the central DB-2. However, no such data have been published so far.

Instead, the Mol has a special catalogue of criminal offenses that can be said to be typical for organized crime. Published statistics on organized crime thus rely on the usual data collection on all criminal offenses. The Mol annually publishes these data on organized crime offenses online (in Croatian).<sup>8</sup> The data are disaggregated in two main ways: number of offenses by crime type that are considered as indicative of organized crime<sup>9</sup> and by their territorial distribution (by counties with estimates of material/financial damages). In addition, the numbers of reported and solved cases, by crime type and counties, are listed. Unusually, the Mol catalogue of organized crime offenses does not include drug related offenses and other offenses that might be typical for organized crime. Moreover, some of the crimes appear not only in the organized crime group, but also in the economic crime group (e.g. avoidance of customs inspection).

The reports of the Ministry of Interior have more or less the same structure as those carried out for prosecution and court statistics by the Central Bureau of Statistics (sections and articles of the Criminal Code, tables, graphs, etc.). It would therefore be possible to calculate rough "attrition rates" based on the total number of persons recorded by the police, persons prosecuted and persons convicted by crime type, provided that basic counting rules between police, prosecution and courts were harmonized first.

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<sup>6</sup> See the *Criminal Offence Outline* at: <http://www.mup.hr/1261.aspx>

<sup>7</sup> One exception is this report: [http://www.mup.hr/UserDocImages/PU\\_ZG/statistika/izvjesce2008.pdf](http://www.mup.hr/UserDocImages/PU_ZG/statistika/izvjesce2008.pdf)

<sup>8</sup> Available online at: [http://www.mup.hr/UserDocImages/statistika/2009/pregled\\_08.pdf](http://www.mup.hr/UserDocImages/statistika/2009/pregled_08.pdf) (page 43-45)

<sup>9</sup> The different crimes classified as organized crime include: human trafficking and slavery; smuggling of migrants; international prostitution; organising prostitution; extortion; counterfeiting (money, value papers etc.) and the making of, acquisition and possession of means for counterfeiting; illegal trading in gold; avoiding of customs inspection; illegal money collection/payment; organizing for the purpose of committing criminal offenses; illegal weapons possession.

#### 2.1.4.4. Dissemination of police statistics

##### **Standard**

Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.

##### Assessment

The Ministry of Interior provides detailed crime statistics (in Croatian and English, in pdf format) on its homepage,<sup>10</sup> in addition to detailed statistics on criminal and misdemeanour offences (in Croatian, in pdf format).<sup>11</sup> The website includes a 17-page-long statistical report on reported and resolved criminal offences, by detailed crime types, as defined by the Croatian Criminal Code for the period 1998-2008. In addition, separate tables on overall crime statistics by police district for the period 1999-2008 and on offences against public order for the period 2002-2008 are provided. There are also more detailed statistics on robberies, burglaries, car thefts and organized crime on the homepage of the MoI.

## 2.2. Prosecution statistics

### 2.2.1. Introduction

#### 2.2.1.1. Institutions responsible for data collection and management

The State Prosecutor's Office of the Republic of Croatia (DOHR) is independent from the courts. It has the legal authority to initiate criminal proceedings.<sup>12</sup> The Office for the Suppression of Organized Crime and Corruption (USKOK) has been established in 2001 as a separate prosecutor's office with a mandate to direct police investigations and conduct prosecutions in corruption and organized crime cases.

There are 53 municipal and 20 county prosecutor's offices. Prosecutors at the county and municipal level are appointed by the State Prosecutor, who in turn is appointed by the Croatian Parliament.

There are two main forms of prosecution data collection and management:

- a. The first one is internal and is managed by the State Prosecutor's Office;
- b. The second one is carried out by the Central Bureau of Statistics (CBS), to which each prosecution office supplies statistical forms.

### 2.2.2. Data input (recording of crimes)

#### 2.2.2.1. Data entry

<sup>10</sup> First statistics are typically available around six months after the period of coverage. See: [Http://www.mup.hr/1261.aspx](http://www.mup.hr/1261.aspx).

<sup>11</sup> [Http://www.mup.hr/UserDocImages/statistika/2009/statistika\\_hr\\_0609.pdf](http://www.mup.hr/UserDocImages/statistika/2009/statistika_hr_0609.pdf)

<sup>12</sup> When dealing with affairs within their jurisdiction, public prosecutors have the authority to make direct contact and request assistance from the police. According to the new Criminal Procedure Act adopted in December 2008, the police and the DOHR will take the lead in conducting criminal investigations, whilst the position of magistrate judge (formerly in charge of conducting the investigation) is limited to the control of fundamental rights (e.g. pre-trial detention).

**Standard**

Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record ('persons prosecuted') should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

**Assessment**

Both municipal and county prosecutor's offices record data on charges initiated as 'cases' and data on persons as 'persons prosecuted'. Cases include all reported criminal incidents, regardless if a suspect has (already) been identified or not (recorded as cases with 'known' or 'unknown' perpetrators). Persons are registered when they are reported, regardless if criminal proceedings were initiated or not. In addition to the police, other public entities or persons can also report to the prosecutors.

The Office for the Suppression of Organized Crime and Corruption (USKOK) and the State Prosecutor's Office also record data in the same format.<sup>13</sup> All prosecution offices record data on offences and perpetrators manually on paper. An IBM electronic case-tracking system is now tested in four locations. There are detailed rules on recording cases and persons.

#### 2.2.2.2. Case file numbering and integrated file numbers

**Standard**

It is good practice for individual prosecuted persons to be assigned an 'integrated file number' (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

**Assessment**

Each case the prosecutor decides to take up is assigned a unique identifying number, consisting of the year the file was created, a serial number and an identifier for the prosecution office. As the police, prosecution and court do not use the same (automated) case-tracking systems, they also do not keep the same identifier when the case passes from the police to the prosecutor and the court, but the case numbers used by the different institutions are noted down in the case file, the registry and the (developing) prosecution database.

#### 2.2.2.3. Offence classification system

**Standard**

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

**Assessment**

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<sup>13</sup> In addition, the State Prosecutor's Office monitors prosecution data for certain special offences (e.g. war crime prosecutions, hate crimes, etc.)

The standard offence classification system used by the prosecutor's offices and in the statistical forms of the CBS is based on the articles and paragraphs of the Criminal Code.

### 2.2.3. Data flow

#### 2.2.3.1. From local to central level

##### **Standard**

Data from all prosecutor's offices should be reported in a uniform format to a central institution.

##### **Assessment**

Moving from the individual to the aggregate level, standardized forms are used for data collection. As mentioned above, there are two separate data flows:

- a. From the local prosecution offices to the central State Prosecutor's Office (DOHR);
- b. From the local prosecution offices to the Central Bureau of Statistics.

With reference to the first data flow, individual records are aggregated monthly and annually on items such as the total number of criminal cases, how many cases were closed and how many cases remain open at the end of the period, etc. A breakdown of cases by offence type is not produced on a monthly basis, but only on an annual basis. For this purpose, the data have to be manually extracted from the initial case records in each office in January for the previous year and sent to the DOHR.<sup>14</sup>

Monthly crime reports are on paper. Reporting offices could send them by email but normally they do it by post. Annual reports are sent to the central office by email in a number of different forms (see Annex IV for an overview of reporting forms of prosecution offices).

With respect to the second data flow (local prosecution offices to Central Bureau of Statistics), data are sent from the reporting entities as individual person records in standard forms. Statistics are gathered separately for adults and minors (minors are persons between 14 and 18). Form 'SK1' (adults), 'SK3' (juveniles) and 'SP1' (legal entities) gather information on persons and on whom a criminal report has been sent to the prosecutor. The forms are filled in after a criminal report has been received and when the prior criminal (investigation) procedure has been finished by the prosecutor.

For example, 'SK1' collects some specific information such as: who reported the case; how the crime report was submitted; the decision by the public prosecutor etc. Forms on misdemeanors are very similar, though less detailed. Units of observation are perpetrators of criminal offences and perpetrators of minor offences (see Annex V).

<sup>14</sup> The Analytical Department of DOHR works very efficiently but is understaffed (The Deputy Prosecutor personally compiles all required statistics coming in from the prosecution offices around the country).

### 2.2.3.2. Counting rules

**Standard**

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

**Assessment**

With respect to their internal data collection, DOHR provides prosecution offices with a detailed manual on data recording (30 pages) containing written rules on the way the data are to be recorded and counted. To every table provided to prosecution offices for reporting (see Annex IV), there is a detailed manual extract on counting rules. Unit records relate to the case, but all procedures are carried out in relation to reported persons and the basic statistical aim is to keep track of procedures and activities of all prosecutor's offices regarding persons reported to them (i.e. whether these persons were indicted, their criminal offense reports dismissed, or whether their reports are still unsolved). When more than one person participates in committing a crime, each person prosecuted is counted separately. As records and statistics are kept in relation to persons, it is irrelevant for the resulting person statistics if there are joint criminal proceedings conducted against co-perpetrators or separate criminal proceedings (e.g. whether there are ten case files with ten persons or one case file with ten persons). Moreover, when "persons prosecuted" are to be counted, a "principal offence" rule is applied for persons who are reported for multiple offences.

With respect to the data collected by the Central Bureau of Statistics, CBS provides the responding prosecution offices with written rules, which are to be applied uniformly. Among these instructions, there are the following counting rules: if one perpetrator committed several criminal offences or minor offences, only the principal offence is to be counted (but the other offences are recorded as well). When more than one person participates in committing a crime, each person prosecuted is counted separately on a separate unit record.

### 2.2.3.3. Coverage: Geographic and institutional

**Standard**

Data from unit records should be collated from *all* prosecutors in the territorial jurisdiction by a central institution.

**Assessment**

All prosecution offices of Croatia (53 municipal prosecutor offices, 20 county prosecutor offices and USKOK) cooperate in both data flows (from the prosecution offices to DOHR and from the prosecution offices to CBS). Statistics received by both DOHR and the Department of Statistical Processing of CBS cover the entire territory.

### 2.2.3.4. Timeliness and periodicity

**Standard**

Data from all prosecutor's offices should be *regularly* collected and reported.

## Assessment

Regarding the internal data collection of the State Prosecutor's Office, DOHR receives the reports from all prosecutor's offices, including the special prosecutor's Office for the Suppression of Corruption and Organized Crime and (USKOK), on a monthly and annual basis.

With respect to the data collection by the Central Bureau of Statistics (prosecution offices to CBS), forms are filled in on paper by the administrative staff of each prosecution office and sent periodically (around once a month) to the Department of Statistical Processing of CBS.

### 2.2.4. Output (Production of Statistics)

#### 2.2.4.1. Data validation and statistical analysis of data

##### **Standard**

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

## Assessment

With reference to the internal data collection, each prosecution office guarantees the validity of monthly and annual statistics. Every two years DOHR checks the data received in detail. Statistical analyses are carried out by both the local and the central levels.

Coming to the data collection by the Central Bureau of Statistics, the prosecution forms are read by an optical reader that scans the paper forms into electronic format and transfers it into an Access database. Once the data are received, two types of data validation are performed. The first is a visual check performed by the Department of Statistical Processing. The second is a 'Logical Computed Control' check to assess the internal logic and consistency of individual case information. If any inconsistency is noted, the Department of Justice Administration asks for clarification to the sending office. All the information in the individual forms is transformed into statistics. The resulting reports on perpetrators of criminal offences and misdemeanours are very comprehensive and include cross-tabulations and graphical representations. (In most cases absolute numbers are reported and in a few cases percentages are calculated and graphical representations provided). Data are not normally integrated with resource data for analysis purposes. In recent years, more detailed analyses and studies have been performed by CBS on special topics of interest (see below).

While the data flow between the prosecution offices and the Central Bureau for Statistics (CBS) has a long tradition and established routine, the timeliness and completeness of this statistical data collection needs to be reviewed.

#### 2.2.4.2. Reporting and Dissemination

##### **Standard**

The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants;; Cybercrime and Crime involving racism and xenophobia.

##### **Assessment**

The State Prosecutor's Office provides an Annual Report to the Parliament and monthly and quarterly reports to the Ministry of Justice on different fields of interest (e.g. on hate crimes).

Regarding the reporting of prosecution data on organized crime, DORH has a specialised office (USKOK) that deals with corruption and organized crime. The basis for the work of USKOK is the Croatian Criminal Code as well as the Law on USKOK. Based on the work under its competency, DORH publishes annually data on USKOK activity including data on activities related to organized crime (online in Croatian).<sup>15</sup> The report covers both data on offenders and on offenses and includes the following: participation in organized crimes reported to USKOK compared to other USKOK cases; offenses and offenders of organized crime according to articles in the Criminal Code; number of group members; main purpose of organizing a criminal group (smuggling, narcotics, counterfeiting and fraud, car theft, human trafficking and slavery, avoiding of customs inspection, murder, robbery); outcome of USKOK procedure (dismissal of criminal report, conviction, sentence etc.).

When reporting data on 'organized crime' that USKOK deals with, the type of crimes reported under this heading do not correspond to the crimes reported as 'organized crime' by the police.

Statistics produced by the Central Bureau of Statistics have been made available to the wider public and to every interested institution in an annual publication ('Statistical Report on Criminal Justice') written only in Croatian and available only on paper. As of 2010, a bilingual version (Croatian and English) of this report (about 1,000 pages) will be available on the website of CBS. The summary of the report is produced every year in March (Statistical First Releases, available on the web site of CBS in Croatian and English), while the complete report is published in June. It includes three volumes: one for adult criminal offenders<sup>16</sup> (up to 225 pages); one for juvenile criminal offenders (up to 100 pages); one for adult and juvenile misdemeanor offenders (up to 120 pages). The three reports are comprehensive and detailed and cover all crime types by article of the criminal code. A selection of the data is also included in the Statistical Information Yearbook, which is written both in Croatian and in English.

Periodic publications on specific crime types contain more detailed analysis (e.g. on juvenile delinquency and domestic violence). The Central Bureau of Statistics publishes also the 'Women and Men in Croatia Yearbook', with statistical information on the number of prosecutors, convicted adult perpetrators by type of criminal offence, the number of adults accused for domestic violence, data on victims and a range of other issues.

<sup>15</sup> Available online at: <http://www.dorh.hr/fgs.axd?id=1051> (see 41-44).

<sup>16</sup> Statistical Report No. 1394: Adult perpetrators of criminal offenses, crime reports, indictments and convictions in 2008

Morover, in recent years several detailed statistical analyses have been published by CBS: two studies on corruption<sup>17</sup>, two studies of economic crime (approx. 450 pages in total), a study of family violence (approx. 100 pages in total, published on the website of CBS), a study of criminal offences against children and juveniles (approx. 150 pages in total), and a study of narcotic drug abuse (approx. 200 pages in total, to be published on the web site of CBS in late 2010).

## 2.3. Court statistics

### 2.3.1. Introduction

#### 2.3.1.1. Institutions responsible for data collection and management

Croatia has a three-tiered judicial system, which consists of the Supreme Court, 21 county courts and 67 municipal courts. In addition there are 13 commercial courts and 110 misdemeanour courts, the High Misdemeanour Court, the High Commercial Court, the Administrative Court and the Supreme Court. The municipal courts conduct first instance proceedings, the county courts first and second instance proceedings (first instance proceedings only for specific and especially serious offences) and the Supreme Court second and third instance proceedings. In particular, the Supreme Court of the Republic of Croatia is the highest court of justice and is responsible for ensuring uniform implementation of laws and equality of citizens.

There are two main forms of courts data collection:

- a. The first one is managed by the Department for Analytics of the Ministry of Justice.<sup>18</sup>
- b. The second one is carried out by the Central Bureau of Statistics, which collects data directly from each first instance court in Croatia

### 2.3.2. Data input (recording of crimes)

#### 2.3.2.1. Data entry

##### **Standard**

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial ('person brought before the criminal court') should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

##### **Assessment**

At the local level, once the report of the prosecutor with the indictment arrives at the court, it is registered as a case. There are three main court registries for cases involving adults:

1. One general court registry

<sup>17</sup> Some 200 pages in total, published on the website of CBS at [http://www.dzs.hr/default\\_e.htm](http://www.dzs.hr/default_e.htm)

<sup>18</sup> This Department has four trained staff dealing with statistics. In addition, data are monitored, for internal purposes, by the Judicial Inspection Unit of the Ministry of Justice which is competent for the supervision of court administration.

2. One specific registry for crime violations related to road traffic
3. One registry for crimes for which a report by the victim is needed to proceed

In addition, there can be up to 4 court registries for juveniles:

1. One for juveniles aged 14-18 years
2. One for older juveniles (18-21 years)
3. One for preliminary hearings
4. One for panels of judges

On the basis of the report from the prosecutor (which has all the details attached, i.e. the full file on the case), the court registry is filled in on paper either by the statistical office of the court (which is set up in big courts) or by the Secretariat of the President of the court (for small courts). In the court registry one case is noted down per row. On each case detailed information on the processing of the case is recorded, including: name, date of birth and address of the accused, criminal offence in the indictment (Criminal Code article), data on the trial, data on the verdict (freed of charges, sentence, educational measures etc.), qualification of offence in verdict (Criminal Code article), data on appeals and final decision by higher courts, data on handling the file (for a full list, see Annex VI).

As can be seen from this list, information on appeals is registered in the first instance court. To do so, the first instance court registers feedback based on the content of the decision of the appeal court delivered to the first instance court.

The court registries at the courts record detailed information on the charge or charges assigned to each person by relevant section/articles of the Criminal Code, as well as the process and final court disposition. In municipal courts in the RoC there are also electronic registers with data on age, sex, citizenship, ethnicity and the permanent residence of the person tried (but not on the offender-victim relationship).

#### 2.3.2.2. Case file numbering and integrated file numbers

**Standard**

It is good practice for individual accused persons to be assigned an 'integrated file number' (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators. Differences between the charge and the police incident classification scheme should be clearly identified.

**Assessment**

Upon receipt of the prosecutor's indictment by the court's registry office, a case file is opened by the first instance court and the case is assigned a unique identifying number, consisting of the year the file was created, a serial number and an identifier for the court. As the police, prosecution and court do not use the same (automated) case-tracking systems, they also do not keep the same identifier when the case passes from the police to the prosecutor and the court.

### 2.3.2.3. Offence classification system

**Standard**

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

**Assessment**

Data are registered in the court registry by crime types (articles and paragraph) as defined by the Croatian Criminal Code.

### 2.3.3. Data flow

#### 2.3.3.1. From local to central level

**Standard**

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

**Assessment**

Moving from the individual to the aggregate level (statistics), standardized forms are used for data transmission and aggregation. As mentioned above, there are two data flows:

- a. From the courts to the Ministry of Justice;
- b. From the first instance courts to the Central Bureau of Statistics (even if the final verdict is issued by a second instance court or by the Supreme Court, the statistical reporting is performed by the first instance court).

With respect to the first data flow (from courts to the Ministry of Justice), the mode of data collection is different at the county and municipal level. At the level of the municipal court data input is completely automated. At the county level the forms are filled in electronically and are then printed and sent to the Ministry of Justice on paper.<sup>19</sup> Written instructions exist and the administrative staff at the court is also instructed on how to fill in statistical forms.

The reports produced and sent on paper to the Ministry of Justice are made up of four tables, whose aim is to monitor the efficiency of the court and of each single judge. The first collects information on the number of unsolved cases by type of case (e.g. criminal adult; criminal juvenile; criminal second instance; criminal investigation; criminal investigative procedure) over a 15 year period. The second one (form SSI 3) collects information on the total number of received, solved and unsolved cases in the last 3 months by the municipal court. For solved cases, the following breakdown is used: solved cases in shortened proceedings (by type of verdict); in regular proceedings (by type of verdict); solved cases in juvenile proceedings; solved cases in other proceedings. The third form collects information very similar to those in SSI 3, broken down by each single judge. The fourth form counts the number of cases regarding possible and actual instances of statute of limitations.

These statistics do typically not contain any breakdown by offence type, as their purpose is to track the quality and quantity of the work of the courts and of each single

<sup>19</sup> This process will also be automated once the ICMS will be fully implemented at all county courts.

judge. Exceptionally, for some offences (in 2009 these were intellectual property crimes and domestic violence cases), cases have been counted manually from the court registry to produce separate statistics. Due to improved information technology the extraction of statistical tables by criminal offences can now be performed fully automated. In addition there is a Supreme Court instruction to separately count and monitor old cases<sup>20</sup>, i.e. cases stemming from 2006 or before, as well as new cases concerning organized crime, economic crime or corruption.

In order to further expand and modernize the system, an Integrated Court Management System (ICMS) is currently under development with EU and World Bank funding. It should enable automated data collection during all relevant workflow stages of a case. ICMS has been tested in two pilot courts (Pula and Split) and will be implemented in all courts in Croatia. As an interim statistical tool until full ICMS rollout, the Ministry of Justice has launched a web based application, which is used for both statistical monitoring (e-Statistics) and electronic case registration (e-registry) already in 2007. The e-Statistics application automates data collection, allows the input of data online and automatically generates statistical reports. This system has been noted by practitioners for its ease of use and the amount of data collected. The e-registry application is the online storage of information included in the paper court registry. Ideally, in the future, it should include all the details on a given case (e-file). This process has been launched in parallel to the ongoing rationalization of courts whereby the number of courts will be reduced. The necessary IT is available in all municipal courts and the system has been operative since 1 January 2008. Challenges in the further development of the system include the fact that it depends on various funding sources, involving different donor agencies (World Bank, EU, etc.).

With respect to the second data flow (from courts to the CBS), data are sent from the reporting entities as person-based unit records using standard paper forms. Forms 'SK2' (adults), 'SK4' (juveniles) and 'SP2' (legal entities) relate to crimes. Forms 'SPK1' (adults), 'SPK2' (juveniles), 'SPK3' (legal entities) relate to misdemeanours.<sup>21</sup>

So, for example, 'SK2' gathers information on individual indicted adult persons for whom criminal proceedings have been filed, including name, sex, date of birth, nationality (ethnicity), citizenship, information on the most serious offence (article of the Criminal Code and whether committed in conjunction with other crimes by crime type), prior criminal convictions, whether attempted or completed crime, court decision by type, sanctions by type and length, date of final verdict (for a full list, please see Annex VII).

Similar information is collected by the other forms, with small differences. So, for example 'SK4' (juveniles) collects some additional information on the family of the minor (with whom the minor lives, if parents live together or not, their occupational status). Forms on misdemeanours are also very similar, though less detailed. Statistics are gathered separately for adults and minors (minors are persons between 14 and 18) also for misdemeanours.

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<sup>20</sup> Old cases are also statistically monitored in the Ministry of Justice through automated reports.

<sup>21</sup> Form SPK-1: adult person charged for misdemeanor against whom court decision has become final; Form SPK-2: juvenile person charged for misdemeanor against whom court decision has become final; Form SPK-3: legal entity charged for misdemeanor against which court decision has become final

### 2.3.3.2. Counting rules

#### Standard

Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.

#### Assessment

The Ministry of Justice provides local courts with written rules regulating the way data are to be recorded (deadlines for reporting, counting rules for multiple offences etc.). If more than one person is accused in a given case, all persons involved are recorded in the registry and counted. If one person commits more than one crime, the presiding judge/the panel of judges may join them under one case only (so the person will be counted only once, usually under the most serious offence involved) or the presiding judge/the panel of judges may decide to have separate trials (in which case the person in court will be counted more than once). All the courts are obliged to operate under these rules, which are included in the 'Book of Rules', though compliance at local level is uncertain.

The Central Bureau of Statistics also provides courts with written rules and standard instructions on filling out statistical forms, which seem to be applied uniformly. Among these instructions, there are the following counting rules: if one person is convicted for several criminal offences or minor offences, only the principal offence is to be counted (but the other offences are recorded as secondary offences as well). When more than one person participates in committing one offence, each person convicted is a separate unit of observation and therefore a separate form on each person is to be compiled.

### 2.3.3.3. Coverage: Geographic and institutional

#### Standard

Data from unit records should be collated from *all* courts in the territorial jurisdiction by a central institution.

#### Assessment

All relevant courts in Croatia contribute to both data flows (from all courts to the MoJ and from all first instance courts to the CBS). Statistics received by both the Statistical Department of the Ministry of Justice and the Department of Statistical Processing of the Central Bureau of Statistics cover the entire territory.

### 2.3.3.4. Timeliness and periodicity

#### Standard

Data from all courts should be *regularly* collected and reported.

#### Assessment

As regards the first data flow (from courts to the MoJ), municipal and county courts send the forms to the Ministry of Justice on a monthly and quarterly basis. At the end of each month, a report to county courts and the Supreme Court on unsolved cases is

produced and sent in hard copy. This (performance) report contains an overview of unsolved cases by each judge over a ten year period. In addition, quarterly reports are produced and sent on paper to the Ministry of Justice.

As regards the second data flow (from courts to the CBS), forms are filled in on paper by the administrative staff of the court whenever a case file is closed. Immediately after closing a case file, these forms are sent to the Department of Statistical Processing of CBS.

### 2.3.4. Output (Production of Statistics)

#### 2.3.4.1. Data validation and statistical analysis of data

##### **Standard**

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

##### **Assessment**

With respect to the first data flow (from the courts to the Ministry of Justice), the Statistical Department at the Ministry of Justice receives aggregated case records on a monthly and quarterly basis from all local courts. It then enters the received data in Excel sheets in order to generate reports. The consistency, accuracy and reliability of statistics are controlled by higher courts, by the Department for Analytics as well as the Judicial Inspection Unit in the Ministry of Justice, in addition to other authorities (mostly Directorates at the MoJ) which use statistical data in their daily work.

Statistical analysis consists of the calculation of absolute numbers, percentages, average values and other variables. These statistics do not contain any breakdown by offence type, as their purpose is to track the quality and quantity of the work of the entire court and of each single judge.

At the Central Bureau of Statistics the received statistical forms from the courts are read by an optical reader that scans the paper forms into electronic form and transfers it into an Access database. Once the data are received, two types of data validation are performed. The first is a visual check performed by the Department of Statistical Processing. The second is a 'Logical Computed Control' check to assess the internal logic and consistency of individual case information. If any inconsistency is noted, the Department of Justice Administration asks for clarification to the sending office. All the information in the individual forms is transformed into statistics. The resulting reports on perpetrators of criminal offences and misdemeanours are very comprehensive and include cross-tabulations and graphical representations. (In most cases absolute numbers are reported and in a few cases percentages are calculated and graphical representations provided). Data are not normally integrated with resource data for analysis purposes. In recent years, more detailed analyses and studies have been performed by CBS on special topics of interest (see below).

While the data collection of the CBS from the courts is comprehensive and well structured, it is not clear that compliance is universal and the level of coverage satisfactory, raising concerns about under-coverage of statistical conviction data.

#### 2.3.4.2. Reporting and Dissemination

##### **Standard**

The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.

##### **Assessment**

The Ministry of Justice disseminates crime data in two ways. It prepares an Annual Report on general statistics (the contents of which vary from year to year) and special reports on particular issues (e.g. on juvenile delinquency, economic crimes and corruption). Some of these documents are restricted, while others are available on request but not published. For example, detailed statistics on the functioning of the court system for the period 2004-2009 are available in Croatian on the website of the Ministry of Justice.<sup>22</sup> These statistics do not generally contain any breakdown by offence type, as their purpose is to track the quality and quantity of the work of the entire court and of each single judge. Annual data presented include the inflow of cases, together with comparisons to prior years regarding new cases and backlogs, data on judicial bodies and employees, detailed information on human resources (including training, position and age of employees in the judiciary), input, solved and unsolved cases for all types of courts and cases divided by subject matter (including criminal, civil, enforcement, court proceedings in contentious matters and real estate cases). The statistical information provided is detailed and up-to-date, as well as classified with regard to subject matter and case procedural phase.

Detailed statistics collected by the Central Bureau of Statistics are available in the annual publication 'Statistical Report on Criminal Justice', which consists of three parts (1. adult criminal offenders, 2. minor criminal offenders and 3. adult and minor misdemeanor offenders). These statistics are disaggregated by crime type (all the articles of the Criminal Code) and socio-economic characteristics (sex, age, prior convictions, education, citizenship, nationality/ ethnicity, marital status).<sup>23</sup> As of 2010, a bilingual version (Croatian and English) of this report (about 1,000 pages) will be available on the website of CBS. The summary of the report is produced every year in March (Statistical First Releases, available on the web site of CBS in Croatian and English), while the complete report is published in June.

Periodically publications on specific crime types, with more detailed analysis, are carried out (e.g. on juvenile delinquency and domestic violence). These statistics contain data on adult and juvenile perpetrators of criminal offences for the period 2005-2008, including the number of crime reports, accusations, convictions and sanctions. The Central Bureau of Statistics compiles also the 'Women and Men in Croatia Yearbook' (see above).

Regarding the reporting of court data on organized crime, the CBS does not aggregate any specific statistics with a special focus on organized crime. However, by analyzing the CBS annual statistical reports on criminal justice by articles and paragraphs of the Criminal Code it is possible to gather data on convictions, sentences, etc. on crime types that may be defined as indicative of organized crime.

<sup>22</sup> <http://www.pravosudje.hr/default.asp?ru=101&sid=&akcija=&jezik=1>

<sup>23</sup> Statistical Report No. 1394: Adult perpetrators of criminal offenses, crime reports, indictments and convictions in 2008

## 2.4. Statistics on Money laundering

### Standard

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.<sup>24</sup> The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by "third party" and "self-laundering", by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.

### Assessment

#### 2.4.1. Institutions involved in data collection and production of statistics

Money laundering is a crime in Croatia since April 1996. The system of prevention of money laundering was established in 1997, when the Law on Prevention of Money Laundering (the AML Law) was enacted. The law was subsequently amended, most recently in 2008 with the aim to harmonize it with the Third EU Money Laundering Directive (Directive 2005/60/EC).

In accordance with the AML Law, the Anti-Money Laundering Office (hereinafter: AMLO) is an independent administrative unit within the Ministry of Finance (MoF), which performs tasks for the purpose of prevention of money laundering and financing of terrorism and acts as the Financial Intelligence Unit (FIU) within the MoF.<sup>25</sup>

The AMLO is organized in four departments: 1) the Department for Strategic Analyses and Information System ; 2) the Department for Financial Intelligence Analytics, which comprises a section for analytic processing of transactions and a section for suspicious transactions; 3) the Department for Prevention and Supervision, which contains the Section for Credit and Financial Institutions and the Section for Non-financial Institutions; and 4) the Department for Interinstitutional and International Cooperation.

#### 2.4.2. Data input

For data collection purposes, money-laundering and terrorism financing are defined according to the Croatian Criminal Code (Art. 279 for money-laundering; Art. 187 ff. for terrorism financing).

The following statistics on anti-money-laundering activities are generated by the AMLO on the reports received and the activities taken : the annual number of received suspicious transaction reports (STRs) from obliged entities, including notifications by

<sup>24</sup> The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union.

<sup>25</sup> As an administrative FIU, the AMLO acts as intermediate between the financial and non-financial sector on the one side and the police and prosecution authorities on the other side. It does not hold police powers but it has some general enforcement powers (e.g. requesting additional data from banks or any governmental institution, issuing orders aimed at monitoring specific clients for six months periods and at postponing the execution of suspicious transactions).

other authorities, by sector; the annual number of declarations on transfer of cash and cheques across the state border by custom administration; the annual number of cases opened by the office due to suspicion of money laundering, with the following breakdown: number of open cases; number of solved cases; number of participants in suspicious transactions; total amount of money involved in suspicious transactions in open cases; number of cases submitted to competent authorities (including FIUs of other countries) for further processing and total amount thereof, by authority; number of postponement orders and related amount thereof; the annual results of criminal procedures on money laundering, in terms of number of investigation requests, number of indictments and number of sentences.

### 2.4.3. Data flow

The AMLO's work covers the entire territory of the Republic of Croatia. The list of reporting entities matches the Third EU Money Laundering Directive (2005/60/EC) and therefore includes:

- a. Credit institutions
- b. Financial institutions
- c. Auditors, external accountants and tax advisors
- d. Notaries and other independent legal professionals
- e. Trust and company service providers
- f. Real estate agents
- g. Other natural or legal persons trading in goods, only to the extent that payments are made in cash in an amount of 105,000 HRK or EUR 15,000 or more, regardless of whether the transaction is executed in a single operation or in several operations which appear to be linked
- h. Casinos

A number of authorities also deliver to the Office data on unusual and suspicious transactions that they identify during their activities: State Prosecutor's Office, Office for the Suppression of Corruption and Organized Crime (USKOK), Ministry of the Interior, Security and Intelligence Agency, supervisory services of the Ministry of Finance (Custom Administration, Tax Administration, Foreign Exchange Inspectorate) and other supervisory authorities (Croatian National Bank, Croatian Financial Services Supervisory Agency).

Data on individual cases are transmitted on a daily basis when reporting entities pinpoint over-threshold cash transactions and suspicious transactions. In consideration of the urgency of some of this information (the AMLO has legal authorization to postpone/freeze temporary the execution of suspicious transaction for 72 hours at most), the FIU may be first informed by phone. In any case, transmission of the form either electronically or by post follows. Paper forms are inputted into the same automated system set up for banks upon receipt.

In reporting information, reporting entities compile standard forms. Banks compile the forms electronically, while the other reporting entities compile papers available online. The Money Laundering Prevention Act provides the reporting entities with written rules regulating the way data are to be recorded. Three types of reporting forms are compiled by reporting entities:

- 1) 'Cash Transaction Report' – CTR: form for reporting to the Anti-Money Laundering Office cash transactions equal to and greater than HRK 200,000; (Annex VIII)

- 2) 'Suspicious Transaction Report' – STR: form for reporting to the Anti-Money Laundering Office suspicious transactions and persons; (Annex IX)
- 3) A form for customs administration's reporting to the Anti-Money Laundering Office on cash carrying across the state border. (Annex X)

The key element of the system is the obligation (set by the Act on the Prevention of Money Laundering and Financing of Terrorism) of banks and the other reporting entities to inform the Office on cash and suspicious transactions, which include:

- all cash and non cash-transactions, if there is a suspicion of money laundering, irrespective of transaction size;
- cash transactions, if the transaction value exceeds HRK 200,000.00 and related cash transactions which in total reach the value of HRK 200,000.00 or more;
- legal transfer or an attempt of illegal transfer of cash or cheques in domestic or foreign currency across the state border, in the value of EUR 10,000.00 or more (in this case AMLO is informed by the Customs Administration).

#### 2.4.4. Data output

The AMLO has to confirm the receipt of the form delivered by the reporting entity, then the Department for Information System and Strategic Analyses checks and analyses the data received. As a result of the analysis, two types of reports are produced by AMLO: 1) periodic confidential reports with many tables containing information on, for example, the number of suspicious transactions by obliged entity, value of transactions, number of cases reported by other law enforcement agencies, etc.; 2) an Annual Report, publicly available, containing only a part of the information included in the confidential reports. Among other information, the Annual Report contains statistics on:

- the annual number of received suspicious transaction reports, by sector;
- the annual number of declarations on transfer of cash and cheques across the state border by custom administration;
- the annual number of cases opened by the office due to suspicion on money laundering, with the following breakdown: number of open cases; number of solved cases; number of participants in suspicious transactions; total amount of money involved in suspicious transactions in open cases; number of cases submitted to competent authorities and foreign FIUs for further processing and total amount thereof, by authority; number of postponement orders and related amount thereof;
- the annual results of criminal procedures on money laundering, in terms of number of investigation requests, number of indictments and number of sentences (all person-based data).

The AMLO's Annual Report is part of the Annual Report of the Ministry of Finance, which is available online in English.<sup>26</sup>

On a half yearly basis, statistics are also produced for the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) of the Council of Europe on:

- FIU work (number of CTRs; number of STRs for ML and TF, respectively; cases opened by AMLO for ML and TF; notifications to Law Enforcement Agencies for ML and TF);

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<sup>26</sup> <http://www.mfin.hr/en/annual-reports-of-ministry-of-finance>.

- Judicial proceedings on money laundering: number of investigations (cases and persons), number of indictments (cases and persons), number of convictions (cases and persons), proceeds frozen/seized (cases and amounts), proceeds confiscated (cases and amounts).

In reporting information to the Anti-Money Laundering Office, banks compile the standard forms electronically, while the other reporting entities compile standard forms on paper (available for download online). In addition, data on criminal procedures on money laundering (person-based data on the number of investigation requests, number of indictments and number of sentences) are received by the office. Though statistics collected by the AMLO are quite comprehensive, data on convictions contain only few details on the profile of the offenders.

## 2.5. Statistics on Trafficking in Persons (TIP)

### Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized, comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.<sup>27</sup> The data to be collected<sup>28</sup> comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

### Assessment

#### 2.5.1. Institutions involved in data collection and production of statistics

Statistics on human trafficking (TIP) are collected by the Office for Human Rights of the Government of the Republic of Croatia, as the office of the national coordinator for suppression of trafficking in human beings.<sup>29</sup>

#### 2.5.2. Data input

The Office for Human Rights of the Government of the Republic of Croatia maintains a database on identified victims of trafficking in persons, whose software has been developed as part of a project carried out by ICMPD. When the police identifies a victim of THB, it sends a narrative report (on paper) to the Office for Human Rights with detailed information on the case. This information is inserted into the electronic database.

<sup>27</sup> Republic of Austria, Federal Ministry of the Interior and IOM International Organization for Migration. Guidelines for the collection of data on trafficking in human beings, including comparable indicators. February 2009. Available at: [http://www.emn.at/modules/typetool/printincludes/uploads/IOM\\_Vienna\\_AT\\_Mol\\_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf](http://www.emn.at/modules/typetool/printincludes/uploads/IOM_Vienna_AT_Mol_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf)

<sup>28</sup> It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.

<sup>29</sup> There are two staff members dealing with statistics in the office, including data on citizen's complaints about violations of the Anti-Discrimination Act. Considering the small number of cases, staff numbers are considered sufficient. The staff has received some statistical training on how to administer the trafficking victims database by ICMPD.

For data collection purposes, trafficking in persons is defined according to the Croatian Criminal Code (Art. 175 'Trafficking in Human Beings and Slavery').

### 2.5.3. Data flow

To get the status of victim, a person needs to be identified as such by the Ministry of Interior, on the basis of a protocol (there has been much training in this respect over the past years, and 26 police officers now deliver training to other colleagues). When police stations send a report to the designated focal point at the Ministry of Interior, the Mol has the obligation to send a report to the Office for Human Rights any time a victim of TIP is identified. The report consists of a memo (narrative) on an individual case basis, and is sent by paper (official transmission media) and email. There are no fixed rules on how to compile this memo. Once they receive this memo they insert the information into the electronic database, which was set up in 2008. It stores information in electronic format but is not available online (in fact, for reasons of data protection, the computer storing the information is not connected to any network). For each case, the following information is collected:

- on the victim: name, surname, citizenship, year of birth, gender, education, date of identification, type of exploitation, organization providing help/assistance to the victim, type of safe house, additional information provided by the assisting organization, which may either be the Ministry of Interior or an NGO (e.g. financial status, number of persons in the household, marital status, children, housing at the time of being approached by the perpetrator, reasons for leaving).;
- on the perpetrator: date of recruitment, citizenship, method of recruitment, promise made to the victim;
- on the case: starting date, ending date, how did the victim contact the police/Ministry of Interior/NGO, date of start of assistance to the victim, testimony in criminal proceedings.

The database therefore includes also some information on perpetrators, though the major part of information on perpetrators is stored in another, internal, database at the Ministry of Interior, which is managed by the Mol focal point on trafficking in persons. The additional information on social assistance and care of victims of human trafficking is derived from other ministries and from NGOs and inserted into the database. For this purpose, all the agencies dealing with human trafficking victims collaborate with the Office for Human Rights and all the territory is covered.

### 2.5.4. Data output

Until recently, the database on TIP enabled the user to perform simple searches by data item and total counts but did not enable the automatic production of any statistics. Data were manually copied from the database to excel sheets in order to produce statistical tables and graphs. The database has recently been upgraded to allow the automatic production of statistical tables and graphs.

The Office for Human Rights produces an annual report to the Government, which is not publicly available. The Office for Human Rights also produces annual reports on the implementation of the national strategic documents which, after adoption by the Government, will be available for download on the web site of the Government's Office for Human Rights. Some data are made publicly available upon request.

## 2.6. Statistics on Crimes involving racism and xenophobia

### Standard

While national criminal law in the EU on crimes involving racism and xenophobia is still diverse<sup>30</sup>, EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.<sup>31</sup> In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).<sup>32</sup> Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.<sup>33</sup> While non-binding, the reporting on these three broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported 'racist crimes', 'anti-Semitic crimes' and crimes with an 'extremist right-wing motive'; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).

### Assessment

#### 2.6.1. Data collection on crimes involving racism and xenophobia

The Croatian Criminal Code in Art. 89, para. 36 defines a hate crime as *any criminal act according to the Criminal Code, committed by reasons of hatred towards a person on the basis of his/her race, skin colour, sex, sexual orientation, language, religion, political or other belief, national or social background, property, birth, education, social status, age, medical status or any other attribute.*

On this basis, police data on criminal offences may provide evidence on crimes committed with a "hate motive", as the motive of crimes is one of the data items collected and included in unit records on criminal offences in the DB-2 database. A specific search routine on "hate motives" in crimes committed should thus be able to produce data on specific forms of hate crimes. However, no such analysis has been published so far.

At the same time, Art. 89, para. 36 of the Croatian CC does not mention any aggravating implications of crimes committed by reasons of hatred, which is likely to make such crimes untraceable in the statistics on prosecutions<sup>34</sup> and convictions collected by the CBS.<sup>35</sup>

<sup>30</sup> Whilst exact wordings differ, national criminal law typically makes 'incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]' an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.

<sup>31</sup> See Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

<sup>32</sup> Data are collected by the FRA pursuant to Article 4(1)(a) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. See [http://fra.europa.eu/fraWebsite/material/pub/FRA/req\\_168-2007\\_en.pdf](http://fra.europa.eu/fraWebsite/material/pub/FRA/req_168-2007_en.pdf)

<sup>33</sup> See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

<sup>34</sup> The State Prosecutor's Office of the Republic of Croatia (DOHR) stated that the office monitors crimes involving racism and xenophobia and that they have a special database of those cases which is used for monitoring and reporting. No further information on the database was available at the time of writing.

<sup>35</sup> At present, a new Criminal Code is being developed that would include either a legal definition of hate crime as a separate criminal offence, or as an aggravated form of a criminal offence.

In addition, the Croatian Criminal Code, in Art. 151<sup>36</sup> partially covers hate crimes in a prohibition of hate speech that states: *“Whoever publicly exposes the Republic of Croatia, its flag, coat of arms or national anthem, the Croatian people or its ethnic and national groups or minorities living in the Republic of Croatia to ridicule, contempt or severe disdain shall be punished by imprisonment for three months to three years”*. Thus, in so far, as crimes fall under the definition of Art. 151, they can be traced in the normal data collection of the police, prosecution and courts, but this would include crimes that go far beyond crimes out of racist, xenophobic or other hate motives.

Besides the Criminal Code, the Discrimination Act of 2008<sup>37</sup> specifies penalties for discriminating behaviour, but does not in itself define certain behaviours as criminal acts. Citizens complaints about discriminatory acts are monitored by the Office of the Ombudsman, which has assumed – in addition to its current functions – also the role of central coordinating body responsible for anti-discrimination.

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<sup>36</sup> Article 151 was published in Official Gazette No 71/2006 and replaced a previous version of this article. Previously, Article 151a was introduced by an Amendment to the Criminal Code (NN 11/2003 of 15 July 2003) that reads: *Whoever produces, sells, imports or exports through a computer network or in any other way makes available to the public promotional materials glorifying fascist, Nazi and other totalitarian states, organizations and ideologies which advocate, promote or incite to hatred, discrimination or violence against any individual or group on the basis of race, color, gender, sexual preference, national or ethnic origin, religion, political or other beliefs, or for such purposes possesses large quantities of these promotional materials, shall be punished by a fine or by imprisonment not exceeding one year [...]*. Article 151a was deleted with the 2006 amendment.

<sup>37</sup> NARODNE NOVINE broj 85/2008. Available online at: [http://www.ombudsman.hr/dodaci/The\\_anti-discrimination\\_act.pdf](http://www.ombudsman.hr/dodaci/The_anti-discrimination_act.pdf)

## 3. International Reporting of crime and criminal justice data

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### 3.1.1.1. Reporting of data at European level

#### Standard

At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and xenophobia, money laundering and trafficking in persons are under development at the European level.<sup>38</sup>

#### Assessment

As an EU candidate country, Croatia has been covered by Eurostat's data collection efforts in the field of crime and criminal justice since 2007. Based on current data collection systems, police data on total crime, homicide, violent crime, robbery, domestic burglary, theft of a motor vehicle, drug trafficking and police officers are regularly reported to Eurostat. According to the metadata supplied to Eurostat, data on homicide include murder, intentional and unintentional homicide. Data on violent crime include a very broad range of offences, not all of them necessarily related to violence, namely: crimes against life and limb, crimes against sexual freedom and morality, crimes against marriage, family and youth as well as crimes of false imprisonment, kidnapping, extortion of statement, abuse of public services or abuse of powers, duress, threat, slavery establishment and transport of slaves, torture and other inhuman and degrading treatment, robbery, theft by extortion, extortion, duress towards a judicial official, obstruction of officials in the exercise of their official duty, assault on an official and violent behaviour. Data on robbery include robbery attempts. Data on domestic burglary include attempts and burglary in holiday homes. Data on thefts of a motor vehicle include attempts and taking/conversion of motor vehicles. Data on drug trafficking include all drugs offences (such as possession and abuse of drugs).

While the reporting of data and metadata to Eurostat has been comprehensive, the categories of crimes reported to Eurostat do not correspond well with the suggested crime categories.

### 3.1.1.2. Reporting of data at UN level (CTS)

#### Standard

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

<sup>38</sup> It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.

## Assessment

Croatia provided data for the 8th, 9th and 10th UN-CTS covering the years 2001-2006. Croatia also submitted near-complete data for the 11th UN-CTS for 2007-2008 related to all parts of the questionnaire (police, prosecution, courts, prisons) within the deadline of 31.10.2009.

### 3.2.1. Coordination

#### 3.2.1.1. Focal point for crime and criminal justice statistics

##### **Standard**

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.<sup>39</sup> This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations. Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.<sup>40</sup>

## Assessment

Croatia has a central Department for Analytics in the Ministry of Interior that is responsible for collecting and compiling police crime statistics on the national level. Regarding criminal justice data from prosecutors and courts, the Central Bureau of Statistics is charged with collecting and compiling data from each individual prosecution office and each (first instance) court. Given that the Central Bureau of Statistics is also the institutional focal point for the Eurostat data collection on police-recorded crime statistics, CBS would be the natural choice for an overall focal point for national and international data collections on crime and criminal justice.

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<sup>39</sup> Ecosoc Resolution 27/2007, para. 1

<sup>40</sup> Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9

## 4. Migration statistics

### 4.1.1.1. Institutions responsible for data collection and management

The Department for Foreigners and Asylum is a part of the Directorate for Administration and Inspection of the Ministry of Interior of Croatia and has two units that collect data on migration and asylum: the Unit for Foreigners' Status Affairs collects data on residence and work permits and the Unit for Asylum collects data on asylum applications and decisions. The Directorate for Administration and Inspection also maintains the population register and supplies data on immigration and emigration extracted from this register to the Central Bureau of Statistics (CBS).

In addition, the Illegal Migrations Department is a part of the Border Police Directorate within the Ministry of Interior and collects data on the prevention of illegal migration.

### 4.1.1.2. Data on stocks and flows of immigrants and emigrants

#### **Standard**

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

#### Assessment

The Croatian population register contains records of citizens of Croatia as well as foreigners who have been granted permanent residence in Croatia and who have registered their place of permanent residence at the Mol. It also contains records of persons who have officially cancelled their residence in Croatia with an intention to permanently take up residence in another country. Permanent residence may be granted, if the foreigner had an approved temporary stay for an uninterrupted period of 5 years in Croatia. Thus, statistics on international migration based on the population register do not take into account the majority of migration movements for the first five years after first entering Croatia and no comprehensive statistics on stocks or flows of foreign immigrants or emigrants are available from the population register.

As of 2009, the only system for monitoring stocks and flows of foreigners in Croatia is thus through the registry of residence permits issued to foreigners. This registry is part of the central online information system of the Mol and is managed by the Unit for Foreigners' Status Affairs.

### 4.1.1.3. Residence permit data

#### **Standard**

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the

number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

## Assessment

Foreigners wishing to reside in Croatia have to apply for a first temporary residence permit at one of the Diplomatic Missions and Consular Posts (DMCPs) abroad. After the permit is issued they have 30 days to register their place of residence in Croatia at the local police station, where they also have to apply for an extension of temporary residence permits (valid for 1 or 2 years) or a permanent residence permit (after a minimum of 5 years of continuous residence in the country).

To apply for any permit, a standard form has to be filled for each person that includes data on name, surname, sex, date, place and country of birth, citizenship, personal details of relatives, address in Croatia and abroad, purpose of stay, passport number, visa number (if required), funds for subsistence, income, education, anticipated period of stay, military obligations, a photograph, decision on the application and period of validity of permit. The data are entered on a paper form and transferred to an electronic database as a unit record that is directly entered into the Mol central online information system. Information entered by the DMCP abroad is later updated by information by the police station on the registered place of residence. Each record has a unique file number and permit changes and permit extensions are linked with the original record. The records in the database cover the whole country and are updated continuously as new applications are made and residence permits issued.<sup>41</sup>

Once the data are entered into the central information system, statistics are generally available on all the data items entered and can be extracted in statistical form in tables. A limited amount of data on temporary and permanent residence permits is extracted and published in the form of tables on residence permits issued, disaggregated by citizenship and type of permit. There is thus only limited statistical information on migration in Croatia that is made publicly available on the website of the Mol.

### 4.1.1.4. Updating of records and registers

#### Standard

In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2007 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

## Assessment

A particular problem with the residence permit database in Croatia is that records are not systematically updated when a foreigner leaves the country. However, temporary residence permits are excluded for statistical purposes from the residence permits database once they expire. For persons holding permanent residence permits, the record is only updated if new information becomes available.

### 4.1.1.5. Data on the prevention of illegal migration

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<sup>41</sup> Conversely, one problem with the registry is that records are not updated when a foreigner with a valid permit leaves the country.

**Standard**

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

**Assessment**

Statistics on illegal migration<sup>42</sup> are collected by the Ministry of Interior's Border Police Directorate.<sup>43</sup>

Data collection involves both the central, regional (20 police administrations) and local levels. At the local level, 28 specialized police stations (e.g. border, maritime and airport) and 51 combined police stations are involved in data collection. They gather data on individual cases on a daily basis in order to prevent illegal migration and for statistical purposes, analysis and periodical planning. These data are inputted as person-based unit records into two information systems, that are two sub-systems of the general database with police information of the Ministry of Interior (the Central Information System called 'DB2'). The first subsystem is the border-related matters sub-system, the second is that for matters related to foreigners. In particular, the first one counts data on both foreigners and Croat citizens entering/leaving the country, either legally or illegally. In addition, if the person is a foreigner, automatically the so-called EOS ('Evidence of certain categories of foreigners') subsystem has to be filled out. Data can be inputted into EOS only by authorized police officers (around 3 or 4 per police station, normally the chief of staff of the border checkpoint, his deputy and a specialised officer on illegal migration). Information collected includes personal data of the immigrant (name, family name, place of birth, citizenship, etc.), plus additional information (e.g. convictions, police measures previously adopted) that are automatically retrieved from other databases.

On the basis of the information collected, regular statistics on illegal entry and exit, rejections at the border, the return/removal of foreigners and other issues are entered into the database by authorised personnel.

At the regional level, the 20 police administrations produce reports on the state of affairs at state borders. These reports are produced monthly, quarterly, half yearly and yearly. At the national level, there is the Annual Report of the Border Guard Services that contains data on all activities of the Border Guard Services, including the prevention of illegal migration.

Data on the prevention of illegal migration are also shared between the respective Ministries of Interior of Albania, BiH (Ministry of Security), Croatia, Montenegro, The former Yugoslav Republic of Macedonia and Serbia. In a Memorandum of Understanding of 20.11.2008, the Ministries of Interior (MoS for BiH) agreed to share statistical data on a monthly basis, through a designated National Contact Point, on the number of persons

<sup>42</sup> Illegal border crossing and illegal residence is not a crime but a misdemeanour in Croatia.

<sup>43</sup> The Directorate is made up of six departments: 1. State Border Protection Department; 2. Neighbouring Countries Department; 3. Illegal Migrations Department; 4. Maritime and Airport Police Department; 5. Aliens Reception Centre; 6. Mobile Unit for State Border Surveillance.

- detected crossing the border illegally outside a border crossing point;
- detected crossing the border illegally at a border crossing point;
- detected as facilitators;
- detected staying illegally in the country;
- who have been refused entry into the country;
- as well as the number of submitted asylum requests (inland and at the border) and the number of detected false or falsified travel documents according to their type and country of issuance at border crossing points.

All of these statistics are to be disaggregated by citizenship. Data are exchanged electronically, in the form of templates and in English language.

#### 4.1.1.6. Data on facilitated illegal migration

##### **Standard**

The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

##### **Assessment**

As mentioned above, the Border Guard keeps records on border-related matters and on foreigners in two databases. These records include data on smuggled migrants but not separate data on suspected smugglers of migrants. Smuggled migrants are recorded as a special subset of foreigners who have been apprehended for illegally crossed the border or for illegal residence within the country. These data are collected and are entered into the online databases by both the Border Police and other organizational units of the police. For example, if a criminal police officer in Zagreb discovers a group of smuggled persons in Zagreb he/she will most probably not contact the Border Police in order to record and report the data (although he/she might), but him/herself handle the case and submit the statistical forms.

On the other hand, data on migrant smugglers ('facilitators') mainly fall within the competence of the criminal police.<sup>44</sup> While the Croatian CC does not incriminate illegal residence, nor illegal border crossing, Art. 177 criminalises the "Illegal Transfer of Persons Across the State Border" (as well as the attempt to commit this criminal offence). Therefore, data on the offence of migrant smuggling as well as migrant smugglers ('facilitators') are collected by the criminal police in the normal crime registry KU, once there are sufficient grounds to believe that a person is a migrant smuggler (more specifically, personal details are entered in the KRIM2 statistical forms).

<sup>44</sup> However, there is no reason why a police officer working for the Border Guard could not enter data on a suspected smuggler, since he/she basically is a police officer, who are all competent/empowered to deal with criminal cases.

## 5. Asylum statistics

### 5.1.1.1. Institutions responsible for data collection and management

The Unit for Asylum at the Department for Foreigners and Asylum under the Directorate for Administration and Inspection of the Ministry of Interior of Croatia is responsible for asylum issues and collects data on asylum applications and decisions.

### 5.1.1.2. Data input

#### Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.

#### Assessment

When a foreigner comes to a border control post (BCP) or any police station within the country and applies for asylum, a first unit record of personal details is made and the data are entered into the online central information system of the Mol. At this stage a unique identifier is assigned to the person-based record that stays with the asylum-seeker for the duration of the asylum procedures. From this first point of contact, where the intention of the foreigner to apply for asylum is established, the asylum applicant is sent to the Asylum Centre in Zagreb, where the existing person-based unit record of the asylum-seeker is updated with more details on the asylum-seeker and the request made. Information entered includes personal details (name, sex, date of birth, citizenship, place of birth, passport or ID number), a photo and fingerprint. Subsequently, the asylum process takes place, interviews and investigations are carried out and a decision on the application is taken. At each stage of the procedure, the existing unit record is updated with the additional information available. Each unit record contains the decisions of first and subsequent instances and the linking of decisions and repeat applications is feasible.

### 5.1.1.3. Stock and flow data

#### Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision).

#### Assessment

Data on asylum applications and decisions are regularly compiled and distributed internally. Monthly summary tables are sent to the Delegation of the EC in Zagreb and

data are also regularly sent to the UNHCR. Data are also made available on request to media and other interested parties.

Data on asylum are made publicly available through various governmental reports and strategies<sup>45</sup>. Statistics typically include data on the number as well as the country of origin of asylum applicants per year, and the number of decisions by type (positive/negative outcome of the application, ongoing procedure, stopped procedure, application dismissed and total). However, it is not clear whether summary data distinguish between first-time applications and repeat applications.

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<sup>45</sup> For example, the Strategy for Migration Policy 2007/2008 accepted by Croatian Parliament on 30.07.2007. Available in Croatian at: <http://www.sabor.hr/fgs.axd?id=6527> (p 20f).

## 6. Visa statistics

### 6.1.1.1. Institutions responsible for data collection and management

The Visa Department within the Department for Consular Affairs at the Ministry of Foreign Affairs and European Integration (MFAEI) is the main provider of data on requested and issued visas in Croatia and is competent for the Croatian Visa Database (CVD), an electronic database for visa processing. The Visa Section at the Department for Foreigners and Asylum under the Directorate for Administration and Inspection of the Ministry of Interior of Croatia has direct access to this database and is responsible for processing visa applications and providing opinions from its scope of work. The MFAEI, as the central government body responsible for visa issues, provides final (non)approvals for visa issuance in diplomatic missions and consular posts of the Republic of Croatia (DMCP), for those applications for which such approvals are required and does so based on opinions obtained from the Ministry of Interior.<sup>46</sup>

Moreover, the Ministry of Interior or, in exceptional cases, a police department/police station, issues visa at the Border Control Points (BCPs) and compiles statistics on visas requested and issued at the border.

In future, the full CVD implementation at BCPs will integrate all data on submitted visa applications, as well as visas issued, annulled, refused or reduced in their period of validity.

### 6.1.1.2. Visa-related indicators

#### Standard

Article 17 of Regulation (EC) No 767/2008 on the Visa Information System (VIS) is entitled 'Use of data for reporting and statistics' and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU *acquis* yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

#### Assessment

The Visa Department within the Department for Consular Affairs at the Ministry of Foreign Affairs and European Integration (MFAEI) maintains the electronic database on all visa applications and decisions made at one of its Diplomatic Missions and Consular Posts (DMCPs) abroad. When a new application for a visa is made at a DMCP, the applicant has to fill in a visa application form and submit it together with all required supporting documents, which prove the purpose of the stay (for instance, a letter of guarantee written by a natural or a legal person), the means of transport, etc. Based on

<sup>46</sup> However, the Visa Section grants authorisations for visa renewal applications provided by the police departments/police stations.

the information provided on this paper form, a person-based unit record<sup>47</sup> is made in the online electronic database that comprises a large number of personal data, including first name, last name, date and place of birth, current citizenship, original citizenship at birth, sex, type and number of passport, occupation, name and address of employer, type of visa requested (A= airport transit visa; B= transit visa; C= travel visa), purpose of travel (official, business or private visit, medical reasons, tourism, sports, culture, other). Each unit record is given a unique identifier and is maintained for 5 years. If the same person applies for a visa again during these 5 years, the original unit record is updated with the new information and the unique identifier is maintained, after this time a new record with a new unique identifier will be opened.

After the data have been entered into the system, some automatic checks on the applicant are carried out through the online database systems of the Mol and the system produces an automatic alert in case reasons for the denial of a visa are detected. In case of specific applications for which a visa may not be issued without a prior approval granted by a central body, for example if the applicant falls into the so-called migration risk category, a more thorough processing will be performed by the Ministry of Interior. The complete information on visa processing and the decision on the application are entered directly into the unit record. When a visa is issued, the application directly prints out the visa. All statistical data on visa applications, details of the applicants, visa decisions and visa issued can be directly extracted from the online database.

The Ordinance on the Croatian Visa Database (Official Gazette 49/08 and 88/09) specifies the types of data on visas which are to be made available for statistical purposes. According to Article 14 of the Ordinance on CVD, the competent bodies have access to the following data for statistical purposes: visa application by status (issued, rejected, etc.), competent visa bodies, citizenship of applicant, date and place of visa application and decision, type of visa requested and issued, type of travel document, basis for the visa request and basis for visa decision, consular fee paid.

Contrary to the procedure followed at DMCPs, when individuals apply for a visa at one of the BCPs, the border police denies or grants the visa and sends information on its decisions to the Visa Section within the Border Police Directorate at the Ministry of Interior. This Unit produces ad-hoc statistics on visa applications and the type of decision taken (positive or negative). In 2010, the parallel record-keeping on visas issued at one of the BCPs should be discontinued when all BCPs are scheduled to be linked to the electronic visa system and all visa applications and decisions should be directly entered into the electronic visa system.

Statistics on visa are compiled every 6 months for internal planning purposes (to estimate the future demand of visa stickers by the DMCPs). More detailed visa statistics are compiled annually (with monthly breakdowns) and disseminated internally within the MFA and Mol. Statistics are also regularly submitted to the EC delegation in Croatia and to international organizations on request.

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<sup>47</sup> In the case of children registered in the passport of their parents or guardians, no unit record is made and the children are registered together with the visa application of their parents or guardians.

## 7. Victimization Surveys

### 7.1. The role of crime victimization surveys

#### Standard

Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both *prevalence* and *incidence* estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.

#### Assessment

The International Crime Victim Survey (ICVS) was carried out in Croatia for the first time in 1997 and then again in 2000. A total of 1,532 respondents were interviewed face-to-face in the capital city Zagreb in the 2000 survey. The overall victimization rate (prevalence rate) was found to be 14 percent for eleven types of crime, which was significantly below the level observed in most other capital cities covered in the ICVS 2000.<sup>48</sup>

The Agency 'PULS' has conducted three separate surveys in Croatia for the United Nations Development Program (UNDP) as part of the project "*Assistance in the Development of a Witness and Victim Support System*".<sup>49</sup> The project was implemented by UNDP in co-operation with the Ministry of Justice. Results were published in 2009. The surveys covered three different target populations; victims and witnesses, police officials and the general population. In addition a specific survey of judges was carried out. The questionnaires were designed by UNDP, with amendments and suggestions from the Agency PULS.

The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) conducted a small arms and light weapons survey in Croatia in 2006. The survey was also carried out in co-operation with Agency PULS and included questions on the perception of Croatian citizens about small arms and security among other issues.<sup>50</sup>

The Central Bureau for Statistics (CBS) has not conducted a full crime victimization survey to date. However, CBS conducted a pilot victimization survey according to the Eurostat module (EUCVS) in Croatia in 2009. The survey was conducted in a number of European countries to gain experience for the full implementation of this survey type at the European level. Response rates were very low in the Croatian pilot and the resulting data were considered unsuitable for further analysis, thus no results have been published. The survey questionnaire is currently revised by Eurostat and a new EU crime victimization survey (EU Safety Survey) may be conducted in 2012/2013. CBS plans to conduct both the EU Safety Survey and an EU-wide discrimination survey.

<sup>48</sup> See: Alvazzi del Frate, Anna and van Kesteren, John (2004), *Criminal Victimization in Urban Europe*, Key Findings of the 2000 International Crime Victim Surveys, UNICRI, Turin, pp. 4-5

<sup>49</sup> <http://www.undp.hr/show.jsp?page=86296>

<sup>50</sup> SEESAC (2006a): SALW Survey of Croatia. Belgrade: South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).  
[http://www.bicc.de/uploads/pdf/publications/other/small\\_arms\\_seesac/croatian-survey-eng.pdf](http://www.bicc.de/uploads/pdf/publications/other/small_arms_seesac/croatian-survey-eng.pdf)

## Annex I

Statistical form 'KRIM-1' collects the following information on reported incidents:

- identifier of the police directorate/police station; the crime registry (KU) number; the date of entry (month and year);
- description of the event;
- its classification based on the criminal code; whether it has been committed in conjunction with other crimes, in cases foreseen by law; whether attempted or completed; whether there was a concurrence of crimes;
- date and time of crime commission;
- place of crime commission: county, place, street, number, state, place abroad; name of the company where it has been committed, type of business and sector of activity, ID of the legal entity;
- preparatory acts; closer qualification of the place (e.g. house, pub, etc.); modus operandi; object of attack; object of the crime; used instruments; quantity and counting unit of seized objects and value thereof;
- behavior of the perpetrator to hide the offence and his/her special modus operandi (signature), if any;
- traces (place and type);
- consequences of the criminal offence: number of deaths, number of injured persons, material damage (in HRK);
- only for economic crimes: modality of attack to property; traces of commission; factors making crime possible; method of discovery;
- for offences committed in cooperation with foreign criminal organizations: name of the organization and country;
- data on proceedings: date found out; date of submission of the crime report; how was found out; relevant category of offences in the criminal code; measures, acts and instruments which facilitated the discovery; if police acted upon request of the public prosecutor; who did the criminal investigation; investigative acts undertaken; if experts were involved, and if so, which type; flow of criminal offence report: date, classification (article of the criminal code);
- who filled in the form and date of entry; who coded it; who controlled it.

## Annex II

The following data on suspected offenders are recorded by the 'KRIM-2' statistical form:

- personal data on the perpetrator (name, date and place of birth, parents' name; citizenship; place of residence, both permanent and temporary; aliases);
- profession, employment status, name of company and identity number, seat of company, whether the company was damaged;
- citizenship or alien status, civil status, nationality (ethnicity);
- prior convictions;
- previous arrests, by type of arrest;
- if previously brought before the judge;
- if pretrial detention was ordered;
- data on the person and the offence: name of offence (but not by Article of the Criminal Code), date of discovery, way of discovery, who discovered it, measures facilitating discovery, role of the person in the offence, why s/he was in the place where the offence was committed, prior conviction for the same offence, if escaped from closed institutions, if under the influence of drugs, poison, etc., behavior after the commission of the crime, motive for the crime;
- data on juvenile (14-18) or younger adult (18-21) persons: age when the crime was committed, data on parents, with whom s/he lived with, place of permanent/temporary residence, if runaway from certain institutions/places, prior criminal records (how many times, time of prior criminal records, etc.), prior criminal sanctions (educational measures, suspended juvenile jail, juvenile jail, jail, crime committed while serving different measures), characteristics of person and living conditions (circumstances in the living surroundings, including anti-social behaviors, behavioral deficiencies).

Annex III

'KRIM-13' collects the following information on victims:

- identifier of the police directorate/police station; the KU number; the date of entry (month and year);
- name, surname, personal identification number, sex, date of birth, citizenship, civil status, nationality (ethnicity), permanent/temporary residence (with street and number), profession;
- if legal entity: name, identification number, seat of legal entity, type of business, ownership;
- consequences: type of consequence (death/injury), material damage.

Annex IV

Reporting forms of prosecution offices to DOHR

**KST-1:** annual overview of work public prosecutors for adult persons

**KST-2:** annual overview of work regarding unknown perpetrators of criminal offenses

**KST-3(KST-3/1 to KST-3/17):** Annual overview of criminal prosecution bodies' decisions regarding principal offenses (structure of crime for adult persons)

**KST:** Annual overview of work by public prosecutors for younger adult persons (18-21)

**KST-4/1:** Type of juvenile sanction issued for younger adult persons

**KST-4/2(4/2-1 do 4/2-7):** Annual overview of criminal prosecution bodies' decisions regarding principal offenses (structure of crime for younger adult persons)

**KST-1+KST-4:** Annual overview of work by public prosecutors for adult persons (adult and younger adult persons)

**KST-5:** Annual overview of work by public prosecutors for juvenile persons

**KST-5/1:** Type of sanctions issued for juveniles

**KST-5/2:** Age, sex, prior reports, prior sanctions for juvenile persons

**KST-5/3 (KST-5/3-1 - KST-5/3-7):** Annual overview of reported juveniles according to committed criminal offenses (structure of crime of juvenile persons)

**KST:** Annual overview of work regarding appeal procedures

**KST-7:** Annual overview of work by public prosecutors for legal entities

**KST-8 (KST-8/1 to KST-8/17):** Structure of crime for legal entities and annual overview of criminal prosecution bodies' decisions regarding principal offenses

**DOG:** Annual overview of work in civil cases

**DOU:** Annual overview of work in administrative cases

Special table for article 215.a "**Nasilničko ponašanje u obitelji**" (domestic violence)

Annex V

Reporting forms for prosecution offices to CBS

SK-1: adult person after criminal report and finished prior criminal procedure (form for prosecution to send to DZS)

A) *The perpetrator (at the time of the crime commission):*

1. Name and surname
2. Sex (male; female; unknown perpetrator)
3. Year of birth

B) *The offence (only the most serious one in case of concurrence)*

1. Article of the criminal code + whether committed in conjunction with other crimes
2. Criminal code in force at the time of offending
3. Whether the offence was attempted
4. Whether damages resulted
5. Date of crime commission
6. If there was a concurrence of crimes: types
7. If there was a concurrence of crimes: how many

*C) The procedure*

1. Who submitted criminal offence report
2. How the crime report was submitted

*The decision*

1. Type and reasons (dropped; dismissed; investigation stopped)
2. Security measures
3. Whether bail was paid
4. Whether detention ordered
5. Date of criminal offence report
6. When did the state attorney prosecutor request investigation
7. Date of the decision

SK-3: juvenile person after criminal report and finished prior criminal procedure (form for prosecution to send to DZS)

*A) The perpetrator (at the time of the crime commission):*

1. Name and surname
2. Sex (male; female; unknown perpetrator)
3. Year of birth
4. Occupational status
5. Nationality (ethnicity)
6. Citizenship
7. Marital status
8. Education
9. Perpetrator category (perpetrator, helper, accomplice, etc.)
10. Number of persons participating in the crime
11. Prior criminal convictions (if and how many)
12. Whether security measures were issued
13. Whether bail was paid
14. Whether the perpetrator has been detained and for how long
15. Special measures

*B) The offence (only the most serious one in case of concurrence)*

1. Article of the criminal code + whether committed in conjunction with other crimes
2. Criminal code in force at the time of offending
3. Whether the offence was attempted
4. Whether damages resulted
5. Date of crime commission
6. If there was a concurrence of crimes: types
7. If there was a concurrence of crimes: how many

*C) Data on procedure*

1. Who reported
2. How the crime report was submitted (directly to prosecutor; to Mol)
3. Type and reasons

*D) Data on family circumstances of minor*

1. Legally wedded/adopted
2. The juvenile lives with both parents
3. Occupational status of father
4. Occupational status of mother

Annex VI

Court Registry at first instance courts

1. Unique identifier (including the ID number of each court)
2. Date of receipt
3. Judge in charge
4. Prosecutor (public/private)
5. Accused (surname, name, date of birth, address)

6. Criminal offence in the indictment, according to the criminal code
7. Appeal against the indictment: date of submission
8. Appeal against the indictment: penal decision
9. Appeal against the indictment: decision on appeal
10. Indictment final
11. Date of main trial
12. Order on ending proceedings
13. Verdict: on dismissing charges
14. Verdict: freed of charges
15. Verdict which finds the accused guilty: date issued
16. Verdict which finds the accused guilty: name and qualification of the offence (criminal code)
17. Verdict which finds the accused guilty: main sentence
18. Verdict which finds the accused guilty: additional sentence
19. Verdict which finds the accused guilty: sentence will not be enforced
20. Verdict which finds the accused guilty: relief of sanction
21. Verdict which finds the accused guilty: court warning
22. Verdict which finds the accused guilty: educational measures
23. Verdict which finds the accused guilty: security measures
24. Verdict: date of sending the decision
25. Appeal: who is appealing and date
26. Appeal: appeal dismissed by first instance court
27. Appeal: decision by higher court (date, file signature, short content)
28. Date of final verdict
29. Execution of decision
30. Date of sending of statistical forms (unit records) to CBS, type of forms, individual form numbers
31. Change of final verdict: date and type of extraordinary legal remedy
32. Change of final verdict: date, file signature and short content
33. File: placed in archive
34. File: given temporarily to (name)
35. Remarks

#### Annex VII

Reporting forms of courts to CBS

SK-2: adult person charged for criminal offense against whom court decision has become final

##### *A) The perpetrator (at the time of the crime commission):*

1. Name, surname
2. Sex
3. Date of birth
4. Occupational status
5. Nationality (ethnicity)
6. Citizenship
7. Marital status
8. Education
9. Perpetrator category (perpetrator, helper, accomplice, etc.)
10. Number of persons participating in the crime
11. Prior criminal convictions (if and how many)
12. Whether security measures were issued
13. Whether bail was paid
14. Whether the perpetrator has been detained and for how long

##### *B) The offence (only the most serious one in case of concurrence)*

1. Article of the criminal code + whether committed in conjunction with other crimes
2. Criminal code in force at the time of offending
3. Whether the crime was attempted
4. Whether there were damages

5. Date of crime commission
6. If there was a concurrence of crime: types
7. If there was a concurrence of crime: how many

*C) Court decision*

1. Type of decision
2. Reasons

*D) Sanctions issued*

1. Type and length
2. Whether the sentence was extraordinarily reduced
3. Whether the sentence was conditional
4. If so, whether any additional obligations in addition to conditional sentence were imposed
5. Whether a prison sentence was replaced by community work
6. Whether an additional fine was imposed
7. Whether property was confiscated
8. Whether and what type of security measures were taken
9. Date of submission of the crime report
10. Date of receipt of the indictment
11. Date of the final verdict

SK-4: juvenile person charged for criminal offense against whom court decision has become final

*A) The perpetrator (at the time of the crime commission):*

1. Name, surname
2. Sex
3. Date of birth
4. Occupational status
5. Nationality (ethnicity)
6. Citizenship
7. Marital status
8. Education
9. Perpetrator category (perpetrator, helper, accomplice, etc.)
10. Number of persons participating in the crime
11. Prior criminal convictions (whether and how many)
12. Whether security measures were issued
13. Whether bail was paid
14. Whether the perpetrator has been detained and for how long

*B) The offence (only the most serious one in case of concurrence)*

1. Article of the criminal code + whether committed in conjunction with other crimes
2. Criminal code in force at the time of offending
3. Whether the crime was attempted
4. Whether there were damages
5. Date of crime commission
6. If there was a concurrence of crimes: types
7. If there was a concurrence of crimes: how many

*C) Data on procedure*

1. Who submitted crime offence report
2. How it was reported (directly to prosecutor; to Mol)
3. Type and reasons

*D) Data on issued sanctions*

Issued sanctions

*E) Data on family circumstances of minor*

1. Legally wedded/adopted
2. The juvenile lives with both parents
3. Occupational status of father
4. Occupational status of mother

### Annex VIII

The standard 'Cash Transaction Report' (CTR) to the AMLO contains information on:

- a) transaction in general: type of transaction; transaction execution manner (if payment, disbursement, exchange transaction or other specified); transaction execution date and time; transaction purpose (loan, goods, service); currency tag; currency amount; total value in HRK;
- b) natural person who ordered the transaction: if single person or two/more persons; surname, name and identification number; address; date and place of birth; information on his/her identification document; information on the person who ordered to conduct the transaction (if on his/her own behalf, as a legal representative, as a person authorized by power of attorney, for another person);
- c) client for whom the transaction is conducted: one or two/more clients; the status of the client (natural person, legal person, NGO, endowment, foundation, religious community, other specified); surname, name and identification number; address, date and place of birth; information on his/her/its identification document; account number; name of the bank;
- d) transaction recipient (client to whom transaction is intended): single recipient or two/more recipients; status of the recipient (natural person, legal person, NGO, endowment, foundation, religious community, other specified); surname, name; address/seat; account number; name of the bank; country of bank;
- e) information on reporting entity where the transaction was executed: name (of the reporting entity/organizational unit); person who carried out the identification (surname and name); reporting entity's authorized person (surname and name, signature and date).

### Annex IX

The standard 'Suspicious Transaction Report' (STR) contains information on:

- a) the suspicious transaction: type of crime suspected (money laundering or terrorism financing); type of transaction; transaction execution manner, data and time; transaction purpose; currency tag and currency amount; total value in HRK;
- b) natural person who ordered the transaction;
- c) client for whom the transaction is conducted (one or two/more clients; status of the client; individual information; account information) and natural person client's beneficial owner (individual information);
- d) transaction recipient (one or two/more clients; status of the client; individual information; account information) and natural person client's beneficial owner (individual information);
- e) nature of the business relationship: date of business relationship establishment; information on the purpose and intended nature of the business relationship and information on client's business activity; information on the source of funds which are or will be a subject matter of transaction or business relationship;
- f) reasons for suspicion of money laundering or terrorist financing: reasons for suspicion (according to Art. 42, para.7); explanation of reasons for suspicion; indicator code and name; media of suspicious transaction delivery (phone, fax, in another way); report delivery date and time;
- g) reporting entity where transaction was executed: name (of the reporting unit/organizational unit); person who carried out identification; reporting entity's authorized person.

### Annex X

Standard form for reporting to the AMLO on suspicious cash carrying across the state border (compiled by customs):

- a) border crossing cash: entry to Croatia or leaving Croatia; customs office; border crossing date and time;
- b) carrier information

- c) cash owner information
- d) intended cash recipient
- e) cash type and amount
- f) cash source information
- g) intended cash use
- h) travelling route
- i) transport
- j) reasons for suspicion
- k) customs administration's organizational unit