

Convicted Women in the Republic of Kosovo 2003-2019: The Volume, Dynamics, and Structure of Criminal Acts in Comparative Aspect

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Abstract

The participation of women in criminal activity in Kosovo has not received ample attention in research, despite existing studies focusing on women as victims. This paper aims to address this gap and lay the groundwork for further investigation. The study examines the phenomenon of women convicted with final verdicts, covering the period from 2003 to 2009 regarding volume and dynamics, and from 2010 to 2019 regarding the structure of criminal acts. It delves into the etiology of these crimes, analyzing the factors contributing to the increasing dynamics and the types of offenses committed during these years. Special attention is given to electricity theft, offenses against public transport safety, and offenses against life and bodily integrity. The paper uses the quantitative method, statistical analysis, and comparative analysis with other countries, such as Slovenia, Croatia, the Federation of Bosnia and Herzegovina, North Macedonia, and Serbia in the same period.

Keywords: Official criminality, convicted women, the structure of criminal acts, causes of increased dynamics

Introduction

The mention of criminality typically invokes thoughts of men, as traditional criminology literature tends to superficially and stereotypically address women's involvement due to the perception that criminality is primarily a male domain. This viewpoint is supported by historically low numbers of convicted women (Halili, 2008, Islam et al., 2014; Campaniello, 2019), which remains a significant factor contributing to the lack of extensive exploration of women's criminality, particularly in Kosovo. Globally, despite a relatively proportional ratio of sexes in the population, there exists a profound gap in convictions between men and women. While nature typically maintains this balance, historical and cultural factors have disrupted it in certain countries. For instance, in 2013, Qatar's gender ratio favored men at 76.5% to 23.5%, with similar disparities observed in the United Arab Emirates (70.1% to 29.9%), Oman (63.6% to 36.4%), Bahrain (62.2% to 37.8%), and Kuwait (59.8% to 40.2%) (Worldometers²⁰¹³).

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Despite variations in gender ratio, 2020 worldwide data reveals an almost equal distribution of men and women (The French Institute for Demographic Studies, 2023). This pattern is also reflected in Kosovo, as indicated by the 2011 census, when Kosovo had 1.739.825 inhabitants, with women accounting for 49.7% of the population (KAS, 2012). However, despite an increasing trend in women's participation in criminal activities, the number of female offenders remains disproportionately low compared to men. This paradox underscores the complex nature of criminality, wherein women's involvement does not align with their demographic representation.

Literature Review

Following the ancient theories (Plato and Aristotle) and medieval theories (Saint Augustine and Aquinas), during the humanism and the Renaissance eras, the study of criminality progressed with two primary theories: bio-psychological and sociological perspectives. These theories evolved from philosophical and theological approaches to scientific foundations, aiming to understand the causes of criminal behavior. Lombroso (1876) posited that prostitution typifies female criminality. Lombroso and Ferrero (1893) expanded this idea, linking gender to evolutionary concepts, portraying the 'normal' woman as dependent on passive motherhood. This view contrasts with criminal women (Beccalossi, 2010). Now, this perspective is antiquated and irrelevant.

Sociological theories emphasize external factors as the primary determinants of criminal behavior, underscoring the significant influence of the social environment while often overlooking biological factors.

According to The Scottish Center of Crime & Justice Research (2014), the decline in support for biological theories, epitomized by Cesare Lombroso, have led to a shift towards examining biochemical conditions, such as malnutrition or hormonal imbalances, neurophysiological factors resulting from brain damage, genetic abnormalities, and intelligence. Furthermore, contemporary sociological perspectives assert that crime is shaped by external factors, including one's experiences within their environment, neighborhood, peer group, and family dynamics.

A very influential representative is the Chicago School, established in response to rising crime rates in the late 19th and 20th centuries, when chaos reigned in the city (Tibbetts and Hemmens, 2018). The Chicago School highlighted the socio-cultural environment's significant role in fostering criminal behavior, illustrating them with concrete examples from everyday life (Hardyns and Pauwels, 2017): One of them is the criminality of girls, who, as a result of this

socio-cultural environment, mimic boys to gain respect; “trying to have their version of manhood by behaving like them, using abusive language, acting like boys and using violence to resolve disputes” (Tibbetts and Hemmens, 2018).

Biosocial theories emerged as an attempt to reconcile biological and sociological theories, drawing from genetics, psychophysiology, neuroscience, sociology, and psychology.

According to Wells (2019), Bedoya and Portnoy (2022), recent advancements in technology have facilitated research into the genetic basis of antisocial behavior. This prompted many criminologists to explore how these two factors— nature and nurture – influence human behavior. The causes of criminality may not solely be environmental but could also be influenced by biology. Biosocial criminology explores the evolution's history, genetic and hormonal changes during development to understand differences in criminality between sexes. It examines how these factors interact with environmental and cultural contexts, shaping criminal behavior.

Lombroso and Freud attributed women’s criminality to biological and gender-based reasons. As a result of their influence, other authors also addressed the causes of women’s criminality in biology and psychology. Even recently, there were attempts to link women’s criminality with biology and psychology. The small volume of criminality of women compared to men, according to Singer (1994), Šeparović, (1981) and Konstantinovic-Vilić, (1986), has been explained only in relation to biology (menstruation, pregnancy, menopause, more diminutive stature, chromosomes, and so on) and psychology, such as passivity, lack of aggressiveness, bravery, and self-confidence, shyness, the feeling of dependence and the most pronounced emotionality (Belušić, 2003). However, even if the social factor is not disregarded, it is also linked to biology and psychology.

As with popular stereotypes of women in society, according to Allen (1987) delinquent women are generally portrayed as hysterical, irrational, and incapable of full responsibility for their actions and crimes due to their biology and sex (Davies, 1999). In the context of the influence of Lombroso and Freud, among many literary examples, only a few should be highlighted: “False reports make mentally normal and mentally ill women psychopaths and psychotics” (Aleksić and Milovanović, 1994; Vodinelić, 1984), according to Pollak (1950), “women who break the law are more deceitful than men...” (Mukherjee and Fitzgerald, 1978), according to Klein (1996), “economic offenses such as shoplifting are explained as outlets for sexual frustration” (Davies, 1999).

Lombrozo and Freud claimed that “female criminals are anomalies,” however, according to them, female and male criminals had very similar biological and psychological features (Campaniello, 2019).

Methodology and Results

This study investigates official data concerning women's criminality through descriptive analysis. Statistical information and data on the structure of criminal offenses were sourced from the Kosovo Statistics Agency– women sentenced with a final verdict. Comparable data on women convicted in other countries were also gathered from official sources published by statistical institutions, referring to women sentenced with a final verdict - Slovenian Statistical Office, Croatian Bureau of Statistics, Institute for Statistics of Federation of Bosnia and Hercegovina, North Macedonian Statistical Office and Serbian Statistical Office. The study calculated the number of convicted women per 100,000 inhabitants based on the 2011 census in Kosovo. Subsequent population estimates from 2012 to 2019 (KAS, 2023a), show minor changes, with the population remaining relatively stable around those figures. The figures provide reliable indicators of women's involvement over the specified period. The analysis considers existing literature and Kosovo's socio-cultural context. Special focus is on women convicted for crimes like electricity theft, public transport safety, and crimes against life and body due to their prevalence compared to other offenses.

A. Convicted women in Kosovo 2003-2019 by volume and dynamics

In Kosovo, from 2003 to 2019, a total of 226,071 individuals were convicted with a final verdict, out of which 9,995 were women, or approximately 4.42% of the total. Specifically, from 2010 to 2019, out of 164,826 convicted individuals, 7,553, or 4.58%, were women (KAS, 2020). Women in Kosovo have been sentenced under all chapters of the Criminal Code of Kosovo. There has been a noticeable increase in the number of convicted women since 2003, particularly since 2011. This upward trend is evident in the growing dynamics of convicted women, as indicated by both the rate and ratio of convicted men. In terms of the rate, there has been a significant escalation from 9.43 women convicted per 100,000 inhabitants in 2003 and 2004 to 58 in 2018. Moreover, the rate of convicted women in relation to convicted men has consistently shown an annual increase. For instance, while in 2003 the rate was 3.37%, by 2019, this figure had risen to 5.21% (Figure 1).

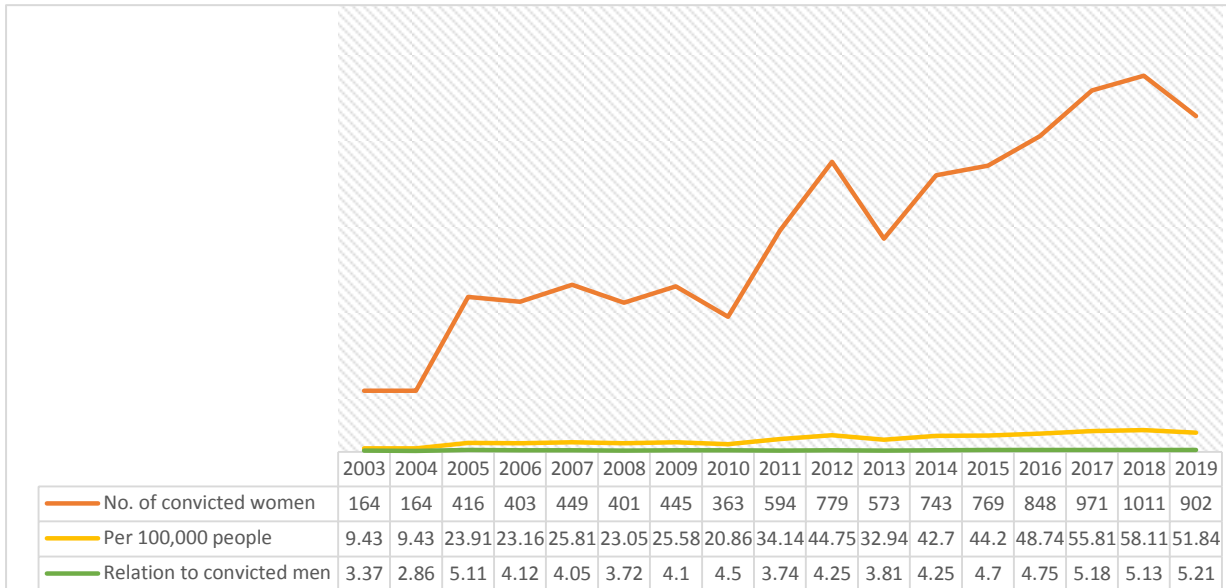


Figure 1. Dynamics, number of convicted women, norm and rate compared to convicted men in Kosovo 2003-2019

Source: Kosovo Agency of Statistics (2020)

For comparison, in 2010, the number of women convicted per 100,000 inhabitants varied significantly across different countries. In the USA, this figure was 1,154, while in Germany it was 516; in Thailand 316; in Bangladesh 12; and in India 8 (Islam et al., 2014). In Kosovo, during the same period, this number was 21 women per 100,000 inhabitants. Examining the ratio of women and men convicted from 2010-2019, Kosovo had a ratio of 4.5%. In comparison, Slovenia recorded a ratio of 13.3%, Croatia 11.6%, the Federation of Bosnia and Herzegovina 5.7%, North Macedonia 8% and Serbia 9.7%. In Germany, the proportion of convicted women was 19.2% in 2017 (Statistisches Bundesamt, 2020), while in the United Kingdom in 2019 women convicts constituted 27% of convicts (Ministry of Justice, 2020).

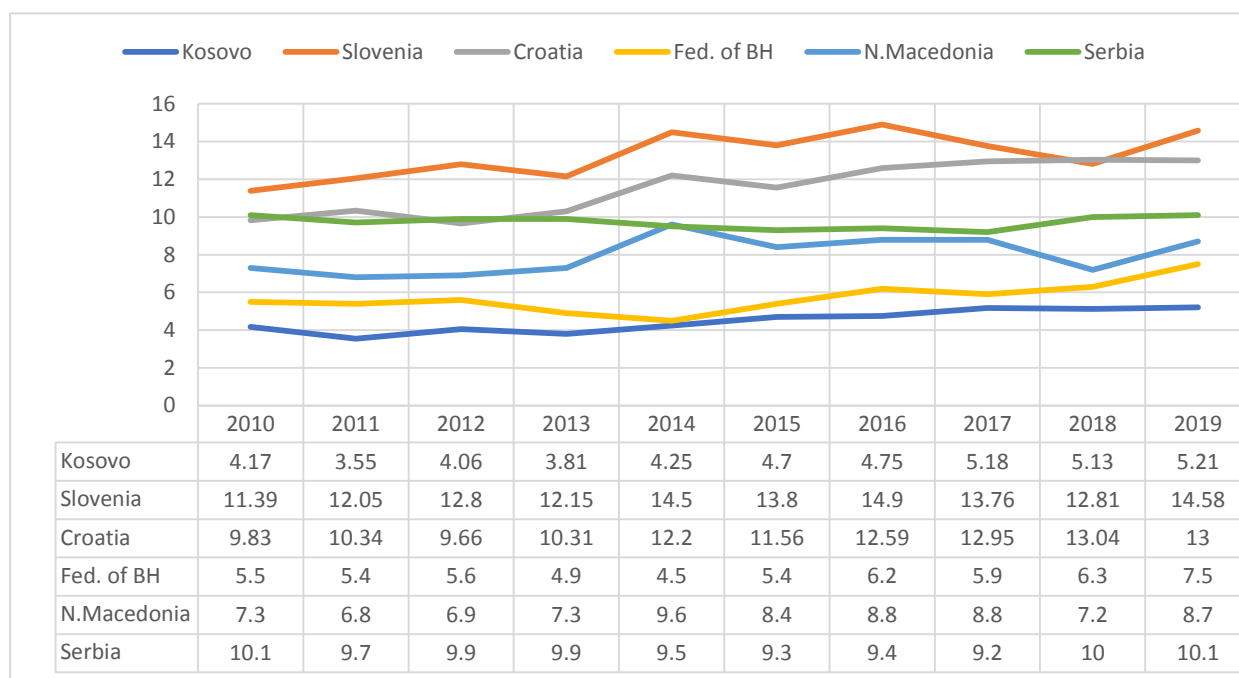


Figure 2. Rate of convicted women in Kosovo, Slovenia, Croatia, Federation of Bosnia and Herzegovina, Serbia and North Macedonia for 2010-2019 compared to convicted men

Source: Agency of Statistics: Kosovo, Slovenia, Croatia, Federation of Bosnia and Herzegovina, North Macedonia, and Serbia

B. Structure of the criminal offenses of convicted women in the Republic of Kosovo 2010-2019

Women in Kosovo, similar to men, are convicted of various criminal offenses under all the chapters of the Criminal Code. Often, women stand convicted for criminal offenses committed individually. As co-perpetrators, they are predominantly convicted for criminal offenses related to enabling prostitution, narcotics, assault, bodily harm, theft, and usurpation of real estate.

Analyzing criminal offenses according to the Criminal Code chapters, it is observed that 2,402 women were convicted for offenses against property and theft of services constituting 31.8% of the total number of convicted women (7,553). Within this category, thefts, including electricity theft, meter tampering, and unauthorized connection of electricity, account for approximately 78% of all property-related offenses. Other criminal offenses against property include fraud at 7.4%, destruction or damage of property at 4.3%, misuse and usurpation of

immovable property at 5.2% as well as the purchasing, accepting, or concealing items obtained by committing a criminal offense, damage of other person's property rights, abuse of trust, arson, coercion, blackmail and robbery (5.1%).

Additionally, 1,710 women were convicted for criminal offenses against public traffic safety, accounting for over 22.6% of the total number of convicted women. The majority of these convictions were for endangering public traffic (97.5%). Other offenses in this category include driving while intoxicated and failing to assist a person injured in an accident.

Concerning criminal offenses against life and body, a total of 1,435 women were convicted, representing approximately 19% of all convicted women. Light bodily injuries accounted for the majority at 64.5%, followed by attacks against other persons at 16.2%, threats at 15.1%, and murders at 2.2%, with 30 women convicted of murder.

In addition, 937 women, constituting 12.4% of all convicted women, were convicted for criminal offenses against the administration of justice (543) and public order (394). Among these convictions, the highest number were for removing or damaging official seals or signs (31.5%), falsifying documents (18.7%), false notifications or reports (14.3%), possession, ownership, use, or mediation in sales of weapons (15.9%). Other offenses included obstructing or assaulting an official (6.2%), crimes such as legalization of false content, contempt of court, perjury, and false representation.

Among women convicted, 182 women or 2.4%, faced charges related to criminal offenses against sexual integrity and against marriage and family. Predominantly, these convictions involved enabling or forcing prostitution, child abuse, abandonment, and violations of family obligations.

Similarly, 181 women, accounting for 2.4% of all convicted women, were convicted for criminal offenses against public health. Approximately 70% of these convictions stemmed from involvement in narcotics activities, including production and distribution of harmful food items.

In cases related to criminal offenses concerning voting, 177 women or 2.3% of all convicted women, were convicted for offenses such as abuse of voters' rights, falsifying voting results, destroying ballots, or engaging in bribery related to votes.

Concerning criminal offenses against the constitutional order and security of the Republic of Kosovo and criminal offenses against international law, 160 women, representing over 2.1% of all convicted women, were convicted. Notably, these convictions often pertained to illegal border crossing and human trafficking.

For criminal offenses against the economy, 144 women, or 1.9% of all convicted women, faced convictions, with the majority related to forgery of money and tax-related activities.

Finally, 225 women, comprising about 3% of all convicted women, were convicted for criminal offenses against official duty, general security, freedoms and human rights, labor relations, the environment, and organized crime.

Based on the structure of the criminal offenses, the largest number of women were convicted for common and light thefts, endangering public traffic, and minor bodily injuries. The Criminal Code in 2013 introduced a separate chapter specifically addressing theft of municipal services, such as electricity theft, meter tampering, and unauthorized connection to electricity services (Figure 3).

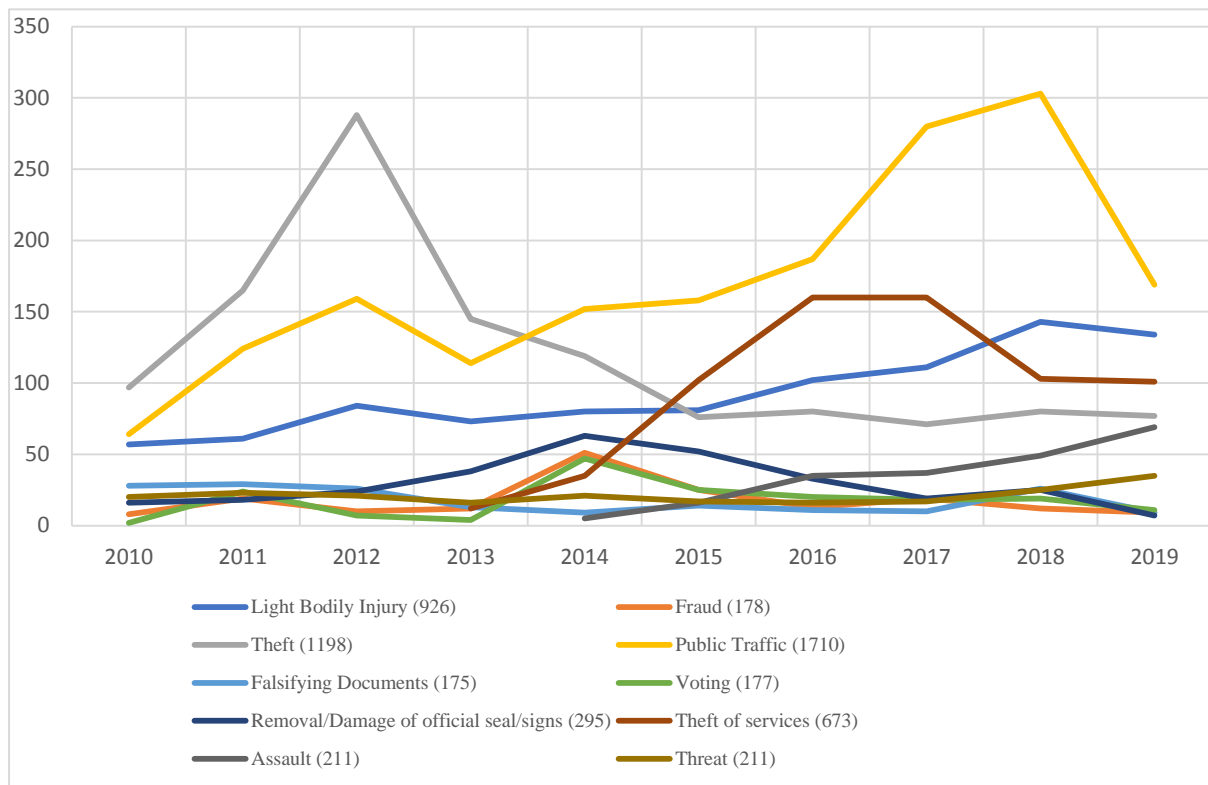


Figure 3. Convicted women in Kosovo 2010-2019 by the structure of the criminal offense

Source: Kosovo Agency of Statistics 2020

C. The growing trend and characteristics of women's criminality in Kosovo

Historically, men have been more actively engaged in criminal behavior due to their greater social opportunities, competence, and networking compared to women (Islam et al., 2014). However, "over the last 50 years women have been increasing their participation in the labor market and in the crime market" (Campaniello, 2019). This trend holds true for Kosovo over the last two decades, with several socio-demographic factors contributing to this shift:

- **Efforts to empower women:** Kosovo has made significant strides in empowering women, evident in their increased participation across various sectors, including decision-making, employment policies, and politics. Since 2004 gender quota in politics has been enforced, further enhancing women's presence in public life.
- **Entry of women into the labor market:** Official statistics indicate a notable increase of employed women in Kosovo. In 2004, only 8% of women were employed, whereas by 2022, this figure was approximately 19.1% (KAS, 2023b).
- **Demographic shifts:** Since 2011, due to an increase in emigration among men in Kosovo, women between the ages of 30 and 49 now outnumber men in this age group (KAS, 2023c). Consequently, this demographic cohort also represents the largest contingent involved in criminal activities (Halili, 2008).

Traditionally, women's criminality is mainly connected to prostitution and theft (Heidensohn, 1996). While theft remains prevalent, prostitution is not a criminal offence in Kosovo. Apart from theft, women in Kosovo are involved in various other criminal activities, many of which are driven by financial motives.

In Kosovo, a notable characteristic among women convicted of criminal offenses is their involvement in electricity theft, meter tampering, and unauthorized connection to electricity services. Women convicted for these actions account for 28% of all thefts (2402) and 8.9% of all convictions (7553). This specific type of theft is not common in the countries Kosovo was compared to. However, even with electricity theft, women convicted of property crimes in Kosovo (31.8%) remain low compared to other countries. For instance, in Slovenia, women convicted of property crimes make up about 49% of all convicted women. In Croatia, this percentage stands at 35.5%. Similarly, in the Federation of Bosnia and Herzegovina, approximately 36% of convicted women are involved in property crimes, and in North Macedonia and Serbia, these

percentages are around 37% and 30%, respectively. This high participation in property crimes characterizes many other countries as well (Gavrilova, 2021).

From 2010 to 2019, a significant number of women in Kosovo were convicted of criminal offenses related to public traffic safety. Despite about 30% of women holding driver's licenses in Kosovo (Economics, 2023), these offenses constituted 22.6% of all female convictions, highlighting the seriousness of the issue. Compared to neighboring countries like Slovenia (5.3%), Croatia (10.7%), the Federation of Bosnia and Herzegovina (12.2%), Serbia (7.9%) (Petrović, 2021), and North Macedonia (12%), Kosovo had notably higher rates of such convictions during the same period (Figure 4).

The prevalence of criminal offense against life and body among women in Kosovo from 2010-2019 appears to be notably higher compared to other regional countries. In Kosovo, these criminal offenses account for approximately 19% of all convicted women. In contrast, in Slovenia, they constitute 4.94% of convictions, in Croatia 3.13%, in the Federation of Bosnia and Herzegovina 7.16%, in Serbia 5%, and in North Macedonia 7.69% (Figure 4). Examining the structure of these offenses, it is observed that the majority of convictions involve minor bodily injuries, physical attacks, and threats. Minor bodily injuries and assaults committed in collaboration constitute 23.6% of cases.

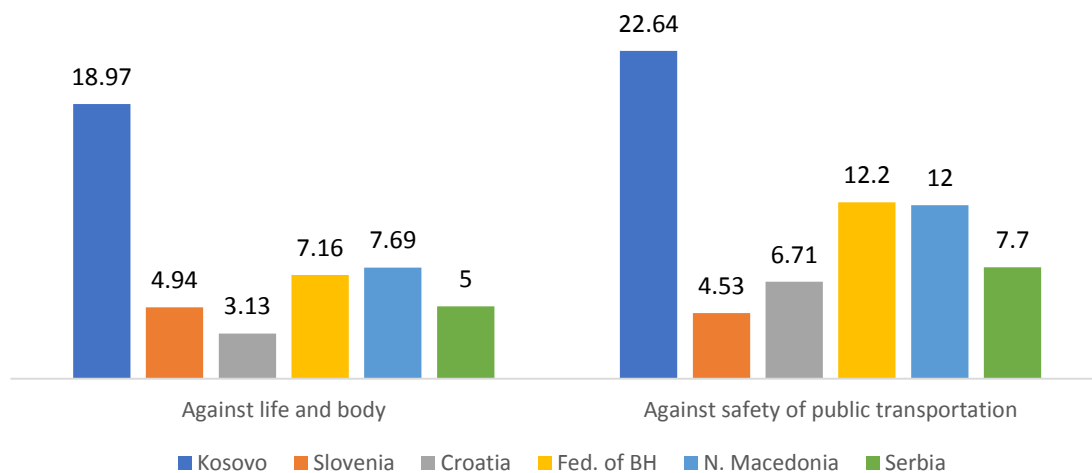


Figure 4. Number of convicted women of the criminal offenses against life and body and public traffic safety in Kosovo, Slovenia, Croatia, Federation of Bosnia and Herzegovina, Serbia and North Macedonia 2010-2019

Source: Agency of Statistics: Slovenia, Croatia, Federation of Bosnia and Herzegovina, North Macedonia and Serbia

Discussion

Delinquent and criminal patterns arise and are transmitted socially just as any other cultural and social pattern is transmitted (Hardyns and Pauwels, 2019). The importance of the social factor has already been proven to be closely related to women's criminality (Lacey, 2018). The role of gender in criminality reflects the role of gender in broader society, and efforts to reduce the gender gap in crime are linked to addressing the gender gap in other areas of life (Campaniello, 2019).

In Kosovo, historical, social and cultural circumstances have created a patriarchal or semi-patriarchal environment. Consequently, the nature of the criminal offenses for which women have been convicted since 2003 reflects not only the economic factors but also their societal position within a broader historical context. The relatively low representation of convicted women compared to men is indicative of the overall social context. A comparison with other former Yugoslav countries further underscores this point (Figure 2). Slovenia and Croatia, as the most developed republics, demonstrate significantly higher participation of women in official criminality, nearly three times higher than Kosovo. For example, in Slovenia, women's participation reached 15% in 2020 – 2022, while in Croatia, it reached 13.6%. In less developed countries like Bosnia and Herzegovina, Serbia, and North Macedonia, women's participation in official criminality is lower. These comparisons highlight a trend where more developed a country is, the higher the participation of women in criminality. This phenomenon is consistent with global patterns and has been extensively documented (Gavrilova, 2021). Figure 2 shows clearly not only the women's participation in official criminality but also Kosovo's economic development relative to other countries in the region.

According to Chesney-Lind's marginalization theory (1997), women may turn to crime as a response to economic instability, including unemployment and low wages (Islam et al., 2014). In Kosovo, this manifests in offenses like electricity theft and unauthorized connections, reflecting global trends (Kathera, 2019; Hussain et al., 2016; Business Daily, 2022; Woodhead, 2023). Comparatively, the involvement of convicted women in such crimes is minimal in the countries under scrutiny. The rise in women convicted of endangering public traffic may be linked to new social dynamics post the 1999 war and the UN Protectorate in Kosovo. Factors such as urban migration, corrupt licensing practices, infrastructure issues, media influence, and increased mobility needs have contributed. Changes in police procedures, like alcohol testing for women drivers, illustrate evolving norms over the past two decades.

The higher participation of women convicted for criminal offenses against life and body (19%) compared to the regional countries is quite noteworthy. This

heightened level of aggression could be explained through the unique historical and cultural context of Kosovo, which differs from these other countries. According to the theory of opportunity, the victimization of women may serve as a catalyst to commit crimes (Islam et al., 2014; Winsor, 2009). Referring to Maiyer Katkin and Bernard (1995) and Ahuja (1996), even instances of murder can be linked to the degree of repeated victimization (Islam et al., 2014), although, in Kosovo, such victimization is often associated with incidents of injuries, assaults and threats.

In Albanian customary law, if a pregnant woman is killed, her abdomen must be opened to determine the fetus's sex. A male fetus warrants double compensation compared to a female (Code of Lekë Dukagjini, articles 936 and 937). Traditionally, fathers only counted sons when asked about their children, perpetuating gender bias. Even today, phrases like "she is like a man" are used to praise women, fostering a dismissive environment. This cultural context contributes to women's victimization and undermines their self-confidence, potentially leading to aggressiveness.

Given all these circumstances, even in Kosovo, the "bedroom culture" – Control Theory (Heidensohn, 1985; Bennet et al., 1998) as a conventional practice has been overturned. According to Small (2000) and Chelik (2008), in the broader social context, if women's opportunities, efficiency, and social communication increase, their level of criminality increases accordingly (Islam et al., 2014). Gender roles and criminality should be seen as the result of socio-economic, political, and historical factors and not as if women's criminality is simply a consequence of gender (Halili, 2008; Mršević, 1993).

Criminality must be understood and explained as a phenomenon, regardless of gender. All crimes were committed by both men and women. Women have committed war crimes, crimes against humanity, and genocide (Steflja and Darden, 2020; The Famous People, n.d.; Euronews with AP, AFP, 2022). The goals and motives for committing crimes are the same for men and women. So, there is no difference between males and females in terms of morality, the biological characteristics not being relevant for committing the crime (Simon, 1975). The author Maklecov, considered as the "father of Slovenian criminology" (Brglez, 2014), as early as 1944, not only rejected the "bio-psychic and moral inferiority of women," but has called to avoid the one-sided approach presented by the anti-feminist and feminist point of view, alluding only to an objective-scientific approach (Šelih, 2018). Maklecov was convinced that as far as women's criminality is concerned, the biggest damage to objective research to date has been "emotional coloring or bias" (Šelih, 2018). Croatian author Marković (1972) emphasized that the enhancement of gender differences is exaggerated because the

differences depend more on the way of life and education than on the nature of gender. According to him, “we must take into account the fact that we are forgetting that pure types are not the rule either in nature or in society – there is a considerable number of men with the psychic characteristics of women and vice versa” (Marković, 1972).

Conclusion

After analyzing the data on women convicted in Kosovo and comparing it with countries like Slovenia, Croatia, the Federation of Bosnia and Herzegovina, North Macedonia, and Serbia, it is noticed that the number of convicted women has steadily increased since 2010. Referring to data from other European countries, it is evident that the level of economic development plays a significant role in the rate of criminality among women. A notable surge in the number of convicted women occurred in 2005, with the highest intensity of growth observed in 2011. However, it is important to note that the dynamics of this increase in women’s criminality are considered moderate, especially when compared to the ratio of convicted men. Kosovo differs from compared countries due to the high prevalence of women convicted for electricity theft, public transport safety offenses, and crimes against life and body. However, it has a low number of convicted women for other property crimes. The rise in convicted women in Kosovo over the past two decades reflects changing societal circumstances in the country.

Recommendations

- To further pursue in-depth studies on women's criminality in Kosovo and the factors contributing to its increase.
- To improve data collection methods and systems to ensure accurate and reliable statistics on criminal offenses committed by women in Kosovo.
- To determine whether the courts are sending accurate data to the Kosovo Agency of Statistics.

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