



# ANALYSIS OF THE POSSIBILITY OF ESTABLISHING A NATIONAL "NETWORK" RELATED TO COMBATING WILDLIFE CRIME IN CROATIA

## STUDY ON THE CONDUCTED ANALYSIS OF THE LEGISLATIVE AND INSTITUTIONAL FRAMEWORK RELATED TO COMBATING WILDLIFE CRIME

### SUMMARY

#### ANALYSIS OF THE EXISTING LEGISLATIVE FRAMEWORK RELATED TO COMBATING WILDLIFE CRIME, INCLUDING THE DETECTION OF "WEAK POINTS"

By analyzing the adequacy of the legal framework for combating wildlife crime, it was observed that the legal framework is broad and comprehensive enough. In relation to the content of the considered substantive-legal part of the legal framework, it can be concluded that it is generally satisfactory. Certain legal terms within the criminal offenses themselves are not sufficiently clear and determined, so they create doubts and uneven treatment in practice. This refers to the terms "a small number of individuals of a strictly protected species/other protected part of nature, i.e. a slight impact on the conservation of the species/other protected natural value", "significant reduction in the number of individuals in the population or extermination", "significantly affects" the state of conservation of the species, "a small amount of individuals and a slight impact on the conservation of the species", which leads to ambiguities and problems in practice. In accordance with the principle of legality, laws should be clear and determined, i.e. unambiguous.

In relation to the remaining substantive-legal framework relating to misdemeanor legislation, it should be said that prohibited acts and offenses that can be committed to the detriment of strictly protected species are adequately prescribed, as well as the types and heights of sanctions that can be imposed on the perpetrators of these offenses.

In relation to the content of the analyzed procedural part of the legal framework, primarily the criminal procedural and legal framework, it should be said that the treatment in cases of committing criminal offenses is adequately prescribed, as well as the role of individual state bodies in the detection, clarification and prosecution of criminal offenses.

In relation to the content of the analyzed procedural legal part of the misdemeanor legislation, it can be concluded that it is satisfactory and through powers gives authorized persons all the necessary tools to combat wildlife crime. Only, in relation to rangers, in the Nature Protection Act it would be opportune to consider Art. 209, which prescribes the application and powers of rangers. In this regard, options for legally changing the too-narrow term of "catching" (of the perpetrator) in the commission of an offense should be considered. Also, rangers often pointed out the need for their status as an official and legislative changes in this regard that are justified.



Analysing the cases of crimes and misdemeanours against wild species in the framework of the creation of the Criminal Education Module for the SWIPE project, it should be noted that modern trends in punishing offenders are aimed at a mild criminal law policy, i.e. sentencing in the lower range of the legally prescribed punishment framework, and should also be changed.

### ANALYSIS OF THE EXISTING INSTITUTIONAL SYSTEM RELATED TO THE SUPPRESSION OF WILDLIFE CRIME

The following authorities are primarily responsible for combating wildlife crime at different levels in the Republic of Croatia: State Inspectorate, Sector for Environmental Protection, Nature Protection and Water Law Supervision, nature protection inspectors of the State Inspectorate; Public institutions for nature protection, rangers; Police officers of the Ministry of Interior; Customs, customs officers of the Ministry of Finance; Coast Guard; The State Attorney's Office of the Republic of Croatia, i.e. the competent municipal and county state attorneys; Municipal and county courts, i.e. misdemeanor and criminal departments of municipal courts and the High Misdemeanour Court of the Republic of Croatia. In a broader sense, the Ministry of Economy and Sustainable Development, as a state body with its constituents, the Directorate for Nature Protection and the Institute for Environmental and Nature Protection, is responsible for the suppression of wildlife crime in terms of the normative regulation of this area, but also in the provision of professional assistance.

Although the separation of specialized inspections opens up a better possibility of the coordinated action of different inspection services and independence, their separation from relevant state bodies, above all ministries, to whose activities they are primarily connected, could mitigate their professional and preventive role, in this case in the nature protection field. In terms of suppressing wildlife crime, nature protection inspectors represent the most specialized and primarily competent civil servants both in initiating misdemeanor proceedings and in filing criminal charges. There is still a lot of room to improve communication with other stakeholders in relation to preventive activities, but also to strengthen investigative activities.

In some protected areas, the number of rangers should be increased to more effectively supervise large protected areas. It is also important to think about a better organization of working hours in terms of adapting to critical times when misdemeanors and criminal offenses are committed. There is room for improvement of their role in the misdemeanor procedure, especially concerning a clearer definition of rangers as official persons, which needs to be regulated more significantly, more intensive education in the application of legal regulations and the methodology of detection and investigation of misdemeanors, but also giving more instruments of misdemeanor procedure under their jurisdiction. What rangers especially emphasize as a shortcoming is an insufficient communication with the competent ministry and insufficient professional assistance in specific cases of punishable actions.

In the composition of the police, there is no specialization of police officers for the suppression of wildlife crime, but it is performed by locally competent employees of the basic, traffic and border/maritime police. In the case of the need to conduct a criminal investigation of criminal offenses, criminal police officers from police stations and police administrations are also involved, depending on the jurisdiction of a particular criminal offense. There is room for better



familiarisation with the segment of special misdemeanor legislation related to nature protection, especially the Nature Protection Act. There is also room for stronger sensitization of police officers to detect these punishable acts, especially in the context of daily work.

Within the customs administration, there is no specialization of customs officials for combating wildlife crime, and therefore periodic education and sensitization in this regard is needed. Given that the segment of smuggling of strictly protected wild species is included in the primary scope of the work of the customs service, there is also its interest in improving the cooperation of all competent state bodies, especially concerning the exchange of information on new phenomena and education.

It can be stated that state attorneys are highly qualified to apply criminal legislation in the prosecution of this type of crime, while additional professional training and awareness in the special legislation from the nature protection field could contribute to even better quality.

A similar specialization of judges neither at the misdemeanor nor at the criminal level exists concerning misdemeanors and criminal acts against nature. The need for additional professional training of judges from the segment of special legislation in the field of nature protection, as well as the need for sensitization for this area, is also significant. One of the weaknesses of the judicial segment of work, which is also pointed out by other stakeholders in the process, is the long duration of misdemeanor and criminal proceedings and relatively light sentences for perpetrators that do not act as a deterrent.

Regarding the prosecution of wildlife crimes, the Ministry of Economy and Sustainable Development has a significant role in creating legal frameworks both in terms of criminal law and misdemeanor law. The Institute for Environmental and Nature Protection also plays a role in specific misdemeanor and criminal cases by providing expert assessments on the impact of committing a misdemeanor or a criminal offense to the detriment of strictly protected wild species on the population of that species. There is also a need for a stronger coordination role and professional support for public institutions and rangers in specific actions related to misdemeanor punishable actions.

Considering the significant capacities of certain non-governmental organizations that are present in the field, their potential contribution in the segment of detecting punishable acts, spotting traces, means of perpetration and perpetrators is relevant.