



GREVIO

Baseline Evaluation Report Croatia

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
CROATIA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Table of contents

Foreword	4
Executive summary	6
Introduction.....	8
I. Purposes, definitions, equality and non-discrimination, general obligations	9
A. General principles of the convention.....	9
B. Scope of application of the convention and definitions (Articles 2 and 3).....	10
C. Fundamental rights, equality and non-discrimination (Article 4).....	12
1. Gender equality and non-discrimination.....	12
2. Intersectional discrimination.....	13
D. State obligations and due diligence (Article 5).....	15
II. Integrated policies and data collection.....	17
A. Comprehensive and co-ordinated policies (Article 7).....	17
B. Financial resources (Article 8).....	18
C. Non-governmental organisations and civil society (Article 9).....	19
D. Co-ordinating body (Article 10).....	20
E. Data collection and research (Article 11).....	22
1. Administrative data collection.....	22
2. Population-based surveys.....	25
3. Research.....	25
III. Prevention	27
A. General obligations (Article 12).....	27
B. Awareness raising (Article 13).....	28
C. Education (Article 14).....	29
D. Training of professionals (Article 15).....	31
E. Preventive intervention and treatment programmes (Article 16).....	33
1. Programmes for perpetrators of domestic violence.....	33
2. Programmes for sex offenders.....	35
F. Participation of the private sector and the media (Article 17).....	35
IV. Protection and support.....	37
A. General obligations (Article 18).....	37
B. Information (Article 19).....	38
C. General support services (Article 20).....	39
1. Social services.....	39
2. Healthcare services.....	41
D. Specialist support services (Article 22).....	42
E. Shelters (Article 23).....	43
F. Telephone helplines (Article 24).....	44
G. Support for victims of sexual violence (Article 25).....	45
H. Protection and support for child witnesses (Article 26).....	47
I. Reporting by professionals (Article 28).....	48
V. Substantive law	50
A. Civil law.....	50
1. Civil remedies against the state – ensuring due diligence (Article 29).....	50
2. Compensation (Article 30).....	51
3. Custody, visitation rights and safety (Article 31).....	52
4. Civil consequences of forced marriages (Article 32).....	54

B. Criminal law.....	54
1. Psychological violence (Article 33).....	54
2. Stalking (Article 34).....	55
3. Physical violence (Article 35)	56
4. Sexual violence and rape (Article 36).....	57
5. Forced marriage (Article 37).....	58
6. Female genital mutilation (Article 38).....	59
7. Forced abortion and forced sterilisation (Article 39).....	59
8. Sexual harassment (Article 40).....	59
9. Sanctions and measures (Article 45).....	61
10. Aggravating circumstances (Article 46).....	61
11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48).....	62
VI. Investigation, prosecution, procedural law and protective measures	64
A. General obligations, immediate response, prevention and protection (Articles 49 and 50) ..	64
1. Reporting to, immediate response and investigations by law-enforcement agencies	64
2. Effective investigation and prosecution	66
3. Conviction rates.....	67
B. Risk assessment and risk management (Article 51)	68
C. Emergency barring orders (Article 52).....	70
D. Restraining or protection orders (Article 53)	72
E. Ex parte and ex officio proceedings (Article 55).....	73
1. <i>Ex parte</i> and <i>ex officio</i> proceedings	73
2. Victim support in legal proceedings	74
F. Measures of protection (Article 56).....	74
G. Legal aid (Article 57)	75
VII. Migration and asylum	77
A. Residence status (Article 59).....	77
B. Gender-based asylum claims (Article 60)	78
1. Gender-sensitive asylum determination procedure	78
2. Accommodation.....	79
C. Non-refoulement (Article 61)	81
Concluding remarks	84
Appendix I - List of proposals and suggestions by GREVIO	86
Appendix II - List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations	100

Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Croatia. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Croatia, GREVIO received written contributions from B.a.B.e (Be active Be Emancipated), the Autonomous Women's House Zagreb, the Centre for Women War Victims (ROSA), the Women's Network of Croatia, the Coalition Women's Network and a large number of NGOs and independent experts under the co-ordination of SOS Rijeka.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Croatia. Where available, significant legislative and policy developments up until 22 May 2023 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the implementation measures taken by the Croatian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Croatian authorities and additional information submitted by NGOs) as well as a five-day evaluation visit to Croatia. A list of the bodies and entities that GREVIO met with can be found in Appendices I and II.

The report highlights the many Croatian initiatives, past and present, taken to prevent and combat violence against women. The adoption of the National Strategy for Protection against Domestic Violence (2017-2022), and, more recently, the National Plan for the Promotion of Gender Equality and the National Plan for the Suppression of Sexual Violence and Sexual Harassment, demonstrates the authorities’ commitment to incorporate gender equality and the combating of violence against women into the national policy framework.

In addition, GREVIO notes positive developments with regard to crucial reforms, such as the reform of the Croatian Criminal Code in the area of offences against sexual integrity. In this respect a consent-based definition of rape was introduced into the Criminal Code, which GREVIO welcomes. Furthermore, criminal amendments enacted in 2021 criminalised image-based abuse and also introduced the *ex officio* prosecution of sexual violence offences, which were previously prosecuted upon the request of the victim. Similarly, the definition of domestic violence in the Domestic Violence Act was expanded in 2021 to include intimate relationships between partners who do not share a residence or children. GREVIO welcomes this comprehensive legal framework and the positive legislative developments.

However, the legal and policy framework in Croatia remains largely gender-neutral, which also affects service provision and prevention efforts, for instance programmes for the psycho-social treatment of domestic violence perpetrators. GREVIO notes that this may not always do justice to the particular experiences of women as victims of domestic violence, who are more frequently and more severely impacted.

GREVIO observed a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. These relate, for instance, to the lack of systematic and mandatory initial training of professionals in social welfare and healthcare systems. Once in service, training remains voluntary and largely limited to domestic violence and, to a certain extent, sexual violence. It does not include other complex forms of violence against women, such as stalking, forced marriage, female genital mutilation and violence related to “honour”. In GREVIO’s view, this accounts for the difficulties that persist in responding adequately to all forms of violence against women.

Without an in-depth understanding of the gendered nature of all forms of violence against women, underlying issues of power and control and its impact on victims, investigations and case building will also lack in quality. The report underscores that prejudices and patriarchal attitudes still seem to prevail among many in the criminal justice system, often leading to the qualification of serious incidents of violence as a misdemeanour rather than a criminal offence, which, in turn, results in the imposition of less dissuasive sanctions. A particularly problematic issue exacerbated by the lack of a gendered understanding of domestic violence is the phenomenon of double arrests where women victims of domestic violence are arrested alongside perpetrators for self-defence. A high degree of awareness and understanding of the cycle of abuse and its consequences for women and

children form a cornerstone of the holistic response by first responders such as the police, which must involve the referral of victims to specialist support services.

In more general terms, the position of children who have witnessed or experienced domestic violence in Croatia is usually overlooked during separation and in post-separation parenting. Judges do not always consider violence by one parent against another as a reason to restrict the abuser's right of access to their child and interpret the best interests of the child as maintaining contact with both parents in all cases, even where the child has witnessed violence – resulting from a lack of awareness of the impact that past exposure to violence may have on children's development. Comprehensive training and awareness-raising initiatives are needed to ensure that legislative changes are implemented in practice by all relevant parties (the judiciary, social services and child welfare officers).

Last, the report points to the need to facilitate in a more practical manner the access to independent residence permits for foreign women who have derived their residence from an abusive sponsoring spouse. GREVIO welcomes the fact that the legal framework is largely compliant with the requirements of the convention in this regard but notes that its implementation is being hampered by a lack of information and awareness on the part of migrant women, lawyers and/or NGOs representing migrant women.

While GREVIO welcomes Croatia's ratification of the Istanbul Convention and the efforts taken to implement it, it has identified a number of priority issues requiring further action by the Croatian authorities to comply fully with the convention's provisions. Drawing from the above and in addition thereto, these relate to the need to:

- ensure that measures taken in accordance with the Istanbul Convention address all forms of violence against women, in a holistic and comprehensive fashion;
- follow a clear gendered approach in the response to violence against women;
- ensure stable and sustainable funding levels for women's NGOs working to support victims and prevent violence;
- set up rape crisis centres and/or sexual violence referral centres, within the framework of a multisectoral response aimed at encouraging reporting and responding to the needs of victims;
- step up efforts to support and protect child witnesses, in particular with reference to court decisions on the exercise of custody and visitation rights;
- step up efforts to develop standardised procedures for assessing and managing the risk of repeated violence and the risk to the life of victims of all the forms of violence against women covered by the convention;
- introduce emergency barring orders in the legislative framework to ensure that in situations of immediate danger measures to ensure the victim's and her children's safety can be taken without undue delay, including by removing the perpetrator from the shared residence.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other things, to the need to increase awareness of the different forms of violence against women and cultural sensitivity towards the specific situation of women who are or may be exposed to intersectional forms of discrimination, such as Roma women, women with disabilities, women with addiction issues, migrant women and other distinct groups of women in Croatia. Data collection on violence against women should be improved in the criminal justice, healthcare and social welfare sectors – disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location – and these data should be analysed for the purpose of evidence-based policy making.

Introduction

Croatia ratified the Istanbul Convention on 12 June 2018. In accordance with Article 78, paragraph 2, of the convention, Croatia reserves the right to apply the provisions under Article 30, paragraph 2, only in respect of the victims who exercise the right to compensation in accordance with the national legislation governing the issue of compensation for the victims of offences. This reservation is valid for a period of five years from the day of the entry into force of the convention in Croatia and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that the root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Croatia by letter and transmission of its questionnaire on 14 September 2021. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Croatian authorities subsequently submitted their state report on 21 February 2022. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Croatia, which took place from 17 to 21 October 2022. The delegation was composed of:

- Maria-Andriani Kostopoulou, Member of GREVIO,
- María Rún Bjarnadóttir, Member of GREVIO,
- Elif Sariaydin, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention,
- Louise Hooper, International expert.

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Sandra Batlak, Senior Adviser and Specialist at the Ministry of Labour, Pension System, Family and Social Policy, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure and for the constructive approach adopted by the Croatian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Croatian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. GREVIO welcomes the significant progress Croatia has made towards building a legislative, policy and institutional framework to prevent and combat violence against women and had done so even before the ratification of the Istanbul Convention in June 2018. In this respect, GREVIO notes with particular interest the adoption of the Act on Protection against Domestic Violence (hereinafter “the Domestic Violence Act”) in 2017, which was the first comprehensive legislative response to domestic violence in the country and included provisions on the protection of victims.

3. At the policy level, a National Strategy for Protection against Domestic Violence was developed for the period 2017-2022 (hereinafter “the National Strategy”).² Moreover, to ensure a multisectoral response to domestic violence, the Agreement on Interdepartmental Co-operation in Preventing and Combating Violence against Women and Domestic Violence and the Protocol in Domestic Violence Cases were adopted in 2018 and 2019 respectively, further contributing to the delivery of an integrated response to violence against women and domestic violence in particular. These developments also resulted in the improvement of the support services available for victims of domestic violence. More recently, the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period 2022-2027 and the National Plan for Promotion of Gender Equality for the period 2022-2027 were adopted in December 2022 and March 2023 respectively.

4. GREVIO notes with satisfaction that following the ratification of the convention the efforts of the Croatian authorities have specifically aimed to bring the legislative framework in line with the requirements of the convention. The Domestic Violence Act, for example, was amended in 2021, broadening the definition of domestic violence to include intimate relationships between partners who do not share a residence or children,³ while the Criminal Code was amended in 2019 to allow for the *ex officio* prosecution of stalking and sexual harassment. Last but not least, GREVIO welcomes the fact that image-based abuse has been prescribed as a criminal offence by law since 2021.

5. While GREVIO welcomes the developments in the area of protection of victims of domestic violence and the recent efforts by the Croatian authorities to introduce a policy framework on combating sexual violence, it considers, however, that measures addressing other forms of violence against women have yet to reach the same level of comprehensiveness. In this connection, even though according to the authorities a new National Plan of Protection against Violence against Women and Domestic Violence is under development, which will cover other forms of violence against women beyond domestic violence, GREVIO notes with concern that currently in Croatia there is no comprehensive strategic document or policy framework to address all forms of violence against women.

2. National Strategy for Protection against Domestic Violence covering the period 2017-2022, available in Croatian at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/MDOMSP%20dokumenti/Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>

3. The definition of “close person” in Article 87 of the Criminal Code was also simultaneously expanded to cover intimate relationships between partners who do not share a residence or children.

6. GREVIO strongly encourages the Croatian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention, in particular sexual violence.

B. Scope of application of the convention and definitions (Articles 2 and 3)

7. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

8. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both the cause and the result of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3, paragraph *b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

9. According to Articles 8 and 10 of the Croatian Domestic Violence Act, which set out the list of the persons and acts covered by this law respectively, domestic violence is defined as acts of physical, psychological and economic violence as well as sexual harassment between current or former spouses, extramarital partners, life partners and informal life partners regardless of whether they share a residence. Similarly, the Croatian Criminal Code, which contains a series of criminal offences applicable to violence against women as well as a specific domestic violence offence, mirrors the definition provided by the Domestic Violence Act. While recognising domestic violence as a violation of basic human rights and fundamental freedoms, GREVIO notes that the National Strategy seeks to provide an overview of key issues surrounding domestic violence in Croatia and highlight the areas where progress is needed, rather than providing a set of definitions apart from those contained in the legal framework.

10. GREVIO notes with regret that the set of measures prescribed in the National Strategy does not distinguish between the needs of women victims and those of other victims. Even though the statistics provided in the National Strategy clearly demonstrate that the overwhelming majority of

domestic violence victims are women,⁴ the measures contained therein do not correspond to the clearly gendered nature of this problem. Indeed, while the National Strategy recognises domestic violence as a form of discrimination and states the need to take into account the fact that in most cases victims are women, it proceeds with stressing the necessity to ensure the protection of all victims of domestic violence, regardless of gender.⁵ GREVIO regards this as a missed opportunity to promote measures that take into account the gendered differences in the experience of certain forms of violence and to address their root causes on this basis.

11. GREVIO notes that the gender-neutral approach adopted in the Croatian legal and policy framework up until the recent adoption of the National Plan for the Promotion of Gender Equality in March 2023 was also reflected in the provision of services to victims of violence against women which affected their quality.⁶ GREVIO also considers this as a contributing factor to the widespread problem of dual arrests in the Croatian justice system where, along with the presumed perpetrators of violence, women who are victims of domestic violence are also arrested, which is a concern also expressed by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW)⁷ as well as by numerous Croatian women's rights civil society organisations⁸ and the Croatian Ombudsperson for Gender Equality.⁹ While GREVIO welcomes the ongoing efforts of the Croatian authorities to tackle this particular problem, including by training law-enforcement professionals,¹⁰ it notes that the efficiency of these initiatives will depend on shifting towards a gender-based understanding of domestic violence in the overall legal and policy landscape.

12. Furthermore, even though GREVIO welcomes the adoption of the National Strategy for Protection against Domestic Violence for the period 2017-2022, it notes that currently there is no other policy document addressing other forms of violence against women. In this respect, GREVIO welcomes the recent adoption of the National Plan for the Promotion of Gender Equality and the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027 as positive steps towards increased compliance with the Istanbul Convention. The National Plan for the Promotion of Gender Equality contains a specific objective entitled "creating preconditions for the elimination of gender-based violence", which includes certain measures related to eradicating violence against women in general, including by establishing a data-monitoring system for court cases, improving the competence of professionals working in the field of violence against women and raising awareness of different forms of violence against women. GREVIO notes that this national plan on gender equality does not include targeted measures concerning certain forms of violence against women, namely female genital mutilation, forced marriage and violence related to "honour". It is however hopeful that the authorities in charge of implementing the listed measures will

4. The National Strategy uses data pertaining to the period 2012 to 2016 to illustrate the trends related to reported cases of domestic violence in Croatia. Accordingly, in those years, respectively, 62.40%, 64.03%, 63.88%, 63.73% and 63.90% of the victims of the domestic violence misdemeanour prescribed by Article 4 of the Domestic Violence Act were women. When it comes to the more serious domestic violence criminalised as an offence under Article 179a of the Criminal Code, the difference between the number of female and male victims is even starker. Accordingly, in 2016 when domestic violence was included in the Criminal Code as a separate offence, 84.55% of the victims were women. Before domestic violence was criminalised, in cases of bodily injury and serious bodily injury committed against close persons 74.10% of the victims were female in 2013, 72.45% in 2014 and 66.74% in 2015. Last but not least, within the reference period almost all of the victims of criminal offences against sexual freedom committed between intimate partners, which include rape and attempted rape, were women. The National Strategy for Protection against Domestic Violence covering the period 2017-2022, pp. 11-13, available in Croatian at: <https://mrosp.gov.hr/UserDocImages/dokumenti/MDOMSP%20dokumenti/Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>.

5. *Ibid.*, p. 15.

6. Chapter IV, Protection and support.

7. CEDAW, Concluding observations on the combined fourth and fifth periodic reports on Croatia, p. 5, available at: www.ohchr.org/en/documents/concluding-observations/cedawchrvc04-5-concluding-observations-combined-fourth-and-fifth.

8. See the written submissions from the NGO Coalition Women's Network Croatia, p. 63; B.a.B.e., p. 12; the Autonomous Women's House Zagreb and Women against Violence against Women and Centre for Women War Victims, p. 6; and the joint shadow report co-ordinated by SOS Rijeka, p. 100.

9. According to the information provided in the submission made by B.a.B.e. to GREVIO, p. 5, the Ombudsperson for Gender Equality continuously points to this issue in her annual reports.

10. Chapter III, Article 15, Training of Professionals.

give adequate attention to these less visible forms of violence against women during the implementation period of the national plan. Indeed, while GREVIO was informed by the authorities and women's rights NGOs¹¹ that these forms of violence are not widespread in Croatia, it notes that they can affect women in Croatia who belong to national minorities, including those seeking asylum, and may remain under-reported without being tackled by policy measures.¹² While these forms of violence are addressed in Croatian criminal law, the Istanbul Convention requires a comprehensive approach that would complement a criminal justice response with policies, services and dedicated measures addressing each form of violence against women identified and defined by the Istanbul Convention.

13. In light of the above, GREVIO reiterates the need to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. Sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment and intimate partner violence are forms of violence that affect women disproportionately. The same applies to forced marriage, female genital mutilation and forced abortion/forced sterilisation. The historically unequal relationships between women and men have led to the domination of men over women and are among the root causes of violence against women. The driving motivation behind these forms of violence is power and control over a woman – her body, her mind, her economic situation, her sexuality or her reproductive functions. Therefore, in order to tackle the problem and its root causes effectively, it has to be acknowledged that violence against women is a violation of human rights and a form of discrimination against women. Legislation and policy in the implementation of the Istanbul Convention must be rooted in the understanding of violence against women as gender-based violence that is directed against women because they are women or that affects women disproportionately. In this respect, GREVIO welcomes the National Plan for the Promotion of Gender Equality, which foresees achieving gender equality as a prerequisite for the eradication of gender-based violence, and further notes with interest the information provided by the authorities indicating that the new National Plan for Protection against Violence against Women and Domestic Violence for the period until 2028, which is currently under development, will recognise the gendered aspect of violence against women.

14. GREVIO strongly encourages the Croatian authorities to continue their efforts to ensure that all policy and legislative measures taken in the implementation of the Istanbul Convention clearly reflect the notion that violence against women, including domestic violence, is gender-based violence directed against women because they are women and recognise that it affects women disproportionately.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

15. In Croatia prohibition of discrimination and the principle of gender equality are enshrined in the constitution, which recognises gender equality as one of the highest values of the constitutional order of the country and states that everyone is equal before the law and that no one shall be discriminated against on the basis of their gender. In 2003, Croatia adopted the Gender Equality Act, which sets out the general framework for the protection and promotion of gender equality. The Croatian Anti-Discrimination Act of 2008 further reinforces the country's commitment to the principle of gender equality by including gender among the prohibited grounds for discrimination.

16. The Gender Equality Act also established the Office of the Gender Equality Ombudsperson, whose mandate includes providing advice to people who submit individual complaints of gender-based discrimination and assisting them when instituting legal proceedings, carrying out

11. Information obtained during the evaluation visit.

12. According to the information available at the Prague Process website, nationals of Afghanistan, Syria and Iraq comprise the majority of the refugee status holders who resided in Croatia in 2021. Available at: www.pragueprocess.eu/en/countries/542-croatia.

mediation after obtaining the consent of the parties involved, collecting and analysing statistical data on cases of gender-based discrimination and conducting independent surveys and studies in the area of gender equality. The Office for Gender Equality was also established in 2004 as an expert service mandated to co-ordinate all activities of the government related to gender equality. Other independent institutions, such as the Ombudsperson for Persons with Disabilities and the Ombudsperson for Children, can also examine certain issues related to women's rights as their mandates cover areas that frequently intersect with gender-based discrimination.

17. GREVIO notes that Croatia ranked 19th on the 2022 Gender Equality Index among the European Union member states with a global score of 60.7 points out of 100, which is 7.9 points below the EU average.¹³ While Croatia's score has increased since 2010 by 8.4 points and has gained considerable momentum since 2019 in particular, challenges remain in terms of how to achieve gender equality. For instance, the Eurobarometer survey on gender equality reveals the prevalence of traditional gender norms in Croatian society, with 60% of the survey respondents expressing that the most important role for a woman was to take care of the family, while 55% believed that, for men, it was earning money.¹⁴ Similarly, according to the Eurobarometer survey on gender-based violence, 36% of respondents believed that domestic violence against women is very common and 48% believed that it is fairly common.¹⁵ Information provided by women's rights NGOs corroborates the belief that the prevailing stereotypical view of the role of women and men in society requires increased attention from the authorities.¹⁶

2. Intersectional discrimination

18. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights and the list contained in its Protocol No. 12,¹⁷ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.¹⁸

19. In its 2015 concluding observations on Croatia, the CEDAW Committee identified Roma women, women in rural areas, women with disabilities, internally displaced women, returnee women and older women as being particularly at risk or subject to intersectional discrimination. GREVIO however notes with regret that the National Strategy for Protection against Domestic Violence does not provide specific measures targeting different groups of victims of violence who are or may be exposed to intersectional discrimination on the basis that the measures concerning such groups were included in separate policy documents at the time of adoption, such as the National Plan for Equalisation of Opportunities for Persons with Disabilities (2017-2020), the Social Welfare Strategy for the Elderly (2017-2020) and the National Roma Inclusion Plan (2013-2020).¹⁹ While there may be some elements in recognition of their experiences of gender-based violence, GREVIO notes that none of the above-mentioned strategies specifically address the compound difficulties of these groups of women. It stresses that such a fragmented approach, combined with the lack of an overarching strategic framework covering all forms of violence against women,²⁰ may risk making

13. Gender Equality Index 2022: Croatia, available at: <https://eige.europa.eu/gender-equality-index/2022/country/HR>.

14. European Commission, Special Eurobarometer Report on Gender Equality, 2017.

15. European Commission, Special Eurobarometer Report on Gender-based Violence, 2016.

16. See, for example, the concerns repeated in various sections of the written submission from the NGO Coalition Women's Network Croatia and the joint shadow report co-ordinated by SOS Rijeka.

17. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

18. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

19. National Strategy for Protection against Domestic Violence covering the period 2017-2022, p. 15, available in Croatian at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/MDOMSP%20dokumenti/Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>.

20. Chapter II, Comprehensive and co-ordinated policies.

the challenges of women who are subject to intersectional discrimination invisible and prevent the delivery of holistic services to victims of domestic violence belonging to such groups.²¹

20. GREVIO is further concerned that currently there are no policies in place acknowledging and addressing the specific needs of certain other groups of women who are exposed to intersectional discrimination, including women with addiction issues, women from national or ethnic minorities other than Roma women, migrant and refugee women, LGBTI women and women in prostitution. This is mirrored by a lack of official data on violence against women experienced by these groups of women, which would be needed to support evidence-based policy making. On the other hand, GREVIO welcomes the relative availability of data and research on the specific experiences of gender-based violence by women with disabilities and Roma women owing to the work of, among other organisations, the Ombudsperson for Persons with Disabilities, the Ombudsperson for Children and the Office for Human Rights and Rights of National Minorities.

21. According to information provided by the authorities, the Ministry of Labour, Pension System, Family and Social Policy requested a self-assessment from the providers of accommodation services for victims of domestic violence on the accessibility of their facilities. The results of this exercise indicated that four facilities are fully accessible, nine are partially accessible and 11 facilities are completely inaccessible for victims of domestic violence with disabilities. Out of those 11 facilities, five have either a plan to improve the accessibility of the existing buildings or to move their services to more accessible premises. While GREVIO welcomes this information, available research and the information obtained during the evaluation visit point to certain shortcomings in the implementation of Article 4 of the convention. Reports highlight that the majority of the domestic violence shelters, especially those in rural areas, are still not suited to accommodate women with disabilities or women with long-term health conditions that require continuous medical assistance, pregnant women and women with addiction issues.²² These victims are usually directed to medical facilities or rehabilitation centres, which are not designed to cater for their needs as victims of violence.²³

22. GREVIO also notes with concern the reports that Roma women and girls continue to face marginalisation and stigmatisation, which are not always visible yet frequently expose them to discriminatory and harmful practices.²⁴ The Roma Inclusion Baseline Study commissioned by the Office for Human Rights and the Rights of National Minorities revealed that 12% of the Roma women interviewed experienced some form of domestic violence in their lives, including physical, economic and psychological violence, and in more than 10% of the cases the perpetrator was an intimate partner. Moreover, as many as 8.7% of women experienced sexual violence by their intimate partners.²⁵ In its judgement *J.I. v. Croatia*, which concerns intergenerational domestic violence and sexual violence against a Roma woman, the European Court of Human Rights also recognised the applicant's particular vulnerability as a Roma woman.²⁶ GREVIO welcomes the news that within the scope of the National Roma Inclusion Plan for the period 2021-2027, the Office for Human Rights and the Rights of National Minorities plans to conduct educational activities to increase knowledge about gender-based violence and its consequences in the Roma community, and regards it as a positive step towards preventing gender-based violence against Roma girls and women.

23. GREVIO further welcomes the information provided by the authorities indicating that the new National Plan for Protection against Violence against Women and Domestic Violence, currently under development, will pay special attention to combating violence against particularly vulnerable groups of victims, including women with disabilities or other groups of women exposed to intersectional discrimination.

21. Chapter I, Article 4.

22. See the Shadow Report co-ordinated by SOS Rijeka, p. 60. Information obtained during the evaluation visit corroborates these findings.

23. Information obtained during the evaluation visit.

24. See the Shadow Report co-ordinated by SOS Rijeka, p. 60.

25. Roma Inclusion in Croatian Society: a Baseline Data Study, p. 22.

26. European Court of Human Rights, *J.I. v. Croatia*, 8 September 2022, para. 108, available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-219067%22%7D>.

24. GREVIO encourages the Croatian authorities to:

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including on the basis of association with a national minority, state of health and disability;**
- b. promote research and ensure the collection of data on gender-based violence affecting groups of women who are, or may be, exposed to intersectional discrimination, including women with disabilities, migrant women, women with addiction issues and Roma women, so as to assess the prevalence of the various forms of violence and the access by such groups to support services, protective measures and justice;**
- c. integrate the perspectives and needs of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the specialist associations concerned, and supporting, funding and closely co-operating with women's rights organisations representing them;**
- d. improve the accessibility to protection and support services for victims belonging to the groups of women mentioned in paragraph b above.**

D. State obligations and due diligence (Article 5)

25. Article 5 of the convention enshrines the overarching principle of due diligence: states parties are under the obligation to organise their response to all forms of violence covered by the scope of the convention in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence, as well as to provide protection for victims. It is not an obligation of result, but an obligation of means. Failure to meet this obligation incurs state responsibility for an act otherwise solely attributed to a non-state actor. The realisation of the full potential of the due diligence standard relies on the ability of state institutions to invest in equally strong terms in all the required actions of prevention, investigation, punishment, reparation and protection, starting from the duty to transform patriarchal gender structures and values that perpetuate and entrench violence against women.²⁷

26. The obligation of due diligence is particularly important when an incident of violence or the risk of it is reported to law-enforcement authorities. GREVIO was made aware by women's rights NGOs of several instances where women victims of domestic violence sought help from the law-enforcement authorities, but their complaints were not taken seriously unless they had suffered visible physical injuries.²⁸ Similarly, according to reports from the Ombudsperson for Gender Equality, in almost all cases of femicide the law-enforcement authorities failed to take the necessary precautions despite indications of the risk of femicide (see the section on risk assessment).²⁹

27. In Croatia, victims of violence can bring their complaints about police officers' acts or omissions in the exercise of their powers before the Internal Control Service of the Ministry of Interior. This authority is also competent to carry out investigations based upon letters received from the ombudspersons, requests from the prosecutorial authorities or following publication of allegations in the media. Following its investigation, the Internal Control Service may initiate criminal or disciplinary proceedings in respect of the accused police officers. However, no information has been made available to GREVIO on whether or how many state officials have been investigated for failing in their due diligence obligation or about any disciplinary sanctions for such misconduct. It is therefore impossible for GREVIO to make an assessment of the efficiency of the measures to hold law-enforcement officials accountable for their acts or omissions.

27. "The due diligence standard as a tool for the elimination of violence against women", UN Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2006/61, January 2006.

28. See the Shadow Report co-ordinated by SOS Rijeka, p. 105.

29. Ibid.

28. **GREVIO strongly encourages the Croatian authorities to:**
- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;**
 - b. ensure that different state officials, including police officers, are held accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention;**
 - c. collect data on cases initiated against public officials for failing to uphold their due diligence obligation, including the outcomes of such cases.**

II. Integrated policies and data collection

29. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

30. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

31. In 2017, Croatia adopted the National Strategy for Protection against Domestic Violence for the period 2017-2022, which is the fourth such strategy for protection against domestic violence and includes measures concerning the prevention of domestic violence, support services for victims, psycho-social treatment of perpetrators, training of professionals in the field of domestic violence and measures to increase public awareness about domestic violence. Various state administrative bodies, local and regional authorities and civil society organisations are tasked with implementing the actions provided in the strategy. The implementation of the National Strategy is monitored by the Ministry of Labour, Pension System, Family and Social Policy. GREVIO notes with interest the signature of the Agreement on Cross-Sectoral Collaboration in the Field of Prevention and Combating Violence against Women and Domestic Violence in 2018 by several ministries with the aim of establishing National and County Teams for Preventing and Combating Violence against Women and Domestic Violence. These teams play an active role in the implementation of the National Strategy as well as the Istanbul Convention. More recently, City Teams for Preventing and Combating Violence against Women and Domestic Violence were established, whose work is co-ordinated by the police. Currently there is no information available on the work of these city teams; however, GREVIO was made aware of a number of challenges affecting the efficiency of national and county teams such as insufficient funding, irregular meetings and insufficient representation of all relevant civil society organisations.³⁰ GREVIO further notes that the implementation period of the fourth National Strategy for Protection against Domestic Violence ended on 31 January 2022. While GREVIO was provided with information about ongoing efforts to develop a new national strategy, it noted that an analysis of the work of the county teams is planned in order to improve their efficiency.

32. While welcoming the important steps taken by Croatian authorities to adopt and implement policies to prevent and combat domestic violence, GREVIO is concerned about the absence of comprehensive policies to address equally devastating forms of violence against women such as rape and sexual violence outside intimate relationships, sexual harassment, stalking, female genital mutilation (FGM), forced marriage, or forced sterilisation and abortion. Even though in 2018 the Protocol of Procedure in Cases of Sexual Violence was adopted with the aim of standardising the practices of all relevant bodies and institutions, it falls short of providing a strategic view as it does not contain essential elements such as an analysis of the existing situation, targeted measures to address identified shortcomings and the allocation of resources.

33. **GREVIO urges the Croatian authorities to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women covered by the Istanbul Convention and adopting targeted measures aimed at addressing the specific needs of all groups of victims, in particular women who are or might be exposed to intersectional discrimination, based on a gendered understanding of violence against women.**

30. Information obtained during the evaluation visit.

B. Financial resources (Article 8)

34. GREVIO has had the opportunity to note the importance of gender-based budgeting in making visible the share of national and local budgets dedicated to preventing and combating violence against women.³¹ Despite its explicit recommendation to local governments to adopt gender budgeting to ensure continuity in their efforts to prevent and combat domestic violence, the National Strategy for Protection from Domestic Violence does not contain a provision setting out the modalities for the allocation of resources to fund the measures contained therein. Instead, most of the government actions in the area of violence against women, including domestic violence, are implemented within the general budgetary frameworks of line ministries and their subordinate authorities, including the police, prosecutor's office, courts, health and care services, and schools, which makes it impossible to obtain a complete and detailed overview of the resources allocated specifically to combat violence against women and domestic violence in Croatia.³²

35. The biannual report on the implementation of National Strategy measures found that in the 2019-2020 period, a total of 91 276 955.30 Croatian Kuna (HRK) (approximately €12 121 773) was spent from the budgets of competent authorities at state, county and city levels on actions addressing violence against women.³³ However, this amount corresponds to the funds spent on the implementation of all violence against women measures provided in various strategic documents, the Istanbul Convention and other international agreements as well as the regular activities of the authorities pertaining to violence against women. The report further indicates that at the local government level only a quarter of the funds available for services of victims of violence against women ended up being allocated in practice. GREVIO notes with concern that the quality and availability of various services to victims of violence against women have been affected by the lack of resources, including those provided by social welfare centres³⁴ and women's rights NGOs.

36. GREVIO is aware of the different economic circumstances of states parties to the Istanbul Convention. It nonetheless stresses that with the ratification of the convention, Croatia has committed itself to ensuring the allocation of appropriate financial and human resources for activities carried out both by public authorities and civil society organisations in the area of combating violence against women. In this respect, GREVIO recalls that under Article 8 and 9 of the convention, funding processes for women's rights organisations providing specialist support services to victims should ensure adequate and guaranteed levels of funding for them to efficiently provide these services.³⁵ The level of financial resources granted to NGOs providing specialist services and the existing funding scheme appear to have put a strain on the delivery of essential services to victims of violence against women in Croatia.³⁶ While a significant number of initiatives are financed mainly through EU projects, GREVIO recalls the importance of states parties contributing, through the allocation of appropriate state funds, to the funding of legislative and policy measures in the area of violence against women and the provision of services for victims, in order to discharge their obligation under Article 8 of the Istanbul Convention.

31. See GREVIO's baseline evaluation reports on Andorra, paragraph 36; Denmark, paragraph 28; France, paragraph 48; Italy, paragraph 54; and Turkey, paragraph 53.

32. See the state report, p. 9.

33. Ibid.

34. The new Social Welfare Act, which entered into force on 14 February 2022, has centralised the provision of social welfare in Croatia. According to Article 317 of the Social Welfare Act, the Centres for Social Welfare ceased to operate on 31 December 2022, and became Regional Offices of the Croatian Institute for Social Work as county-level services on 1 January 2023. Their co-ordination was taken over by the Institute for Social Work, operating under the Ministry of Labour, Pension System, Family and Social Policy.

35. GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 39.

36. Chapter IV, Article 23 Shelters.

37. GREVIO encourages the Croatian authorities to:

- a. implement gender-responsive budgeting in order to identify and allocate sufficient funding, monitor public spending and measure the progress achieved in combating violence against women;**
- b. ensure sustainable funding levels for women's NGOs that run specialist support services for women victims of all forms of violence, or who assist them, in all parts of the territory. Such suitable funding opportunities should be guaranteed, for example through long-term grants based on transparent procurement procedures.**

C. Non-governmental organisations and civil society (Article 9)

38. Croatia has a long history of a strong women's rights movement going back to the 1970s. The first helpline and shelter for women victims of violence in Eastern Europe were both established in Zagreb by women's rights groups in 1988 and 1990 respectively, which remain operational. Today, there are numerous NGOs in Croatia which play a vital role in the delivery of specialist support services to victims of violence, advocating and drawing attention to women's rights and contributing to the development of legal and policy frameworks.

39. Article 9 of the Istanbul Convention requires parties to recognise and support the contribution of NGOs active in combating violence against women by tapping into their expertise and involving them as partners in multi-agency co-operation and policy making.³⁷ In this respect, GREVIO welcomes the Croatian authorities' recognition of civil society organisations as equal partners³⁸ and notes with satisfaction that Croatian women's rights NGOs deem their dialogue with the authorities satisfactory, although certain shortcomings are also noted.³⁹ They are very involved in policy making in the area of violence against women as well as in the implementation of such policies. In some cases, policies and legislation have been driven by the initiatives of NGOs, such as in the criminalisation of image-based sexual violence in 2021.⁴⁰ They are also represented on various bodies tasked with contributing to the implementation of policies in the area of domestic violence and improving interagency co-operation, such as the National and County Teams for Preventing and Combating Violence against Women and the Gender Equality Committees, as well as the commissions for gender equality established at the local level. Last but not least, NGOs co-operate with authorities on different initiatives carried out under the four pillars of the Istanbul Convention ("prevention", "protection", "prosecution" and "integrated policies"), including by designing and delivering training programmes for professionals working in the area of violence against women and by developing guidelines in their areas of expertise. In this respect, GREVIO welcomes the willingness of the Croatian authorities to make use of and take on board the knowledge and expertise of civil society organisations.

40. In the area of protection of victims of violence against women, Croatian NGOs play a key role as the main provider of a wide range of specialist services for victims of violence against women and domestic violence, including counselling, helplines, women's shelters and support and legal assistance to victims and witnesses in the course of criminal proceedings.

41. However, GREVIO noted certain shortcomings with regard to NGOs' participation in policy making. Some non-governmental actors reported that they were not involved in the development of two important strategic documents, namely the National Plan for the Promotion of Gender Equality

37. See the Explanatory Report to the Istanbul Convention, paragraph 69.

38. See the State Report, p. 12.

39. Information obtained during the evaluation visit.

40. The legal amendments to the Criminal Code introducing the offence of image-based abuse by sexually explicit footage were enacted largely owing to the initiatives carried out by the NGO B.a.B.e. and other civil society actors, which garnered significant support from the public.

and the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period 2022-2027. Others stated that even though they were invited to participate in the policy-making processes, their involvement remained mostly formalistic: in some cases the working groups established to develop policies did not hold regular meetings whereas in others the input of civil society organisations was not taken into consideration.⁴¹ GREVIO welcomes the information indicating that several NGOs are included in the working group to improve the legislative framework on protection against violence against women and domestic violence, which was established in September 2022. This working group aims to review and propose amendments to a number of legal instruments, including the Criminal Procedure Act, the Criminal Code, the Act on Protection against Domestic Violence, the Ordinance on the Manner of Execution of Precautionary Measures and the Ordinance on Individual Assessment of Victims. GREVIO expresses hope that due account will be given to the knowledge and expertise of these organisations.

42. Numerous NGOs also expressed their concerns about the insufficiency of funds allocated to them for the provision of specialised support services to victims of violence against women, which endangers the sustainability of these services. Schemes to access and/or continue to benefit from available funds further place a strain on the capacities on women's rights NGOs to provide services as they impose requirements which many NGOs find difficult to comply with.⁴² While GREVIO acknowledges the need for states parties to set certain requirements to ensure the quality of support services, GREVIO notes that some of these may pave the way for specialist women's NGOs to be replaced by generalist NGOs with less experience in providing support services on the basis of a gendered understanding of violence against women and a victim-centred approach.⁴³

43. GREVIO encourages the Croatian authorities to valorise, tap into and benefit from the extensive victim-centred expertise of NGOs to ensure that a gender-sensitive and victim-centred approach is integrated into the legislation, policies and practices related to violence against women.

D. Co-ordinating body (Article 10)

44. With the ratification of the Istanbul Convention in 2018, the Ministry of Labour, Pension System, Family and Social Policy was mandated as the body to co-ordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence in accordance with Article 10 of the convention.⁴⁴ The tasks of the ministry also include co-ordinating the implementation of the National Strategy for Protection against Domestic Violence and the work of the National Team for Preventing and Combating Violence against Women and Domestic Violence, which was established in 2018 to increase intersectoral co-operation in the area of preventing and combating violence against women. The national team comprises the representatives of all relevant ministries, including the Ministry of Interior, the Ministry of Foreign and European Affairs, the Ministry of Justice and Administration, the Ministry of Health and the Ministry of Science and Education, as well as the State Attorney's Office, the Supreme Court of Croatia and women's rights NGOs.

45. GREVIO welcomes the establishment of the national team as a demonstration of the Croatian authorities' commitment to increase interagency co-operation and as a good example of involving civil society in policy making and implementation initiatives. However, it notes that neither the Act Ratifying the Istanbul Convention nor the intersectoral agreement establishing the national team include clearly defined co-ordination modalities and set policy objectives for the ministry to execute its mandate under Article 10. Moreover, information available indicates that the ministry's formalised

41. See, for example, the submission from Women's Network Croatia, p. 19. Information obtained during the evaluation visit corroborated the issues listed therein.

42. See the joint shadow report Co-ordinated by SOS Rijeka, p. 60, and the submission from Women's Network Croatia, p. 19.

43. See Chapter IV.

44. Act Ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence, available in Croatian at: https://narodne-novine.nn.hr/clanci/medunarodni/2018_05_3_27.html.

role in policy co-ordination is rather limited to domestic violence and does not address the overall policy framework concerning all forms of violence against women covered by the Istanbul Convention. For example, a number of existing and envisaged strategic documents, including the National Plan for the Promotion of Gender Equality, the National Anti-Discrimination Action Plan and the National Plan for the Elimination of Sexual Violence, contain measures related to violence against women; however, some of these are developed and/or co-ordinated by other authorities and the extent of the Ministry of Labour, Pension System, Family and Social Policy's involvement in their implementation is unclear. GREVIO stresses that this situation may be alleviated by developing comprehensive measures to address all forms of violence against women and equipping the ministry with a clearly defined mandate as its co-ordinating body.

46. GREVIO further notes that despite its formal designation as the co-ordinating body to ensure the implementation of the convention, no information was provided on whether any permanent staff or budget have been allocated to the ministry for this specific task. GREVIO is concerned that instead of creating/mandating one or more separate structures to take on the four tasks of co-ordination, implementation, monitoring and evaluation; these have been simply added to the mandate of the ministry, with no adjustments to its operational structures, staffing or funding. GREVIO thus notes that taking on functions required by the convention may place a strain on the existing capacities of the ministry.

47. GREVIO also considers that the ministry as the co-ordinating body is currently not carrying out all the tasks required under Article 10 of the convention, which include the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the convention, and the co-ordination of the collection of data referred to in Article 11 of the convention. For instance, the ministry is not tasked with co-ordinating data collection by all relevant bodies; it instead collects and publishes data on the work of social welfare centres and on vulnerable groups as a part of its regular mandate.⁴⁵

48. Similarly, while the ministry reports on the implementation of the National Strategy for Protection against Domestic Violence, its monitoring and evaluating functions as the body responsible for the co-ordination of policies and measures to prevent and combat all forms of violence covered by the convention are not clearly defined in any policy document. In this respect, GREVIO wishes to point out that the evaluation function of a co-ordinating structure in the implementation of Article 10 of the convention is to be understood as providing an independent and scientific assessment, based on robust data, of whether measures taken achieve their aim and/or expose any unintended effects. It is important to highlight the value that lies in differentiating implementation from the evaluation of measures taken and attributing these two functions to separate institutions or commissioning external evaluation from independent entities. A set-up in which those who implement measures and bear political responsibility for them are at the same time entrusted with the task of evaluating the efficacy of those measures might not ensure the necessary objectivity in assessing policies, and thus an independent evaluation of policies and measures is needed.

49. GREVIO welcomes the Croatian authorities' recognition of the need to strengthen the role of co-ordinating bodies for the implementation of the convention in their comments on the draft evaluation report, and their ongoing efforts to that end in the context of the forthcoming National Plan for Protection against Violence against Women and Domestic Violence.

50. **GREVIO strongly encourages the Croatian authorities to:**

- a. assign the role of co-ordinating body to one or more fully institutionalised entities, to equip them with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to ensure the sustainability of their work;**

45. Chapter II, Data collection and research.

- b. ensure, on one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies;**
- c. ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making.**

E. Data collection and research (Article 11)

51. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Administrative data collection

52. In Croatia, various bodies are involved in collecting data on violence against women, including law enforcement, the Ministry of Labour, Pension System, Family and Social Policy, the Central Bureau of Statistics and the ombudsman institution (femicide cases). GREVIO welcomes the Croatian authorities' efforts to improve the co-ordinated collection of data; however, it regrets to note that these efforts are mainly focused on domestic violence and do not extend to all forms of violence covered by the Istanbul Convention.

a. Law-enforcement agencies and the justice sector

53. In Croatia, authorities within the criminal justice system, including the law-enforcement, prosecution and judicial authorities, all collect and publish somewhat disaggregated data on all misdemeanours and offences under the Croatian criminal law, including those related to violence against women. The collected data provide an overview of reported cases, prosecution and conviction rates as well as sanctions to a certain extent. According to the information provided by civil society organisations, however, the police data, for example, are broken down by the gender of the perpetrator and the victim (when a criminal act is committed against a close person), but are not disaggregated by the relationship between the perpetrator and the victim, so it is not possible to make a distinction between intergenerational violence (child abuse, for example) and intimate partner violence. Moreover, data categories are not harmonised across data-collection systems used in the police and judiciary. Further, GREVIO regrets that, to date, Croatia has not introduced a case-management system that would allow tracking of individual cases throughout the different stages of the criminal justice chain, from filing a complaint to the police to the judgment of the court. Therefore, it is not possible to conduct a proper analysis of conviction rates, as the convention requires. GREVIO stresses that such an analysis would be of vital importance in order to identify possible shortcomings in the response of the police, prosecution and judiciary to cases of violence against women.

54. GREVIO further notes the reported discrepancies between the data collected by different authorities. For instance, according to the database of the Ministry of Interior, 1 470 and 994 restraining orders were issued under the Act on Protection against Domestic Violence in 2019 and 2020 respectively, whereas the Ministry of Justice and Administration statistics indicate these numbers to be 1 254 in 2019 and 1 162 in 2020.

55. GREVIO notes with interest the recent initiative of the Ministry of Interior entitled "Calendar of violence", which provides information on the number of domestic violence cases that occurred within the last 24 hours under the Act on Protection against Domestic Violence and the criminal offence of domestic violence prescribed by the Criminal Code.

56. Article 20 of the Act on Protection against Domestic Violence further tasks the Ministry of Justice and Administration, Ministry of Labour, Pension System, Family and Social Policy, the Ministry of Interior, the Ministry of Health and the Ministry of Science and Education to collect data on domestic violence in their respective domains, disaggregated by factors including gender, age, victim, relationship between the victim and the perpetrator and whether the victim was a child, a person with disabilities or an elderly person. The ordinance on the method of collecting, processing and submitting statistical data and reports in the area covered by the scope of the Act on Protection against Domestic Violence sets out the types of data to be collected by these bodies as well as the modalities for reporting on the consolidated data to the Ministry of Justice and Administration. The Commission for Monitoring and Improving the Work of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence operating under the Ministry of Justice and Administration consolidates and publishes the data transmitted by all relevant bodies in its annual reports. According to information provided by civil society organisations, the reports of the commission contain data only on the domestic violence misdemeanour as defined by the Act on Protection against Domestic Violence and not the domestic violence offence prescribed by the Criminal Code.

57. Data on femicides is collected and analysed by the observatory for comprehensive monitoring, data collection, analysis and reporting on the killings of women (Femicide Watch) established by the Ombudsperson for Gender Equality. Femicide Watch has so far completed two rounds of research (Femicide Watch 2018 and Femicide Watch 2020) looking at the characteristics of intimate partner killings with the aim of identifying factors that may contribute to preventing such incidents in the future. The research includes risk factors such as the mental and psychological state of the perpetrator, history of violence, recent or intended termination of intimate relationships and the motives of the perpetrator. GREVIO welcomes the information that the Femicide Watch findings will be used in the daily work of the police in assessing the risk of repetition or escalation of domestic violence.

58. The information made available to GREVIO reveals that apart from the aforementioned data-collection efforts on domestic violence, there is little to no systematic collection of data on other forms of violence against women covered by the Istanbul Convention, with the exception of sexual violence and sexual harassment. Similarly, data collection in the civil justice system is largely insufficient as there appear to be no available data on the number of civil law protection orders or on the number of decisions on custody and visitation rights concerning children that have expressly taken into account reports of domestic violence and ensured the safety of all family members.

59. **Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the Croatian authorities to take the necessary measures, including legislative amendments if required, to:**

- a. **ensure that data collected by all relevant stakeholders, including law-enforcement agencies and judicial authorities, are disaggregated on the basis of the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and that information on the presence of child victims is also included. In collecting data on domestic violence cases, it is necessary to include both the criminal and misdemeanour proceedings, as well as to introduce data categories that would allow a differentiation to be made between intergenerational violence and intimate partner violence;**
- b. **harmonise data collection between law-enforcement agencies and the judiciary, with the aim of, *inter alia*, allowing an assessment of conviction and attrition rates, and recidivism rates; enabling a thorough analysis of the pathway of cases through the criminal justice system chain – law enforcement, prosecutors' offices and the courts – and identifying possible gaps in the criminal justice response to cases of violence;**

- c. introduce a data-collection system that allows for the accurate recording of the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the breaches led to the repetition of violence or the death of the victim.**

b. Healthcare sector

60. In line with Article 3 of the Act on Protection against Domestic Violence, data are collected on the number of cases in which the victim of domestic violence is referred for medical treatment for bodily injuries, the costs of medical treatment of victims of domestic violence and the number of cases where victims of domestic violence or the perpetrator were referred for psychiatric treatment. It is unclear however whether or not data on other forms of violence against women are collected within the healthcare system.

61. GREVIO strongly encourages the Croatian authorities to ensure the systematic and comparable collection of data by the healthcare sector on the number of instances that victims have sought assistance from the healthcare authorities as a result of experiencing any of the forms of violence covered by the Istanbul Convention.

c. Social services

62. The Ministry of Labour, Pension System, Family and Social Policy collects statistical data on the number of reports of domestic violence sent to the police by the social welfare centres; the number of domestic violence cases in which social welfare officers participated in police interviews; the action taken by social welfare centres in registered cases of domestic violence; the number of families in which domestic violence was recorded; the number of perpetrators referred to counselling centres outside social welfare centres; the number of appointed special guardians for children in proceedings related to domestic violence; and the capacity of shelters for victims of domestic violence and the number of adults and children accommodated in shelters. Furthermore, data on the number of victims benefiting from the specialist support services run by women's NGOs are collected and transmitted to the ministry, although GREVIO does not possess any information about the scope of the data.

63. While it is not clear whether these figures are publicly available on any platform other than the annual report of the commission established under the Ministry of Justice and Administration, GREVIO notes with satisfaction the above-mentioned efforts of the Croatian authorities to collect relevant data on social welfare interventions and trusts that these efforts serve to identify the extent to which interventions are implemented by social services and whether they lead to the intended results. It notes however that no data on women and girls who contact social services for help with regard to other forms of violence against women appear to be collected.

64. GREVIO strongly encourages the Croatian authorities to ensure the systematic and comparable collection of publicly available data on the number of victims who contact social services and on the interventions provided to the victims for their experiences of all forms of violence covered by the Istanbul Convention.

d. Data on the asylum procedure

65. In the area of asylum, GREVIO notes that while limited data on asylum procedures are collected and made available by the Ministry of Interior, this does not include data on the grounds under which refugee status is granted, disaggregated by sex. It is therefore not possible to determine whether any women have been granted refugee status on the basis of belonging to a specific social group or on the basis of any other ground. In this respect, GREVIO stresses the importance of disaggregated data collection for identifying trends in violence against women in the asylum field.

66. GREVIO encourages the Croatian authorities to introduce a data-collection system that records asylum claims on the basis of gender-related persecution.

2. Population-based surveys

67. Article 11 of the Istanbul Convention requires national surveys at regular intervals to assess the prevalence of all forms of violence against women covered by the convention.

68. GREVIO notes with regret that to date no official surveys have been carried out in Croatia with a view to estimating the prevalence of experiences of women of forms of violence covered by the convention at home, in the workplace and in public life. However, information – albeit not up to date – from surveys carried out by EU entities may be used to shed some light on the experiences of women with gender-based violence in Croatia. For instance, the 2014 European Union Agency for Fundamental Rights survey data results showed that since the age of 15, one in five women in Croatia have experienced physical and/or sexual violence and 31% of women have experienced physical, sexual or psychological violence.⁴⁶ Results from the 2016 Eurobarometer Report on Gender-based Violence indicate that 36% of respondents in Croatia believe that domestic violence against women is very common and 48% believe that it is fairly common.⁴⁷

69. GREVIO welcomes the fact that the Croatian authorities have decided to carry out the very first prevalence survey on gender-based violence. While this survey will cover physical, psychological and sexual violence, GREVIO notes with concern that no ongoing initiatives aim to assess the prevalence of other forms of violence against women, such as female genital mutilation, forced marriage, violence committed in the name of “honour”, forced abortion and forced sterilisation, nor the digital dimension of violence against women. Since there are few to no policies, measures or services available for women victims of these forms of violence, future population-based surveys should include these forms of violence, so that the results can be used for evidence-based policy making for victims. Moreover, attention should be paid in future surveys to the prevalence of violence against women who are subject to or at risk of intersectional discrimination, such as women with disabilities, Roma women and women belonging to other ethnic groups and LGBTI women.

70. GREVIO encourages the Croatian authorities to regularly conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention.

3. Research

71. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.⁴⁸

72. GREVIO notes with regret that state-funded research initiatives tackling violence against women in Croatia remain scarce and mainly limited to domestic violence. Three studies in this respect were prepared by the Ministry of Interior in order to determine the risk factors for committing serious forms of domestic violence. These studies include the 2013 research entitled “Causes of Serious Forms of Domestic Violence” and the two rounds of Femicide Watch reports prepared in 2018 and 2020. The most recent Femicide Watch report analysed 77 femicides committed in the period 2016-2020 and identified previous violent behaviour, the influence of narcotic substances and psycho-social disorders suffered by the perpetrator as factors increasing the risk of death in cases

46. European Union Agency for Fundamental Rights (2014), Violence against women: an EU-wide survey — Main results, Publications Office of the European Union, Luxembourg.

47. European Commission, Special Eurobarometer Report on Gender-based Violence, 2016.

48. Explanatory Report to the Istanbul Convention, paragraph 77.

of domestic violence. Among the risk factors, jealousy and termination of the intimate relationship by the women were found to be the most commonly invoked. GREVIO welcomes the information provided by the authorities that the findings of these studies will inform the actions of police officers when assessing the risk of repeated or escalated domestic violence, but no information was made available on concrete measures taken to this end. GREVIO further notes that these studies are not publicly available. The analysis conducted by the Ombudsperson for Gender Equality showed that in the period 2016-2021, 92 women were murdered in Croatia, which represented 45% of all murders with the number of femicides progressively increasing throughout the reporting period.⁴⁹ Of those, 52 women were murdered by a “close person”.⁵⁰ An in-depth analysis of these cases revealed that in many of them state institutions failed to use the available legislative measures to protect the women from intimate partner violence.⁵¹

73. As the co-ordinating body for the National Roma Inclusion Plan, and at the end of the plan’s implementation period, the Office for Human Rights and the Rights of National Minorities prepares a study to evaluate the implementation of the measures contained in this document that, to a certain extent, examine Roma women’s experiences of discrimination and violence.

74. Despite these initiatives, GREVIO recalls that little to no attention has been devoted to forms of violence other than domestic violence, such as sexual violence, stalking, female genital mutilation and forced marriage. Similarly, no significant research efforts were made to address the root causes and consequences of gender-based violence in Croatia. While the exposure of Roma women to gender-based violence has been somewhat addressed through the work of the Office for Human Rights and Rights of National Minorities, GREVIO notes the absence of research on other specific groups of victims such as women with disabilities, LGBTI women, elderly women, migrant women and other groups of women who risk being exposed to intersectional discrimination. Last, it is unclear to what extent research conducted so far has been used for the purpose of evidence-based policy making.

75. GREVIO encourages the Croatian authorities to examine, through research, all forms of violence against women, including sexual violence, stalking, sexual harassment, female genital mutilation and forced marriage, as well as women’s experiences with support services, and violence affecting vulnerable groups of women, including, but not limited to, women and girls with disabilities, LGBTI women, elderly women and migrant women.

49. The number of women victims was seven in 2019, nine in 2020 and 11 in 2021.

50. Ombudsperson for Gender Equality annual report (2021), available at www.sabor.hr/sites/default/files/uploads/sabor/2022-04-01/153402/IZVJ_PRAVOBRANITELJICA_RAVNOPR_SPOLOVA_2021.pdf.

51. See the joint shadow report submitted by the NGO Coalition Women’s Network Croatia, page 5.

III. Prevention

76. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings and measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

77. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

78. GREVIO notes that in Croatia the efforts seeking to address, in a comprehensive manner, the root causes of the different forms of violence against women covered by the Istanbul Convention remain limited. As highlighted in the preamble to the convention and throughout its operational provisions, violence against women in its different manifestations – whether perpetrated through physical means, psychologically, via the internet or technology, with or without a sexual component – is structural in nature and based on the historically unequal power relations between women and men which have led to the discrimination against women by men, in public and in private life, and has led to the prevention of the full advancement of women. One of the elements in the prevention of violence against women, including intimate partner violence, is thus the realisation of women's equality with men, in law and in practice. Addressing the root causes of violence against women requires a reflection around women's roles in society and in the family, perceptions of their agency and the existence of negative stereotypes, including possible institutional bias, in order to identify pathways towards greater equality with men. The drafters of the Istanbul Convention were mindful of the need for mentalities and attitudes to change at the level of individual men and women, who through their behaviour, perpetuate violence against women. A positive contribution to achieving such change can be made by men and boys acting as role models, agents of change and advocates for equality between women and men and mutual respect. This can be done by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities, and should be explored according to the drafters of the convention.

79. According to the Gender Equality Ombudsperson's 2020 report, gender stereotypes are still prevalent in Croatian society, as evidenced by the media's projection of victim-blaming biases on cases of violence against women, including femicide. An earlier study commissioned by the European Parliament's Committee on Women's Rights and Gender Equality (FEMM) confirms the scale of the problem by providing an overview of stereotyped and sexist attitudes prevailing in various sectors such as the media, sports, education and culture. While GREVIO acknowledges that certain initiatives have been taken by the Croatian authorities to raise awareness of gender stereotypes, in the absence of a gender equality strategy or programme, they are doomed to remain one-off activities rather than systematic efforts aimed at addressing the long-standing root causes of violence against women, including intimate partner violence.

80. As GREVIO has had occasion to note before, the above-mentioned attitudes towards domestic violence and other forms of violence against women result from, among other things, the

limitations that a gender-neutral approach to domestic violence bears. GREVIO thus points to the urgent need to raise awareness, in a comprehensive manner, of the structural nature of all forms of violence against women and place such efforts in the pursuit of the greater aim of achieving gender equality by increasing women's agency and reducing their exposure to violence.

81. GREVIO urges the Croatian authorities to take measures to prevent all forms of violence against women covered by the scope of the Istanbul Convention, in particular by promoting changes in the mentalities and attitudes of the general population that contribute to justifying and perpetuating violence against women, by addressing structural inequalities between women and men as the root causes of such violence.

B. Awareness raising (Article 13)

82. In Croatia, a number of awareness-raising initiatives have been carried out on domestic violence since the ratification of the Istanbul Convention. These campaigns were implemented by several state bodies, such as the Ministry of Labour, Pension System, Family and Social Policy and the Croatian Police, sometimes in co-operation with NGOs and with support from foreign donors. Some of these initiatives have aimed to encourage victims and witnesses of violence to report and seek help, including the project "Stop Violence against Women and Domestic Violence: No Justification for Violence", which involved a nationwide media campaign to raise awareness of the importance and means of reporting domestic violence by victims and witnesses and the available services for its victims, including the national helpline. Another noteworthy initiative is the Lily project, which has been continuously implemented by the Ministry of Interior since 2019. Various activities have been carried out within the framework of this project since its launch, which include initiatives aiming to change the attitudes of boys and men to domestic violence. While GREVIO welcomes the efforts that involve men and boys as a way to help combat domestic violence, it notes with concern the reports indicating that some of the material produced within the scope of the Lily project still portray women and men in traditional gender roles.⁵²

83. GREVIO also notes with interest the awareness-raising activities of the Croatian authorities targeting young people, in particular girls from the Roma population, and addressing issues such as domestic violence and peer violence, with a view to promoting a culture of non-violence and tolerance. Similarly, during the Covid-19 pandemic the Ministry of Interior launched the "Behind the Door" campaign to raise awareness of domestic violence against children during lockdown measures and to encourage witnesses to report it. While the success of this campaign has been praised by civil society, GREVIO regrets that its scope did not extend to women victims of domestic violence, despite the 40% increase in reported cases of intimate partner violence in Croatia during the pandemic lockdown measures.⁵³

84. GREVIO appreciates the efforts made by the authorities in Croatia to raise awareness of domestic violence but notes with concern that other forms of violence, such as sexual, psychological and economic violence, stalking, sexual harassment, forced marriage and the digital manifestations of violence against women, remain insufficiently addressed. Thus, it points to the need to extend the scope of awareness-raising campaigns to address all forms of violence against women covered by the convention, especially those that remain under-reported.

52. See the joint shadow report co-ordinated by SOS Rijeka, p. 31. A video produced within the scope of the Lily Project and criticised by Croatian civil society is also available at: www.youtube.com/watch?v=YeljVbisJs0.

53. Public Statement of the Ombudsperson for Gender Equality on the increase of violence on the occasion of the International Day for the Elimination of Violence against Women, 2020, available at: www.prs.hr/cms/post/223. The statement includes a comparison of data from the Ministry of Interior from the first six months of 2019 and 2020, which indicate an increase in criminal acts of domestic violence by over 40%. Data further show that in the second quarter of 2020, i.e., after pandemic measures were put into place, there was an increase in reported cases of domestic violence compared to the first quarter. Specifically, the number of perpetrators of domestic violence offences increased by 43% and the number of victims by 44%, while the number of victims of criminal acts of domestic violence in the second quarter was 12% higher than in the first.

85. This is also relevant in relation to the choice of target groups. While GREVIO notes that some efforts address the Roma population, none of the campaigns seem to address the needs and concerns of women who are or may be at risk of intersectional forms of discrimination, including but not limited to elderly women, women with disabilities and LGBTI women.

86. Moreover, in light of information that the campaigns are often short term and lack sustained resources,⁵⁴ GREVIO recalls that one of the requirements of Article 13 of the convention is that awareness-raising campaigns and programmes are conducted on a regular basis so as to reach as many people as possible.

87. GREVIO encourages the Croatian authorities to further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention and by relying on the expertise and experience of specialist women's NGOs to implement activities. Special attention should be paid to reaching vulnerable groups of victims, especially when they are at risk of intersectional discrimination.

C. Education (Article 14)

88. Attitudes, convictions and behavioural patterns are shaped very early in life and educational establishments have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity.

89. In 2013, the Curriculum of Health Education for primary and secondary schools was introduced in Croatia, which includes modules on the prevention of violent behaviour, sexual and gender equality and responsible sexual behaviour. According to the information provided in the National Strategy for Protection against Domestic Violence, these modules cover topics related to the prevention of violence, including domestic violence. Similarly, starting from 2019, an interdisciplinary course on civic education was included in the primary and secondary-school curriculums, with a view to enabling students to learn about human rights, democratic values, morals and ethics. GREVIO notes that the preventive measures in the National Strategy foresee the implementation of 19 hours and eight hours of educational activities on prevention of violence for pupils in primary and secondary schools, respectively. The content of these activities, however, appears to focus mainly on peer violence and not violence against women and domestic violence.⁵⁵ Criticising the existing measures in place at the time for being fragmented, incomprehensible and insufficient, the National Strategy stresses the need to increase efforts to educate all stakeholders in the school system to effectively combat domestic violence.⁵⁶ Similarly, the Ordinance on Schoolbook Standards and on Members of Professional Commissions for the Assessment of Schoolbooks and other Educational Materials, adopted by the Ministry of Science and Education in 2019, states the obligation to promote gender equality in schoolbooks by representing both genders and using both gender pronouns equally in educational material.⁵⁷ Furthermore, the Action Plan for the Prevention of Violence in Schools 2019-2024 states that prevention efforts in schools must

54. See the joint shadow report co-ordinated by SOS Rijeka, p. 32.

55. National Strategy, p. 16.

56. *Ibid.*, p. 17.

57. Article 5 of the ordinance states that textbooks shall promote "gender equality, in an appropriate manner, using illustrations of characters of both sexes in an equal proportion and using nouns of both genders, especially in naming titles and occupations, without disrupting the level of communication and the naturalness of the Croatian language", available in Croatian at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_01_9_196.html.

include gender-based violence and violence in youth relationships. It further highlights the importance of training teacher candidates on gender-based violence.⁵⁸

90. Despite these requirements, GREVIO obtained very little information on the actual content of the various modules included in the health and civic education curriculums as to non-stereotyped gender roles, equality between men and women and its relation to violence against women. The information provided by civil society indicates that gender equality and gender-based violence are inadequately addressed in the education system and the findings of various international organisations corroborate these concerns. For instance, the 2020 Report of the Working Group on the Universal Periodic Review highlight the need for the Croatian authorities to adopt age-appropriate curriculums on comprehensive sex education, including information on the problems of violence.⁵⁹ While GREVIO does not have sufficient information on the content of the school curriculums at primary and secondary levels of education in the whole country, an analysis of secondary-school curriculums in Zagreb shows that, in 2021, 16 out of 59 high schools included in the analysis had topics related to gender-based violence in their curriculums, whereas gender equality was covered in only five schools.⁶⁰

91. The importance of comprehensive sexuality education for girls and boys, including the teaching of notions such as consent and personal boundaries, has been expressed by different intergovernmental organisations and bodies,⁶¹ and Council of Europe Recommendation CM/Rec(2019)1 to member States on preventing and combating sexism calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education to be incorporated into school curriculums.⁶² As for sexuality education, GREVIO was informed about the lack of systematic programmes in schools. Instead, one-off efforts appear to be carried out on the initiative of individual principals, teachers and NGOs that co-operate with schools in such activities.⁶³

92. GREVIO further notes that Croatia has entered into a number of special contracts with the Holy See, according to which all public elementary and high schools must have Catholic religious education and the educational system must take into account the values of Christian ethics. In this respect, GREVIO recalls that in its concluding observations on the combined fourth and fifth periodic reports on Croatia, the CEDAW Committee urged Croatia to “take measures, including legislation, to put in place adequate safeguards to prevent sociocultural attitudes, including those of a religious origin, from constituting hindrances to the full realization of women’s rights”.⁶⁴

93. GREVIO encourages the Croatian authorities to take measures to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, adapted to the evolving capacity of learners, and to ensure information on

58. Action plan for the prevention of violence in schools, p. 19, available in Croatian at: <https://mzo.gov.hr/UserDocImages/dokumenti/StrucnaTijela/Akcijски%20plan%20za%20prevenciju%20nasilja%20u%20skolama%20za%20razdoblje%20od%202020.%20do%202024.%20godine.pdf>

59. Report of the Working Group on the Universal Periodic Review: Croatia, Third Cycle, paragraph 137.130, 2020, available at: www.ohchr.org/en/hr-bodies/upr/hr-index.

60. Nataša Bijelić, “Provedba preventivnih programa i aktivnosti vezanih uz rodno uvjetovano nasilje, rodnu ravnopravnost i seksualno i reproduktivno zdravlje u srednjim školama na području Grada Zagreba” (Implementation of preventive programmes and activities related to gender-based violence, gender equality and sexual and reproductive health in secondary schools in the City of Zagreb), 2021, available at: www.cesi.hr/provedba-preventivnih-programa-i-aktivnosti-vezanih-uz-rodno-uvjetovano-nasilje-rodnu-ravnopravnost-i-seksualno-i-reproduktivno-zdravlje-u-srednjim-skolama-na-podrucju-grada-zagreba-sk-god-2020-21-i/.

61. “Comprehensive sexuality education” is defined notably by UNESCO’s “International technical guidance on sexuality education. An evidence-informed approach” (2018) and the World Health Organization’s Standards for Sexuality Education in Europe (2010). See also Resolution of the United Nations Human Rights Council, Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls, adopted on 12 July 2017, A/HRC/ RES/35/10.

62. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, section II.G.6.

63. Joint shadow report co-ordinated by SOS Rijeka, p. 36.

64. Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Croatia, CEDAW/C/HRV/CO/4-5, 28 July 2015.

the different forms of gender-based violence against women, in formal curriculums and at all levels of education. Bearing in mind Recommendation CM/Rec(2019)1 on preventing and combating sexism, GREVIO encourages the Croatian authorities to review teaching curriculums and materials with a view to removing negative stereotypes of women and girls and fostering equality. Measures taken to this effect should promote a gendered understanding of violence against women, based on the principles of the Istanbul Convention, and should ensure co-operation with NGOs with recognised expertise in gender equality, non-discrimination, sexual health and national and ethnic minority issues.

D. Training of professionals (Article 15)

94. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

95. In the social welfare sector, GREVIO was not made aware of any systematic efforts to equip social workers with the knowledge and skills on the specificities of violence against women cases in a gendered manner via mandatory initial and in-service training. Instead, GREVIO notes a number of project-based initiatives have been carried out to train social workers on working with victims of domestic violence. According to the information provided by the authorities, since 2021 and under three different projects, approximately 800 experts, including officials from social welfare centres, law enforcement, the judiciary, healthcare and educational institutions, and representatives of NGOs, were trained on a voluntary basis on dealing with cases of domestic violence. Women's rights NGOs shared with GREVIO their concerns on the content of such training, which indicate the presence of victim-blaming attitudes among the workers at social welfare centres. Another worrying example in this respect is the inclusion of what is known as "parental alienation syndrome" in training provided to social workers. While GREVIO was assured by the Croatian social welfare authorities that this concept is not made use of in cases involving domestic violence, it stresses the high risk of such notions contributing to violence against women and their children remaining undetected and/or contested since they ignore the gender-based nature of domestic violence and essential aspects of child welfare.

96. As for the healthcare sector, the information available to GREVIO does not indicate that medical professionals are provided with systematic and mandatory initial or in-service training to detect and respond to suspected cases of violence against women. GREVIO welcomes the introduction in 2020 by the Ministry of Health of voluntary cross-sectoral, interdisciplinary training for appointed expert teams at the Clinical Hospital Centres on the treatment of children victims of sexual abuse; however, none of the training content appears to have addressed sexual violence against women.

97. In a similar vein, no specific initial or in-service training containing a module on violence against women exists for judges and prosecutors, nor for other professionals in the justice system, which GREVIO notes with particular concern. Currently, their substantive professional training is mainly obtained at university, which does not appear to provide a unified and comprehensive coverage of violence against women and may not respond to the specific needs of different groups of legal practitioners. As regards in-service training, GREVIO notes that a number of voluntary workshops are conducted by the Judicial Academy on domestic violence for criminal judges and advisers at municipal, county and misdemeanour courts, advisers at the attorney general's office at the municipal and county level, probation officers and victim and witness support officers. The participation rate of judicial professionals in these workshops are worryingly low. Some one-off training initiatives for judges, state attorneys and deputy state attorneys were carried out by the Ombudsperson for Gender Equality, certain women's rights NGOs and the Office for Human Rights and the Rights of National Minorities on gender-based violence, although the exact scope of this training is unclear. GREVIO notes with interest that the recently adopted National Plan for the

Promotion of Gender Equality aims to increase the specialisation of the prosecution authorities and members of the judiciary working on domestic violence cases, through the amendment of relevant licensing regulations. The national plan foresees the implementation of this measure by the third quarter of 2023, which GREVIO regards as a positive step towards improving the criminal justice responses in cases of domestic violence.

98. In Croatia, law-enforcement officials are trained at the Police School at the secondary level and the Police College at the university level, which together form the Police Academy of Croatia. The curriculum of the Croatian Police College includes a four-hour module on violence against women and rape and family violence. In 2020, a new course was also introduced in the training programme for policy officers on the criminal research methodology of domestic violence, which places an emphasis on identifying and prosecuting the primary aggressor and ensuring the safety of the victims. While GREVIO has not been told whether these courses are mandatory or elective, it notes that during the 2020-2021 academic year 193 students benefited from them. The curriculum of the programme also includes various modules on the protection of child victims of violence as well as the rights of victims in misdemeanour and criminal cases, but it is unclear to what extent violence against women is included within their scope. The Police Academy also conducts a number of voluntary in-service training modules for practising police officers each year on handling domestic violence cases. Two such courses are the Course on Managing the Procedure of the Police in Cases of Domestic Violence and the Workshop for Police Officers and Judicial Officials on the Provisions of Domestic and European Legislation Aimed at Combating and Preventing Domestic Violence, which are carried out annually. In 2021, 137 and 23 police officers benefited from these two training courses, respectively.

99. In light of the above, GREVIO notes that some efforts are being made to enable certain groups of professionals, such as law-enforcement officers, to benefit from training opportunities on domestic violence. However, these efforts do not include key professionals such as legal professionals, social workers and healthcare professionals. Moreover, little to no effort seems to be made to ensure systematic initial and in-service training on other forms of violence covered by the Istanbul Convention, including sexual violence, nor on equality between women and men. Last, no particular training seems to exist to enable professionals to respond to women victims exposed to intersectional discrimination, such as Roma women, women with disabilities or migrant and asylum-seeking women, and the need to act in co-operation with other professional groups on the basis of agreed protocols. The necessity for the Croatian authorities to step up their efforts to train all relevant professionals in the area of violence against women has also been remarked upon by the Universal Periodic Review, which recommended Croatian authorities to provide training on human rights and on combating discrimination and violence, including based on sexual orientation and gender identity, to health personnel, members of the judiciary, police forces and prison officers.

100. According to the information provided by women's rights NGOs, a general problem in the training of professionals involved in combating violence against women appears to be the insufficient integration of the victim's perspective into the training initiatives. This may partly stem from the fact that these training initiatives are often provided by peers with a similar professional background without the involvement of women's rights NGOs and NGOs providing specialist services to victims of violence against women. This practice results in fostering a family conflict-based approach to domestic violence among professionals, rather than a gender-sensitive approach. As an illustration of this, GREVIO was made aware of reports indicating that members of the judiciary in domestic violence cases see domestic violence as a gender-neutral issue rather than a form of violence against women.

101. GREVIO urges the Croatian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, for all professional groups, in particular the healthcare sector, social workers and legal professionals such as those in prosecution services and the judiciary. Such training should be based on the principles of non-discrimination and equality between women and men, and devised in close co-operation all relevant stakeholders,

including independent women's NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

102. Within the criminal justice system, mandatory perpetrator programmes can be imposed by judges as a protective measure in misdemeanour proceedings under Article 15 of the Act on Protection against Domestic Violence and as a security measure in criminal proceedings under Article 70 of the Criminal Code. GREVIO notes that in misdemeanour proceedings the courts can exercise discretion in requiring the perpetrator to undergo mandatory psycho-social treatment; however, under the Criminal Code the courts are obliged to impose this measure where the perpetrator is at risk of repeating the violent act or committing a similar offence. The Ordinance on the Implementation of Psycho-social Programmes adopted in 2018 further defines the modalities for their implementation as well as the competent bodies for providing them. Accordingly, these programmes are delivered in prisons or health institutions by psychologists, social pedagogues and social workers who have received the associated training. In the prison system, they are available in penal institutions in Glina, Lepoglava, Požega and Turopolje, in prisons in Bjelovar, Pula, Rijeka, Split, Šibenik, Varaždin, Zadar and Zagreb and in correctional institutions in Požega and Turopolje, and aim to change attitudes and beliefs that permeate violent behaviour.

103. According to the information made available to GREVIO, perpetrator programmes, as protective or security measures, are imposed alongside a fine, community service, imprisonment or suspended imprisonment. As for the nature of participation in these programmes, GREVIO notes the conflicting information provided by the authorities. While both Article 15 of the Act on Protection against Domestic Violence and Article 70 of the Criminal Code refer to the mandatory nature of this measure, the Croatian authorities have informed GREVIO that there are no sanctions for non-participation in the programme in prisons, but it plays a role in the perpetrator's ability to benefit from conditional release.⁶⁵

104. As for voluntary participation in perpetrator programmes outside the criminal justice system, GREVIO was informed that while self-referral is possible, the majority of the perpetrators contact the authorised providers upon the referral of social welfare centres.⁶⁶ While data are available for the number of participants undergoing mandatory treatment programmes, GREVIO notes that there are no consolidated statistics on the number of perpetrators who arrive at treatment centres as a result of self-referral or referral by social welfare centres.

105. The programmes are carried out as four individual sessions of cognitive behavioural therapy followed by 16 group sessions.⁶⁷ An important issue GREVIO observed during its evaluation of Croatia is that due to the gender-neutral nature of the relevant laws and policies, a worryingly high number of female perpetrators are ordered by courts to attend psychical treatment programmes originally developed for male perpetrators of domestic violence. While GREVIO is not in possession of data on the participants in psycho-social treatment programmes in the whole country, one treatment institution, namely Duga Zagreb, run by the City Administration of Zagreb, informed GREVIO that on average 25% of the participants are women. Approximately half of these participants are registered in the programme for violence against children, the other half are in treatment for intimate partner violence.⁶⁸ GREVIO was informed that in some cases women victims of gender-based violence were ordered to undergo psycho-social treatment as a perpetrator of

65. See the state report, p. 26.

66. Information obtained during the evaluation visit.

67. Information obtained during the evaluation visit.

68. Information obtained during the evaluation visit.

intimate partner violence, sometimes together with their abuser, while also receiving psychological counselling for being a victim as a result of a dual arrest,⁶⁹ which is in contradiction with the requirements of Article 16 of the Istanbul Convention.

106. GREVIO also notes with concern the information indicating the lack of sufficient funds allocated for the implementation of perpetrator programmes in Croatia. According to the information provided by civil society, the Ministry of Justice and Administration finances only about 30% of the funds needed for the sustainable implementation of psycho-social treatment programmes. As a result, this measure can only be made use of in the cities that provide additional funding to the service providers. According to the reports, out of 145 licensed professionals, fewer than 30 are still active in Croatia. Due to the lack of providers of perpetrator programmes, in the past five years courts have been prescribing treatment programmes less and less.⁷⁰ GREVIO however welcomes the information indicating that the Croatian authorities have taken some steps to increase both the number of licensed professionals to provide psycho-social treatment to perpetrators and the financial resources allocated to the provision of such services.

107. GREVIO further notes that no systematic impact assessment of the perpetrator programmes has been carried out. As provided in the guidelines for experts conducting psycho-social treatment of perpetrators, the safety of the victim and her family members must be safeguarded throughout the programme. The guidelines further set out the duty to refer victims to civil society organisations and institutions which offer victims support services.⁷¹ However, according to indications provided by women's NGOs, these requirements have not been fully met.⁷² Reports also indicate that these programmes are carried out in "isolation", rather than as a part of multi-agency co-ordinated response.⁷³ The success of these programmes are usually monitored on the basis of follow-up contact with the victim during the treatment and six months after their completion. GREVIO notes with regret that the databases of the treatment centres are not linked with those of the courts, which makes it impossible to evaluate the outcome of the programme if the victim decides not to reach out to the providers or is unable to do so.⁷⁴ In this respect, GREVIO stresses the importance of producing statistics on recidivism.

108. **GREVIO encourages the Croatian authorities to:**

- a. ensure that all programmes for the social and judicial follow-up of perpetrators of domestic violence and sexual violence incorporate a standardised gendered approach and the deconstruction of sexist stereotypes;**
- b. ensure the external evaluation of existing perpetrator programmes in light of international best practices and principles, including analysis of reliable information on reoffending, in order to assess whether the programmes serve the intended preventive aims;**
- c. ensure that the programmes form part of a multi-agency approach involving all relevant institutions, in particular women's specialist support services for victims of violence against women.**

69. Information obtained during the evaluation visit.

70. See the joint shadow report co-ordinated by SOS Rijeka, p. 41.

71. Expert commission for the implementation, monitoring and supervision of the implementation of protective measures of mandatory psychosocial treatment (2019) *Standards of procedure for implementing the protection measure of mandatory psychosocial treatment*.

72. Women's NGOs informed GREVIO that referral of victims to women's support services is rarely done. As an example, during 15 years of the implementation of perpetrator programmes in Croatia, not a single woman (whose partner was involved in the perpetrator programme) was referred to a Women's Counselling Centre (see the joint shadow report by the NGO Coalition Women's Network Croatia, pages 30-31).

73. *Ibid.*, page 30.

74. According to the information obtained during the evaluation visit, 90% of the victims remain in contact with the treatment centres to provide feedback on the outcome of the programme; however, in the remaining 10% of the cases there are no possibilities to assess the efficiency of the treatment.

2. Programmes for sex offenders

109. In Croatia a voluntary programme of psycho-social treatment for perpetrators of sexual offences is implemented in the Croatian prison system. The programme, entitled PRIKIP (Croatian abbreviation for “Recidivism Prevention and Control of Impulsive Behaviour”), consists of group sessions based primarily on cognitive behavioural therapy. Convicted perpetrators of sex offences serving a prison sentence longer than six months may be referred to the PRIKIP programme by a decision of the expert teams in prisons or penal institutions, but the participation of the perpetrator is strictly on a voluntary basis.

F. Participation of the private sector and the media (Article 17)

110. In terms of the media, the Gender Equality Act prohibits the public presentation of women or men in an offensive, degrading or humiliating manner with regard to their sex or sexual orientation. The general principles of the Media Act prescribe that the media are obliged to respect the privacy, dignity, reputation and honour of citizens, regardless of gender and sexual orientation, and they prohibit the broadcasting of content that, among other things, promotes or advocates gender inequality or other inequalities, or inequality on the basis of sexual orientation. The Electronic Media Act prohibits discrimination and dissemination of gender-based hate in programme content, as well as gender discrimination through television advertising and telemarketing. Moreover, gender equality is one of the criteria for the assessment of the level of financial support that the Council for Electronic Media awards to television and/or radio broadcasters at the local and regional level.⁷⁵

111. GREVIO commends the preparation of the revised Manual with Guidelines for Media Reporting on Domestic Violence in 2018 by the Ministry of Labour, Pension System, Family and Social Policy, as well as the “Media Ethics Code: A Manual for Professional and Sensitive Reporting on Violence Against Women and Femicide”, prepared in 2019 by the Ombudsperson for Gender Equality. The ethics code was signed by 12 local and national media outlets.⁷⁶ In 2018, the Electronic Media Agency of Croatia, the independent audiovisual media regulatory body, published its Analysis of Media Treatment of Gender-based Violence in Croatia on Three National Television Channels. GREVIO notes with satisfaction that the results of the analysis indicated that the broadcast content of the most prominent three channels did not portray violence against women cases as isolated incidents but as a widespread social problem.

112. Furthermore, different bodies, including the Ombudsperson for Gender Equality, the Croatian Journalists’ Association and the Electronic Media Agency, regularly conduct workshops and round-table events for journalists and audiovisual media with a view to raising awareness of gender equality in the media. GREVIO welcomes the recently adopted National Plan for the Suppression of Sexual Violence and Sexual Harassment, which foresees a number of awareness-raising activities on gender-based sexual violence involving the participation of the media and private-sector employers and which are to be implemented in the period 2022-2027.

113. Members of the public can complain about a radio or television broadcast or electronic publication to the Electronic Media Agency. Similarly, the Ombudsperson for Gender Equality can receive complaints about media organisations’ activities undermining gender equality principles. The ombudsperson then may decide to send a warning, proposal and/or recommendation to the media organ in question. The journalistic self-regulatory body, the Journalists’ Ethics Council of the Croatian Journalists’ Association, can also impose certain sanctions if it identifies a breach of the Honour Codex of Croatian Journalists, even though GREVIO notes that the Honour Codex does not contain any provisions on the reporting of violence against women.

75. European Parliament Directorate General for Internal Policies Policy department, 2017, study entitled “Gender Equality Policies in Croatia – Update”, pages 33-36, available at: [www.europarl.europa.eu/RegData/etudes/STUD/2017/596803/IPOL_STU\(2017\)596803_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596803/IPOL_STU(2017)596803_EN.pdf).

76. See the news article available at www.total-croatia-news.com/politics/34571-violence-against-women.

114. Despite these positive practices, sensationalist reporting, including the sharing of intimate details, on incidents of violence against women and children seems to persist in the Croatian media, even among the media organs that signed the ethics code on professional and sensitive reporting on violence against women and femicide. According to the Gender Equality Ombudsperson's 2020 report, the problematic practices include the use of sensationalist terms to define the perpetrator (such as "monster") or the act of violence itself, justifying the acts of the perpetrator as responding to provocations of the victim or blaming the victim's actions or attitudes for the violence.⁷⁷

115. GREVIO further identified a need for the Croatian authorities to encourage the private sector to combat violence against women. According to a 2021 study on sexual harassment in the workplace, 53% of the responding companies did not have sexual harassment policies in place, 54% did not have a mechanism in place to protect the dignity of the employees and 75% of the respondent companies did not provide education on sexual harassment at work.⁷⁸

116. GREVIO encourages the Croatian authorities to continue to engage with the media as a key partner for raising awareness of violence against women and to encourage the media, including social media, to monitor compliance with self-regulatory standards specifically in the area of violence against women and gender equality, having due regard to relevant existing international standards.⁷⁹

117. GREVIO invites the Croatian authorities to seek the involvement of employers in the prevention of violence against women, including sexual harassment in the workplace. To this end, employers should be encouraged to take part in the implementation of policies, such as awareness-raising campaigns, and to foster a work environment where violence against women is not tolerated and victims can be heard and supported.

77. Gender Equality Ombudsperson's Report: Pravobraniteljica za ravnopravnost spolova, Izvješće o radu za 2020. godinu, p. 136, available in Croatian at: www.sabor.hr/izvjesce-o-radu-pravobraniteljice-za-ravnopravnost-spolova-za-2020-godinu-podnositeljica?t=124468&tid=209429.

78. Dunja Bonacci Skenderović, "Na poslu želim da me se doživljava profesionalno!", 2021, available in Croatian at <http://www.cesi.hr/na-poslu-zelim-da-me-se-doživljava-profesionalno/>.

79. Cf., *inter alia*, the following Council of Europe instruments: Recommendation No. R(84)17 of the Committee of Ministers to member States on equality between women and men in the media; Recommendation 1555 (2002) of the Parliamentary Assembly of the Council of Europe on the image of women in the media; Recommendation 1799 (2007) of the Parliamentary Assembly of the Council of Europe on the image of women in advertising; and Resolution 1751 (2010) and Recommendation 1931 (2010) of the Parliamentary Assembly of the Council of Europe on combating sexist stereotypes in the media. Reference is also to be made to UNESCO's "Gender-Sensitive Indicators for Media" (GSIM).

IV. Protection and support

118. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

119. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and provide “one-stop-shop” services to victims.

120. Since the ratification of the Istanbul Convention in 2018, several initiatives have been taken in Croatia to institutionalise co-operation around domestic violence cases. Examples include the Agreement on Cross-Sectoral Collaboration in the Field of Prevention and Combating Violence against Women and Domestic Violence and the consequent establishment of National and County Teams (in 2018) and City Teams (in 2020) for Preventing and Combating Violence against Women and Domestic Violence. These initiatives seek to ensure a co-ordinated approach to domestic violence cases among the relevant statutory agencies at state and local level. These teams are comprised of representatives of social welfare, healthcare and victim support institutions, judicial and law-enforcement institutions and NGOs providing specialist services to victims of violence against women. GREVIO notes with interest that the cross-sectoral agreement seeks to improve co-operation not only in responding to domestic violence but also in preventing it. However, despite the information provided by the authorities that city or municipal teams for the prevention and combating of violence meet at least once a month to discuss particularly risky or complex cases of domestic violence, GREVIO notes that the reports indicate that the meetings of these teams are irregular, rendering the intended co-operation ineffective.

121. Furthermore, GREVIO draws attention to the fact that the above efforts are limited to domestic violence, as one form of violence covered by the Istanbul Convention. Similar measures do not exist for any other form of violence against women. For instance, while the Rules of Procedure in Cases of Sexual Violence include a section on ensuring the co-operation of competent authorities in responding to victims of sexual violence, and appoints gender equality co-ordinators in county state administrations as the co-ordinating body for this task, there appear to be no concrete measures taken to implement a multi-agency approach.

122. As an example of a positive development, a pilot project was launched in 2022 for the establishment of a referral system for victims of offences and misdemeanours. During the pilot phase, which was implemented in Zagreb and Koprivnica-Križevci, victims who reached out to law enforcement were, upon their consent, contacted by the National Call Centre or the associations providing victim and witness support. GREVIO takes note of the positive results achieved by the project as well as its extension to four other police districts. However, it is to be stressed that this initiative aims to provide support to victims of all crimes and misdemeanours and with the information to hand it is difficult to assess whether it can provide an adequate and gendered response to cases of violence against women.

123. GREVIO also welcomes the establishment of a working group to prepare a new Protocol on Procedure in Cases of Sexual Violence, in order to harmonise the provisions of the existing protocol with the latest criminal amendments and to improve co-operation between all relevant parties in sexual violence cases. The working group consists of representatives from all relevant public authorities as well as members of civil society. The new protocol is scheduled to be adopted in 2023, and aims at providing clear procedures for all professionals to effectively address sexual violence in a co-ordinated manner.

124. GREVIO encourages the Croatian authorities to establish institutionalised co-operation mechanisms among statutory agencies, and with women's support services run by NGOs, in relation to cases of rape and sexual violence, forced marriage, stalking, sexual harassment and other forms of violence covered by the Istanbul Convention.

125. GREVIO further encourages the Croatian authorities to pursue and intensify their efforts to ensure co-operation in domestic violence cases between all relevant institutions and women's support services run by NGOs.

B. Information (Article 19)

126. Information for all victims of crime on their rights and availability is available on the web pages of the Ministry of Labour, Pension System, Family and Social Policy, the Network of Support and Co-operation for Victims of and Witnesses to a Crime and the National Call Centre for Victims of Crime. GREVIO notes that the website of the Network of Support and Co-operation for Victims of and Witnesses to a Crime is available in six languages;⁸⁰ however, rather than providing detailed information, it mainly directs the users to the websites of the victim support services of their respective counties. However, GREVIO notes that the websites of the victim support agencies in 20 counties in Croatia and the City of Zagreb all have different layouts, with some of them more difficult to navigate than others.

127. Specific information for victims of violence against women on their rights, the different remedies and available services are generally provided on the websites of NGOs providing specialist support services and running domestic violence shelters. Within the framework of the project HELPLINE, the Croatian authorities in partnership with civil society organisations created a website⁸¹ to provide victims and witnesses of domestic violence with relevant information on different procedures and available support services, such as important telephone numbers, information on victims' rights, the conditions required to benefit from free legal aid, psychological support, etc. The website also operates a forum where victims can ask questions anonymously. GREVIO welcomes the efforts to create a one-stop information service for victims of domestic violence; it notes with regret, however, that the website is available only in Croatian.

128. In criminal proceedings, the Criminal Procedure Act and the Act on Protection against Domestic Violence sets out the obligation to provide victims of crimes with appropriate and timely information in a language they understand. Accordingly, the courts, the State Attorney's office and law enforcement are obliged to inform the victim in an understandable way about their rights. In this respect, forms providing information on the rights of the victim have been prepared and translated into 20 languages. These forms are handed out to all victims of violent crimes and contain a list of all rights and remedies regarding support, assistance and protection, including the contact details of the Department for Support to Victims and Witnesses in the Courts, the National Call Centre for Victims of Crimes and those public authorities and civil society organisations working in the field of support and protection in the relevant police district.

80. Croatian, English, French, Hungarian, Italian and Spanish.

81. See <https://stop-nasilju.com/>.

129. Additionally, in order to inform migrant women, refugees and international protection seekers about gender-based violence and ways of protection in cases of violence, the Office for Gender Equality has produced an informative leaflet available in Farsi, Urdu, Arabic, Turkish, Kurdish, Ukrainian and French. The leaflet provides information on reporting the perpetrator, contains contacts for victims and a list of associations, organisations and institutions that provide support to victims. The leaflet was drafted in collaboration with the UNHCR and the Ministry of Interior and is disseminated in relevant locations such as shelters. GREVIO could not obtain any information on whether any of the printed material is accessible to persons with disabilities.

130. According to information provided by NGOs, despite the obligations set out in the legislation, law enforcement and sometimes judicial authorities often do not inform the victim of their rights proactively in a manner that would enable the victim to get the most relevant information on her specific case. GREVIO notes that official documents such as information sheets and summons to court may include technical and legal information that is not formulated in a victim-friendly manner. It is therefore important for all relevant professionals to make an active effort to explain their rights to the victims in a clear manner verbally, inform them of available services that would benefit their individual situation and ensure that the information relayed is understood by the victim. This may include the right to be accompanied by a trusted person in proceedings or the right to object to a decision of the court.

131. GREVIO encourages the Croatian authorities to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women, in a language they understand and in formats that are accessible for victims with disabilities.

C. General support services (Article 20)

1. Social services

132. As GREVIO has had occasion to note in its previous reports, in addition to specialist support services, it is of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild their lives.⁸² In a similar vein, it is crucial to ensure access to the labour market for women victims of domestic violence by developing specific schemes such as co-operation with public or private-sector employers, and to provide them with vocational training opportunities, to fast-track their reintegration into the workforce and thus contribute to their economic independence.⁸³

133. Victims of violence against women generally seek help from the social welfare system as a first point of contact. In Croatia social welfare centres provide a range of services such as counselling and psycho-social support and social welfare benefits, as set out by the Social Welfare Act. This also includes the granting of one-time benefits that may be worth up to maximum of HRK 2 500 per person in one calendar year and in exceptional cases up to HRK 10 000.

134. As for long-term housing solutions, a specific measure for victims of domestic violence is prescribed under Article 45 of the Act on Housing Care in Assisted Areas, which GREVIO welcomes. This housing opportunity is available across the whole country and foresees the funding of accommodation costs from the state budget for two years depending on certain preconditions. Accordingly in cases where the presence of domestic violence is determined by a final court judgment, victims who do not own an apartment and do not have the financial means to rent one⁸⁴

82. See GREVIO baseline evaluation reports on Austria, paragraph 95; Germany, paragraph 143; Portugal, paragraph 127; and Serbia, paragraphs 110 and 115.

83. GREVIO baseline evaluation report on Germany, paragraph 143.

84. This means that the total income of the applicant and adult members of her household per month shall not exceed the amount of one budget base per household member, which was determined to be HRK 3 326 in 2022.

can apply for this benefit with a recommendation from the competent social welfare centre. According to available data, in 2019 and 2020, a total of 70 such requests were submitted by victims of domestic violence, 40 of which were granted.⁸⁵ According to the authorities, a higher number of requests are received and processed in certain counties compared to the others, such as Zagreb, Vukovar and Osijek.⁸⁶ GREVIO also notes that no requests were submitted to authorities in 10 counties, which may mean that victims of domestic violence in those areas do not have sufficient information on the services available to them. Local and regional authorities also provide certain housing measures for victims of violence against women, mainly domestic violence. Such measures can include, depending on the social policies of the local authority in question, co-financing the rent of an apartment or utility costs. GREVIO notes however that the services offered by different local governments vary greatly. In this respect, GREVIO notes with interest that for the first time funds amounting to €10 000 are earmarked to provide rent support to victims of domestic violence for six months.

135. GREVIO notes with concern that the requirement to prove domestic violence with a final court decision may leave a large number of domestic violence victims with no safe housing options during lengthy criminal proceedings, other than emergency accommodation services provided by shelters, which in the case of state-funded shelters cannot exceed 12 months. Concerns were also raised by women's rights NGOs regarding the social welfare centres' lack of awareness and knowledge about this measure whose written recommendation is among the list of mandatory documents for victims to provide in order to benefit from long-term housing. GREVIO welcomes the forwarding in March 2022 by the Ministry of Labour, Pension System, Family and Social Policy of information on long-term housing measures to all social welfare centres, but it notes that such efforts should be undertaken systematically. Last, according to indications made by experts in the field, the lack of suitable state-owned properties constitutes an obstacle to sufficiently implementing this scheme as many private landlords are reported to be unwilling to rent their property to the state for this use.⁸⁷

136. As for access to the labour market for victims of violence against women, the active employment measures of the Croatian Employment Service (CES) recognise victims of domestic violence as a specific target group who can benefit from certain measures, such as employment in the public sector, vocational training or other measures to facilitate entry into and survival in the labour market. In order to apply for these measures, the victim has to prove the existence of domestic violence with a certificate issued by social welfare centres or domestic violence shelters or with a court decision. According to available statistics, the number of domestic violence victims benefiting from these measures has been declining consistently in the past few years: in 2020 only six women were granted employment aid compared to 25 in 2018 and 10 in 2019. This may stem from the lack of information provided to victims and the lack of awareness on the part of various services involved such as the CES, social welfare centres and domestic violence shelters.⁸⁸

137. GREVIO reiterates that in order to adequately recognise and address the needs of victims of violence, training of all relevant professionals, such as housing officers, labour market officials, social welfare officers and healthcare providers on the forms and consequences of violence against women is crucial. However, such training is not always part of the standard training curriculums for public officials working in social support. As a consequence, women victims of violence attempting to gain economic independence may not be met with the understanding they need.⁸⁹

85. According to information provided by the authorities, 17 housing solutions were granted to victims of domestic violence in 2022; however, GREVIO does not possess information on the number of requests submitted.

86. Information obtained during the evaluation visit.

87. Joint shadow report co-ordinated by SOS Rijeka, p. 52.

88. Research conducted by The Women's Room – Center for Sexual Rights, Korak bliže zapošljenju – stavovi poslodavaca o zapošljavanju žrtava nasilja u obitelji, 2019, available in Croatian at:

<http://webcache.googleusercontent.com/search?q=cache:Bd7cuK4RJiMJ:www.zenskasoba.hr/docs/Korak%2520bli%25C5%25BEe%2520zapo%25C5%25A1ljenju%2520-%2520stavovi%2520poslodavaca%2520o%2520zapo%25C5%25A1ljavanju%2520%25C5%25BErtava%2520nasilja%2520u%2520obitelji.pdf&cd=8&hl=fr&ct=clnk&gl=fr>

89. GREVIO evaluation report on Germany, paragraph 143.

138. As a wider issue, GREVIO regrets that all formalised policies prioritising long-term social support to victims of violence against women focus only on domestic violence and exclude other forms of violence covered by the convention.

139. GREVIO strongly encourages the Croatian authorities to ensure, through legislative and other measures, women's access to dedicated programmes that address their specific needs as victims of violence in the areas of housing, vocational training and employment, and thus contribute to their recovery and economic empowerment, as well as to provide training to professionals in the social welfare system on the gendered nature of violence against women, including domestic violence.

2. Healthcare services

140. Healthcare workers are often the first to come into contact with a woman victim of violence, which is why their ability to identify victims, and react sensitively to their needs, is crucial.⁹⁰ This can be achieved through training initiatives, involving practitioners in public and private healthcare settings, to turn medical professionals into knowledgeable first points of contact for victims.⁹¹

141. GREVIO thus emphasises the active role played by healthcare services in responding to violence against women as first points of contact for victims of different forms of violence against women, including domestic violence, and notes that in Croatia the healthcare sector has yet to take on such an active role for the protection and support of victims of the different forms of violence covered by the convention. Both the Protocol on the Procedure for Cases of Domestic Violence and the Protocol on the Procedure for Sexual Violence Cases contain a section outlining the responsibilities of healthcare professionals to provide urgent and comprehensive care to victims. GREVIO notes that the provisions of these protocols set out the duty of medical professionals to direct victims to all available services, report identified violence to the police and social welfare centres and co-operate with law-enforcement and judicial authorities in the course of proceedings to facilitate evidence gathering.⁹² However, these read as a list of tasks rather than proper guidelines on the identification of victims, screening, diagnostic, treatment, documentation of injuries and referral to the appropriate specialist support services

142. GREVIO further notes with concern that there are currently no protocols in place for healthcare professionals aiming to provide standardised care paths in cases of violence against women other than sexual and domestic violence. In addition, GREVIO notes that intersectoral co-operation between the healthcare sector and specialist support services is largely lacking; and that reliable care and standardised referral pathways are missing.

143. **GREVIO strongly encourages the Croatian authorities to:**

- a. develop protocols and guidelines for healthcare professionals to ensure standardised care paths in cases of all forms of violence against women and domestic violence, including the identification of victims, screening, diagnostic, treatment, documentation of injuries and referral to the appropriate specialist support services;**

90. The World Health Organization states in that respect that: "While preventing and responding to violence against women requires a multi-sectoral approach, the health sector has an important role to play. The health sector can: advocate to make violence against women unacceptable and for such violence to be addressed as a public health problem; provide comprehensive services, sensitize and train healthcare providers in responding to the needs of survivors holistically and empathetically; prevent recurrence of violence through early identification of women and children who are experiencing violence and providing appropriate referral and support; promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people; generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems". See www.who.int/news-room/fact-sheets/detail/violence-against-women.

91. See GREVIO's baseline evaluation report on Denmark, paragraph 110.

92. See GREVIO's concerns about the mandatory reporting obligation of professionals under Article 28, Reporting by Professionals.

b. promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services.

D. Specialist support services (Article 22)

144. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

145. In Croatia, specialist services for women victims of violence are provided mainly by NGOs. These organisations provide short and long-term psychological counselling, psychotherapy, legal counselling, telephone helplines and safe accommodation. They also carry out advocacy services, issue reports, carry out research and participate in the drawing up of legal and policy measures. Despite the indispensable and important support that they provide to domestic violence victims, both on an individual and a collective level, their outreach and capacity is hampered by insufficient state funding. Moreover, the type and quality of services vary in the country. For example, GREVIO was made aware that in rural areas psycho-social counselling is not always available. GREVIO considers that ensuring an adequate geographic distribution of such services throughout the whole country should be made a priority.

146. GREVIO notes with grave concern that specialist support services in Croatia focus almost exclusively on the provision of counselling and assistance to victims of domestic violence. Support to victims experiencing other forms of violence against women such as sexual violence, sexual harassment, stalking, digital forms of violence against women, FGM, violence committed in the name of "honour" and forced marriage is almost non-existent and thus requires significant and immediate attention by the authorities. According to existing research, 95.7% of the victims who sought specialist services were victims of domestic violence and 21.7% experienced sexual violence either in conjunction with domestic violence or separately. The absence of victims approaching the service providers for other forms of violence should not be regarded as an indication that such forms of violence do not exist in Croatia. GREVIO recalls the importance of conducting prevalence studies on all forms of violence to provide an accurate picture of the violence against women situation in the country. In addition, services do not always cater for women with specific needs, who are at risk of or subject to intersectional discrimination, such as women with disabilities, women in prostitution, migrant and asylum-seeking women, women with addiction issues, and others.

147. The blanket requirement to report to the police cases of domestic violence also extends to NGOs.⁹³ GREVIO notes with grave concern that such reporting requirements can seriously affect the relationship of trust between support service providers and the victim, the foundations on which NGOs base their work, and can ultimately discourage some women from coming forward to seek help.⁹⁴

148. GREVIO strongly encourages the Croatian authorities to support the setting up of low-threshold support services for victims of all forms of violence against women, beyond domestic violence, based on a victim-centred and empowering approach, and taking into account the needs of specific groups of women, relying on the long-standing expertise and experience of women's NGOs.

93. See in this respect Chapter IV, Reporting by professionals.

94. GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 142.

E. Shelters (Article 23)

149. In Croatia there are 25 domestic violence shelters funded under three different schemes. While many shelters receive funding from the state to some extent, it is often unsustainable and short-term. Seven of the domestic violence shelters run by NGOs are called “autonomous women’s shelters” and they receive funding from the Ministry of Labour, Pension System, Family and Social Policy and from local governments at the county and city level. The shares of different authorities in this co-financing scheme is not based on a formalised rule: certain shelters receive more funding from the ministry while some others receive the majority of their funds from local authorities. According to information provided by civil society organisations, the ministry’s share of financing fluctuates among different shelters regardless of their capacity, and funding is rather provided in the form of grants based on tenders.

150. Twelve shelters are financed under what is called the “per capita” scheme, under which the state covers the cost of victims staying there on an as-needed basis and based on specific licensing requirements. GREVIO notes with grave concern that the licensing requirements for providers to benefit from funding under this scheme seriously affect the quality of the services as they are required to cater to both men and women victims of domestic violence in accordance with the gender-neutral Croatian legislation and policies. Moreover, service providers are required to disclose the address of their shelters to the authorities for future inspections, thus risking exposing confidential locations and creating security risks for women and children residing there. Accessing these shelters is also only possible by referral from social welfare centres and their employees are bound by reporting obligations to the police, which does not comply with the requirements of Article 23 of the Istanbul Convention and does not allow for self-referral by the victims. GREVIO notes with regret that, overall, the shelters operating under this scheme cannot be considered as specialist services for women victims of domestic violence as intended by the drafters of the convention.

151. The third group of shelters are financed through the European Social Fund. In 2020, under this scheme, six new shelters were opened in counties where previously there were no domestic shelters, which GREVIO welcomes. While this development ensured that each county in Croatia had a domestic violence shelter, GREVIO received indications that the process of opening these shelters was carried out rather hastily, resulting in many of them failing to offer proper living conditions and safety measures. Moreover, as they are solely dependent on foreign funds, their financial stability is questionable.

152. The 25 shelters operating in Croatia provide a total of 346 beds, meaning that it currently falls short of the target of one family place per 10 000 head of population.⁹⁵ The different funding schemes result in a discrepancy among the services provided by different shelters. For example, due to staff shortages, shelters struggle to provide psychological and psycho-social support to victims and in-house legal support is becoming less and less available.⁹⁶ GREVIO also received indications from civil society that apart from the seven autonomous women’s shelters, not all of the shelters operate on the basis of a gendered understanding of violence against women and a victim-centred approach. For instance, certain reports indicate that shelters run by religious organisations uphold the concept of “sanctity of the family” and advise the victims to “forgive the perpetrator” and “embrace her role as a woman”.⁹⁷ Another issue of major concern for GREVIO is that the majority of existing shelters do not have conditions to accommodate women with disabilities, pregnant women, women with addiction issues and women who need any kind of special medical care. Experts in the field also indicate the Roma women continue to face discrimination in accessing services, even though it is not always demonstrated openly. GREVIO stresses that all women must be able to access a safe place for them and their children, without any barriers and without discrimination.

95. Explanatory Report to the Istanbul Convention, paragraph 134.

96. Joint shadow report co-ordinated by SOS Rijeka, p. 61.

97. *Ibid.*, p. 60.

153. Last, GREVIO notes with regret that there are no specialist shelters for victims of any other forms of violence against women. Girls and women who are at risk or have been subjected to forced marriage do not have a dedicated place to go, neither do women and girls at risk of violence based on “honour”, to name a few examples.

154. **GREVIO urges the Croatian authorities to:**

- a. **increase the number and capacity of appropriate and easily accessible shelters providing safe accommodation, based on a gendered understanding of violence against women and in relation to all forms of violence covered by the Istanbul Convention;**
- b. **ensure that shelters are available in an adequate geographic distribution and accessible to all women, including women with disabilities, women from minority backgrounds, migrant women with irregular status and other women who are at risk of intersectional discrimination;**
- c. **ensure that all women and their children have access to shelters, regardless of whether they want to report the violence they have suffered to the authorities, and offer victims the possibility to self-refer;**
- d. **develop minimum quality standards that shelters must meet, where these do not already exist, based on a gendered understanding of violence against women, the empowerment of victims and a victim-centred and human rights-based approach, and taking into account promising practices developed internationally;**
- e. **ensure sustainable funding of and sufficient human resources for shelters;**
- f. **introduce and provide ongoing and specialised training for staff.**

F. Telephone helplines (Article 24)

155. In 2013 the National Call Centre for Victims of Crime (NCC) was established and since 2020 it has been operating 24/7. The helpline is free of charge and anonymous and is available in Croatian and English. The services provided by the NCC include providing information on the rights of victims and witnesses of crime and misdemeanours, emotional support, referral to relevant civil society organisations and institutions and assistance in completing the cash benefit claim form. GREVIO welcomes the provision to employees and volunteers of extensive initial training lasting three months and the fact that they continue to benefit from in-service training on gender-based violence. On the other hand, GREVIO notes with concern that the NCC caters to all victims of crimes and misdemeanours and thus represents a generic helpline, rather than one dedicated to providing crisis counselling, referral to other services and support to victims of all forms of violence covered by the convention, even though the majority of the callers are victims of gender-based violence against women.⁹⁸ GREVIO also notes with concern that the helpline is not available in all languages spoken by the migrant and minority populations in Croatia, nor it is accessible to women with hearing impairments.

156. Helplines providing services exclusively to victims of violence against women, specifically domestic violence, are operated by a number of NGOs and shelters, some of which are available 24/7. However, the lack of state funding endangers their sustainability.

157. **GREVIO strongly encourages the Croatian authorities to ensure the functioning of a nationwide, free-of-charge, anonymous and round-the-clock telephone helpline dedicated to women victims of all the forms of violence against women covered by the Istanbul Convention, and in a wider variety of languages. This helpline should be accessible to all**

98. According to the joint shadow report co-ordinated by SOS Rijeka, information obtained from the National Call Centre shows that in 2021, 79.9% of their callers were victims of gender-based violence. Information provided by the authorities further support this finding: between 2019 and 2022 the largest number of calls was made in cases of domestic violence, sexual intercourse without consent, rape, threat, violation of the rights of the child, bodily injury, serious bodily injury and serious crimes of sexual abuse and exploitation of the child.

women, including women with hearing impairments, and operated by qualified staff trained in all forms of violence. GREVIO further strongly encourages the Croatian authorities to provide long-term and sustainable funding to the civil society organisations operating national telephone helplines, in order to ensure their continuous operation.

G. Support for victims of sexual violence (Article 25)

158. Under Article 25 of the convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. Rape crisis centres typically offer long-term help that centres on counselling and therapy by offering face-to-face counselling, support groups and contact with other services. They also support victims during court proceedings by providing woman-to-woman advocacy and other practical help. Sexual violence referral centres, on the other hand, may specialise in immediate medical care, high-quality forensic practice and crisis intervention. They can, for instance, be set up in a hospital setting to respond to a recent sexual assault by carrying out medical checks and referring the victim to specialised community-based organisations for further services. They may also concentrate on immediate referral of the victim to appropriate, specialised organisations to provide the necessary care. The recommendation is to set up one of the above-mentioned centres for every 200 000 inhabitants.⁹⁹

159. GREVIO notes with grave concern that in Croatia there are currently no rape crisis or sexual violence referral centres that provide holistic care to victims of sexual violence. Medical care to victims of sexual violence is provided by gynaecologists on duty in the emergency wards of hospitals. The Protocol on Procedure in Cases of Sexual Violence includes a section outlining the responsibilities of healthcare medical professionals, which include the duty to inform the victims about their rights and support services available, to document the signs of violence in a medical report, to detect sexually transmitted diseases and unwanted pregnancies, and to collect and secure forensic evidence by applying the rape kits provided by the police and taking photographs with the consent of the victim. The protocol also obliges the medical facilities to have qualified staff available round the clock, who are specifically trained to support victims of sexual violence. However, GREVIO did not receive any information as to what extent these measures are implemented in practice; it is thus concerned that victims of rape who present themselves to emergency services are likely to be treated as any other patient.

160. GREVIO further notes with concern that medical personnel treating victims of sexual violence are obliged to inform the police and public prosecution about any cases of sexual violence, with or without the consent of the victim. Therefore, the victim cannot receive a forensic examination without reporting as the rape kits are only provided by the police. In this context, GREVIO recalls the requirement specified in Article 18, paragraph 4, of the convention that states that the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator. Such a blanket reporting obligation by professionals takes away women's agency to decide for themselves whether they want to report to the authorities and contributes to women not seeking the medical and psychological help they need after having been subjected to rape and sexual violence. GREVIO recalls that many sexual violence victims do not wish to report to police immediately, while many decide not to report at all. Such traumatic experiences cause confusion, embarrassment and shock in the victims, often leading to post-traumatic stress disorder, and victims need time to process these before feeling ready to go through lengthy criminal proceedings, which will require them to relive their experience by testifying and sometimes even confronting their

99. Mid-term horizontal review of 17 GREVIO baseline evaluation reports, paragraph 276, and Explanatory Report to the Istanbul Convention, paragraph 142.

assailant. Fear of retaliation from the perpetrator may also prevent the victim from initiating criminal proceedings. In this respect, GREVIO stresses the importance of carrying out forensic examinations regardless of whether the matter will be reported to the police, and to offer the possibility of having samples taken and stored so that the decision as to whether or not to report the rape can be taken at a later date.¹⁰⁰

161. Article 25 also requires parties to ensure that women victims of sexual violence have access to immediate, short and long-term trauma support, including psychological counselling. The Protocol on Procedure in Cases of Sexual Violence stipulates that gynaecologists providing the initial medical examination shall refer the victim to the psychological or psychiatric units of the medical facility when needed as well as to counselling services provided by women's NGOs. GREVIO has no information on whether or how often these referrals take place or whether each hospital has psychologists/psychiatrists who are equipped to provide specialist trauma-informed support to victims of sexual violence.

162. In this respect, the Centre for Victims of Sexual Violence of the NGO Women's Room is the only organisation that provides specialist long-term counselling for victims of sexual violence. Its services include psychological counselling and psychotherapy to both the victim and her close circle, including with the presence of a trained therapy dog, legal assistance, victim support during court proceedings and referral to other available services in the health sector. While the Centre for Victims of Sexual Violence provides services to survivors throughout the whole country,¹⁰¹ GREVIO points to the need to set up more organisations providing such services, recalling that one such service should be available for every 200 000 inhabitants and that their geographic spread should make them accessible to victims in rural areas as much as in cities. GREVIO also does not have any information on whether other services systematically refer victims of rape and sexual violence to the Centre for Victims of Sexual Violence. GREVIO welcomes the fact that the Croatian authorities acknowledge the need to develop specialised services for victims of sexual violence and, to this end, the Ministry of Labour, Pension System, Family and Social Policy has been tasked with developing a network of specialised services for victims of sexual violence, initially in four regions (Zagreb, Osijek, Rijeka and Split), with plans to extend this initiative to cover all regions in the future.

163. GREVIO strongly encourages the Croatian authorities to set up sexual violence referral centres that provide immediate medical care, trauma support, forensic examinations and immediate, short and long-term psychological assistance, staffed by qualified professionals who are not under any obligation to report the violence to the police, who are trained in gender-based violence against women and who can provide victim-sensitive examinations, in line with the standards set by the Istanbul Convention.

164. In the meantime, GREVIO urges the Croatian authorities to:

- a. ensure that protocols/guidelines and training are made available on the management of cases of sexual violence and rape in all medical facilities in Croatia, and that these are fully implemented;
- b. make rape kits available at hospitals alongside a system for the storing of forensic evidence in cases where the victim needs time to reflect on whether to report the rape/sexual violence;
- c. increase the capacities of the organisations providing specialist services for psychological counselling and trauma care to victims of sexual violence, ensure their financial stability and ensure that medical professionals systematically refer victims to these services;
- d. take measures to eliminate barriers to women victims of sexual violence who turn to these centres for support.

100. Explanatory Report to the Istanbul Convention, paragraph 141.

101. Annually around 250 victims benefit from the services of the centre.

165. **GREVIO further urges the Croatian authorities to review the obligation for professionals, including those working at the sexual violence referral centres, to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a minor or is unable to protect her/himself due to intellectual disabilities.**

H. Protection and support for child witnesses (Article 26)

166. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may also be exposed to other forms of violence.

167. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.¹⁰² It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

168. GREVIO welcomes the explicit recognition by the National Strategy that child witnesses of domestic violence are victims in their own right. Similarly, the instructions issued on 1 April 2021 by the Ministry of Labour, Pension System, Family and Social Policy to social welfare centres on the protection of domestic violence victims emphasises that a child's exposure to domestic violence, even when not directed at the child, is a form of psychological violence against children with specific consequences for their psycho-social development. Both the Act on Protection against Domestic Violence and the Protocol on Procedure in Cases of Domestic Violence prescribes the duty of all bodies dealing with domestic violence to treat child victims and witnesses with special care, considering his/her age, personality and personal and family circumstances. GREVIO notes that almost all the services provided to women victims of violence are also accessible to their children.

169. GREVIO notes with interest that a free helpline for children called "Brave Phone" is available on work days from 9 a.m. to 8 p.m., which children are invited to call when they have a problem they want to talk about, when a person puts them at risk or in any way makes them feel uncomfortable or unsafe, or if they are afraid for their safety and/or life. Apart from this, GREVIO did not receive detailed information on the specific efforts to provide specialist care to children who witnessed domestic violence. However, the behaviours and attitudes of social welfare personnel in custody and visitation proceedings may be regarded as an indication of their lack of understanding of the harmful effects of witnessing violence on children and the dynamics of post-separation violence, as they are often reported to favour the child's contact with the abusive father over the safety of the women victim and the child.¹⁰³ GREVIO has previously emphasised that the safety of children is strongly linked to the safety of adults and that by helping women victims of domestic violence to secure protection, children are also helped.

170. **GREVIO strongly encourages the Croatian authorities to provide children who witness domestic violence with long-term, tailored services, including psychological counselling, by staff trained in the harmful impact on children of witnessing domestic violence.**

102. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

103. See Chapter V, Custody, visitation rights and safety.

I. Reporting by professionals (Article 28)

171. Article 204 of the Criminal Procedure Act stipulates that everyone is under the obligation to report criminal offences subject to public prosecution that they have learned about themselves or have learned about from other sources. Similarly, Article 7 of the Act on Protection against Domestic Violence provides that health workers, employees in social welfare institutions, persons employed in educational institutions, professional workers employed in religious institutions, humanitarian organisations or civil society organisations, and all other professionals who come into contact with victims of domestic violence in their work are obliged to report to the police or the State Attorney's office the act of domestic violence that they found out about in the course of their work. Failure to comply with the reporting obligation is punishable by a fine.¹⁰⁴

172. Meanwhile, contrary to the explicit wording of the law, the Protocol on Procedure in Cases of Domestic Violence states that civil society organisations should "report to the police or the State Attorney's office the commission of domestic violence they have learned about in the performance of their duties with the consent of the victim, except in the case of violence against children or violence witnessed by children". GREVIO did not receive any information from the authorities on how these conflicting provisions in the legislation and by-laws are implemented in practice but it appears that women's rights NGOs and autonomous women's shelters operate on the basis of confidentiality while state-funded shelters are bound by the mandatory reporting obligation.

173. Mandatory reporting may in fact constitute a barrier to seeking help for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (for example, retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). In this respect, GREVIO is particularly concerned about the extensive mandatory reporting obligation imposed on healthcare staff. A fundamental element of the doctor-patient relationship is that of confidentiality, and healthcare professionals are generally required to respect patient confidentiality. This is based on the notion that individuals should not be prevented from seeking medical treatment for fear of a disclosure of his or her condition to a third party. A confidential relationship is a prerequisite for providing patients with a correct diagnosis and the best possible medical care. This is even more important for victims of domestic violence, rape, sexual violence or other forms of violence covered by the convention. At the same time, healthcare staff, in particular general practitioners, play an important role in identifying victims of domestic violence and may very well be the only professional to know about a woman suffering from abuse.

174. The obligation entailed by Article 28 of the Convention is thus carefully worded in order to allow healthcare staff, where they have reasonable grounds to believe that a serious act of violence has been committed and that further serious acts of such violence are to be expected against an adult, to report their suspicion to the competent authorities without risking being sanctioned for breaching their professional duty of confidentiality. In those cases where there are no reasonable grounds to believe that further serious acts of violence be committed, however, the personal autonomy and choice of the woman concerned should be respected. The Explanatory Report to the Istanbul Convention explicitly states that this provision does not impose an obligation on such professionals to report.¹⁰⁵ The exception would be cases such as where the victim is a minor or is unable to protect her or himself due to physical or mental disabilities.¹⁰⁶

104. According to Article 7, the above-mentioned law, the prescribed fine ranges from HRK 3 000 to HRK 10 000 (between €400 and €1 330).

105. Explanatory Report to the Istanbul Convention, paragraph 147.

106. Explanatory Report to the Istanbul Convention, paragraph 148. With regard to violence committed against children, General Comment No. 13 (2011) of the Convention on the Rights of the Child, paragraph 49, provides that "in every country, the reporting of instances, suspicion or risk of violence should, at a minimum, be required by professionals working directly with children". In relation to forced marriage and FGM, the Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices, of 14 November 2014, under its paragraph 55J, provides that "States parties should ensure that it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report".

175. GREVIO strongly encourages the Croatian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy.

176. To this end, GREVIO strongly encourages the Croatian authorities to review the obligation for professionals, including those operating in NGOs, to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities.

V. Substantive law

177. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

178. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the Istanbul Convention)

179. In Croatia, there are multiple legal remedies available to citizens in this regard. This includes complaints about court actions, requests for the exemption of judges, contacting the ombudsperson institutions in cases of misconduct of authorities and contacting the Police Internal Control Department at the Ministry of Interior (in cases where irregularities are related to police work).

180. The Law on Police sets out the disciplinary liability of police officers and other employees of the Ministry of Interior for violations on official duty as well as for off-duty violations that may endanger the interests and damage the reputation of the ministry. Investigations are carried out by the Internal Control Department upon complaints submitted by natural and legal persons, at the request of a police officer or on its own initiative. GREVIO welcomes these measures but notes that in the absence of data on their use and outcomes in relation to a failure to act in domestic violence cases, rape cases or cases of any other form of violence, in particular inaccurate risk assessments in cases where women were later killed by their abusers, it is difficult to assess the effectiveness of these procedures in challenging and addressing the wrongdoing of state actors.

181. The responsibility for the control of the legality and regularity of the work of administrative bodies and public institutions delegated as public authorities is undertaken by specialised administrative courts. Pursuant to Article 20a of the Courts Act, administrative courts have the authority to decide to file complaints against individual decisions, actions and contracts of the bodies of public law, which also include their failure to take action. No information was made available regarding the decisions of the administrative courts in response to cases involving violence against women.

182. Overall, the information received by GREVIO indicates that the Croatian framework governing recourse and remedies against the illegal actions of state authorities is complex and GREVIO is not in possession of enough information to assess its efficiency.

183. GREVIO encourages the Croatian authorities to ensure that full use is made of all available civil remedies with regard to cases of misconduct or the failure of state officials to take appropriate action in relation to cases of violence against women, in particular domestic violence cases where victims were later killed by their abusers, and all other forms of violence covered by the Istanbul Convention. In addition, GREVIO encourages the Croatian authorities to ensure that data on the use of available remedies and their outcomes are collected and regularly updated.

2. Compensation (Article 30)

184. In accordance with Article 78, paragraph 2, of the convention, Croatia reserved the right to apply the provisions laid down in Article 30, paragraph 2, only in respect of the victims who exercise the right to compensation in accordance with the national legislation governing the issue of compensation for the victims of offences. GREVIO notes that under Article 79, paragraph 3, of the Istanbul Convention, the Croatian authorities will be required to provide GREVIO with an explanation of the grounds for the reservation entered in relation to compensation (Article 30, paragraph 2) upon expiry of its period of validity and prior to its renewal.

185. In Croatia victims of violence may file their claim for pecuniary and non-pecuniary damages as part of criminal proceedings or in a separate civil action against the defendant. A claim for damages filed during criminal proceedings can be granted only if the court finds the defendant guilty; however, that is not a requirement for the success of a claim filed in civil proceedings. There are no data about the number of criminal procedures in which the victims of domestic violence received compensation, but GREVIO notes with concern reports indicating that property rights claims of victims of violence against women in criminal proceedings are often dismissed and victims are referred to civil proceedings, even though the perpetrator has been found guilty.¹⁰⁷ GREVIO notes that this practice additionally complicates the victims' position, as launching new civil proceedings are costly and can last a long time. GREVIO also notes that a number of proceedings regarding the right to compensation are pending before the criminal court, although it does not have information on their content.

186. Victims of violence who are Croatian citizens or citizens of European Union member states may also benefit from the state compensation scheme laid down by the Act on Financial Compensation for Victims of Crime. In case of the death of the victim, their relatives can also pursue such claims under the conditions set out in that legislation. Applications for financial compensation are submitted to the Ministry of Justice and Administration, and the police, the public prosecutor's office and the courts are required to provide information and guidance to the victim about their right to benefit from state compensation. The compensation covers the costs of medical treatment if the victim has suffered grievous bodily harm or deterioration of health as a result of the violent act, loss of earnings up to an amount of HRK 35 000 (approximately €4 500 in 2022) and in cases where the victim has lost her life, up to HRK 70 000 (approximately €9 000 in 2022) for the loss of statutory maintenance for her close relatives and a portion of the funeral expenses.

187. In order to establish the amount of compensation, the Ministry of Justice and Administration takes into account the victim's conduct during and after the crime, their contribution to the damage and its extent, whether the victim is an immediate victim and whether they reported the crime to the competent authorities and when. In addition, an assessment is made of the victim's co-operation with the police and the competent authorities in order to bring the offender to justice. Compensation may be refused or the amount reduced, if the granting of full compensation is likely to be contrary to the principle of fairness, morality and public order.

188. According to the data provided by the Ministry of Justice and Administration, in 2019 and 2020, one request for compensation was submitted based on the committed criminal offence of domestic violence under Article 179a of the Criminal Code. However, GREVIO was not informed whether compensation was granted to the victim in that case. It is to be noted though that serious cases of domestic violence are often prosecuted under different offences in the Criminal Code, such as homicide, serious bodily injury and offences against sexual liberty. In this respect, GREVIO was informed that a total of 13 requests were submitted for compensation in 2019 and 2020 under such offences, which include homicide (three requests), aggravated homicide (three requests), causing bodily injury (two requests), causing serious bodily injury (one request), offences against sexual liberty (one request), sexual abuse of a child under the age of 15 (two requests) and unlawful deprivation of liberty (one request). In two of these requests, involving aggravated homicide and

107. Submission from the Croatian Women's Network, p. 48.

homicide, total amounts of HRK 10 000 00 (€1 330) and HRK 5 000 (€664) were awarded respectively. GREVIO regrets the low amount of compensation granted in the face of the devastating consequences suffered by the victims. While not explicitly confirmed in the state report, the remaining requests for compensation appear to have been dismissed.

189. GREVIO encourages the Croatian authorities to take all available measures in order to ensure that wider use is made of the legal possibilities to grant compensation to women victims of any of the forms of violence covered by the Istanbul Convention, in particular by examining and addressing the reasons for the low reported number of compensatory measures ordered in domestic violence cases under the Croatian Criminal Code. GREVIO furthermore encourages the Croatian authorities to collect data on the number of women victims of violence who have requested and obtained compensation either from the perpetrator or from the state.

190. GREVIO invites the Croatian authorities not to renew the reservation with regard to Article 30, paragraph 2, of the Istanbul Convention, upon expiry of its period of validity.

3. Custody, visitation rights and safety (Article 31)

191. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

192. According to Article 171 of the Croatian Family Act, the courts may limit parental rights if the child is exposed to violence among adult family members. In 2021, the Ministry of Labour, Pension System, Family and Social Policy issued an instruction to social welfare centres on the protection of victims of domestic violence, which clarifies the interpretation of “exposure to violence” by the Croatian authorities. Accordingly, in cases of domestic violence, the instructions explicitly recognise that the child’s exposure to domestic violence, even if he/she is not a direct victim, is a form of psychological violence with a significant impact on their psycho-social development, which GREVIO welcomes.

193. Despite this, it appears that courts do not systematically take into account incidents of violence when deciding on contact rights. While social welfare professionals are obliged to submit their opinion on custody and visitation issues when requested by the courts, GREVIO does not possess information on how often their opinions are taken into account by judges when delivering their decision. Furthermore, while GREVIO appreciates the fact that the Croatian government does not endorse scientifically unfounded concepts, including what is called “parental alienation syndrome”, information received by GREVIO indicates that it is often used against women victims of violence in lengthy divorce proceedings by the perpetrators, their lawyers and, more worryingly, social welfare centres and even courts. GREVIO highlights in this respect the criticism directed at the Polyclinic for Child Protection of the City of Zagreb, the most called-upon authority for providing expert opinions in cases of child custody, for using the notion of “parental alienation syndrome”.¹⁰⁸ GREVIO notes that the Ministry of Health carried out an inspection into the work of the polyclinic in October 2021 but found no shortcomings.

194. The period between parental separation and the court decision ruling on custody/visitation rights appears to be particularly problematic in Croatia. During that lengthy period, both parents maintain their parental rights completely unless the court issues a temporary measure. Such measures include the prohibition of approaching the child under Article 154 of the Family Act and maintaining personal relations with the child under supervision under Article 124 of the Family Act

108. Submission made by the Women’s Network, pp. 49-50.

and can be issued upon the request of the parties, the social welfare centre or *ex officio*. Reports from civil society¹⁰⁹ however indicate that temporary measures are rarely proposed by the social welfare centres or issued *ex officio* and, when they are, it is often not within a reasonable amount of time. Social welfare centres can ban contact between the father and the child if a restraining order is issued against the father that includes the child. In cases where the scope of a restraining order only extends to the woman, contact is carried out under the supervision of the social welfare centre. Information provided to GREVIO indicates that while possible in theory, supervised contact is rarely imposed on abusive fathers.

195. GREVIO was further made aware of worrying cases in which the social welfare centres held the woman victim of domestic violence responsible for obstructing the relationship between the child and the father when the child objected to having contact with the father as a result of being exposed to domestic violence. Even more worryingly, there have been reports that in some cases the courts have ordered contact between the child and the father to take place at the domestic violence shelter where the mother and the child were staying, endangering the safety of not only the victim but also other residents of the shelter and the professionals working there.¹¹⁰ In one instance, the Ministry of Labour, Pension System, Family and Social Policy conducted an extraordinary administrative inspection into the work of a social welfare centre and specifically instructed it not to make use of concepts such as “parental alienation syndrome”, which does not have a scientific basis in the existing International Classification of Diseases and Related Health Problems (ICD-10), or to qualify a mother as a parent who has “emotionally alienated the children”.¹¹¹ This situation suggests a worrying lack of understanding among key professionals of the dynamics of domestic violence, including post-separation violence, and the impact upon children.

196. **GREVIO urges the Croatian authorities to take the necessary measures to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights, and to assess whether such violence would warrant restricting custody and visitation rights. To this end, without prejudice to the court system structure in Croatia, the Croatian authorities should:**

- a. **take measures to incorporate a systematic process for screening cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship and whether it has been reported;**
- b. **duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including but not limited to law-enforcement agencies, health and education authorities and specialist women’s support services;**
- c. **incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interests of the child;**
- d. **ensure that only those professionals, particularly psychologists and child psychiatrists, who are trained in violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;**
- e. **ensure that all professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation for what is called “parental alienation syndrome”, as well as for any other approach or principle that tends to consider mothers who invoke the violence as “unco-operative” and “unfit” as a parent, and refrain from blaming them for the poor relationship between a violent parent and his children;**
- f. **build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of revictimisation;**

109. Joint shadow report co-ordinated by SOS Rijeka, p. 76.

110. Submission made by the Women’s Network, pp. 49-50.

111. Ibid.

- g. ensure appropriate use of the legal provisions that allow reducing, removing and/or subjecting to safeguards the perpetrator's custody and visitation rights whenever a situation of violence is ascertained, and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed;**
- h. accompany such measures with the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines that tend to frame violence as a conflict and that resort to unfounded concepts such as "parental alienation" that prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they justify their decisions on custody and visitation rights.**

4. Civil consequences of forced marriages (Article 32)

197. Article 32 of the Istanbul Convention requires that "Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim". The aim of this provision is to ensure that where women and girls free themselves from marriages concluded without their free consent, they do not have to bear any consequences regarding their civil status.

198. GREVIO notes with concern that the Croatian Family Act does not explicitly list forced marriage among the grounds for annulment of marriages. Therefore, victims of forced marriage are obliged to initiate divorce proceedings that are often conducted without sufficient measures for protecting the victim, exposing the victims to re-traumatisation.

199. **GREVIO urges the Croatian authorities to take the necessary measures, including legislative amendments, to ensure the annulment of marriages concluded under force without placing any undue burden on the victims.**

B. Criminal law

1. Psychological violence (Article 33)

200. In Croatia, domestic violence is criminalised as both a misdemeanour and an offence. Article 10 of the Act on Protection against Domestic Violence defines six specific domestic violence misdemeanours, one of which is psychological violence "that causes anxiety or injury to dignity". As for the Criminal Code, Article 179a prescribes a specific crime of domestic violence, which encompasses more serious forms of domestic violence that are not captured by other criminal offences and go "beyond" the limits of misdemeanour liability, such as serious insults, intimidation, physical and sexual abuse. GREVIO notes with regret that the shortcomings in the Croatian data-collection system do not allow an accurate assessment of the application of these provisions as statistics do not distinguish between different forms of violence covered by each article. While the authorities maintain that isolated and one-off incidents of psychological violence are qualified as misdemeanours, whereas repetitive or lengthy acts that cause more serious consequences are prosecuted under provisions of the Criminal Code, information received by GREVIO indicates that in practice psychological harm is rarely prosecuted within criminal proceedings and that the majority of cases involving psychological violence are treated as misdemeanours. GREVIO also previously

called attention to the difficulties that arise from the co-existence of two domestic violence offences, one of a criminal nature and one a misdemeanour, and the parallel sanctioning regimes.¹¹²

201. GREVIO notes the alarming reports on the prevalence of dual arrests in domestic violence cases in Croatia where the police arrest and charge victims along with the perpetrator under the Act on Protection against Domestic Violence. According to the information provided by civil society, one of the main reasons for this problem is the interpretation of psychological violence as being on a par with physical violence, where a victim who has acted in legitimate self-defence or verbally insulted the perpetrator is held equally culpable. GREVIO notes that despite the CEDAW Committee's recommendation for Croatia to abolish the practice of dual arrests in 2015, this practice remains common throughout the country.

202. Psychological violence outside close relationships is not criminalised as a dedicated criminal offence, although there are some provisions of the Criminal Code that may cover certain aspects of this form of violence, such as coercion (Article 138) and threat (Article 139). According to the authorities, causing bodily injury (Article 117), serious bodily injury (Article 118) and particularly serious bodily injury (Article 119) could also be invoked in cases of psychological violence based on the World Health Organization's definition of health as physical, mental, social and economic well-being. Although the lack of data disaggregated by the relationship between the victim and perpetrator makes it impossible for GREVIO to assess to what extent these provisions are used in cases of violence against women, it nonetheless wishes to stress that such general offences set a very high threshold to be considered criminal behaviour and are designed mainly to punish single acts carried out in isolation, rather than a pattern of prolonged abuse committed through acts which do not, per se, necessarily reach the threshold of criminalisation. GREVIO thus concluded that such general offences are often not adapted and do not capture the harm experienced by victims of psychological violence, and without a criminal offence adequately covering psychological violence, law-enforcement agencies are ill-equipped to respond to this type of violence. GREVIO is further concerned that these offences do not capture the conduct set out in Article 33 of the Istanbul Convention, which consists of any intentional conduct that seriously impairs another person's psychological integrity. This can be done by various means or methods, such as isolation, control, coercion and intimidation. Article 33 is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time, both within and outside the family.

203. GREVIO strongly encourages the Croatian authorities to ensure that the definition of psychological violence in the Act on Protection against Domestic Violence is enforced in a manner that considers the gendered nature of this form of violence and the power dynamics in relationships involving domestic violence, in accordance with the Istanbul Convention.

204. GREVIO strongly encourages the Croatian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Croatian Criminal Code, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence, as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice.

2. Stalking (Article 34)

205. Stalking is criminalised under Article 140 of the Criminal Code, which criminalises intrusive behaviour by someone who persistently and for a long time follows or stalks another person or tries to establish or establishes unwanted contact with him or her or otherwise intimidates him or her and thus causes anxiety or fear for his or her safety or the safety of persons close to him or her. According to the information provided by the authorities, in a decision from 2014, the Croatian Supreme Court determined that the persistence and duration of the act must be taken into account by courts in each

112. See GREVIO baseline evaluation report on Montenegro, paragraphs 172-178.

specific case on the ground that the act must last long enough to cause anxiety or fear in the injured party. In that 2014 case, the Supreme Court found that the period of six days was long enough to constitute the criminal offence of intrusive behaviour. GREVIO however was informed that the established practice interprets the long duration requirement in the wording of the article as a minimum of three months.¹¹³ GREVIO notes with concern that this interpretation leaves a significant number of victims unprotected.

206. GREVIO further notes that intrusive behaviour committed by close persons as an aggravated form of the offence is prosecuted *ex officio*. However, when this offence is committed by third persons, the prosecution is undertaken by the victim in their capacity as a private person (“private prosecution”, without the involvement of the prosecution services).

207. GREVIO points out that in its recent General Recommendation No. 1 on the digital dimension of violence against women, it calls on states parties to ensure that online and technology-facilitated stalking, such as threats, damage to reputation, monitoring and gathering of private information on the victim, identity theft, impersonating the victim and using modern communication tools and ICT devices, be appropriately sanctioned. GREVIO notes, in that context, that this definition can include (but is not limited to) making repeated phone calls, sending or leaving messages and sending text messages, mail or e-mails; and using tools to track the victim such as smartphones, cameras and other recording equipment, global positioning systems (GPS) or satellite navigators or other internet connected devices.

208. GREVIO strongly encourages the Croatian authorities to take all necessary measures to establish better practices in the implementation of Article 140 of the Criminal Code, with a view to ensuring the safety of all victims and giving due regard to the gendered nature of this form of violence, its online dimension and its serious psychological consequences.

3. Physical violence (Article 35)

209. In Croatia, physical abuse as a form of domestic violence is criminalised as both a misdemeanour and an offence under Article 15 of the Act on Protection against Domestic Violence and Article 179a of the Criminal Code, respectively. The Criminal Code also contains a wide range of general offences encompassing different forms of physical violence, including Article 112 on manslaughter, Article 110 on murder, Article 117 on causing bodily injuries, Article 113 on causing death by negligence and Article 121 on causing serious bodily injury by negligence. Additionally, several articles in the Criminal Code carry an aggravated sentence if committed against a close person.

210. Of particular relevance to domestic violence is the aggravated factor contained in a number of general offences that are relevant to violence against women, such as homicide (Article 110), aggravated homicide (Article 111), manslaughter (Article 112), causing death by negligence (Article 113), bodily injury (Article 117), serious bodily injury (Article 118) and particularly serious bodily injury (Article 119), which provides a heavier punishment in cases where the offence is committed within a close relationship. GREVIO welcomes this provision, which is in accordance with Article 46 of the Istanbul Convention, and furthermore notes with satisfaction that children who witness intimate partner violence in their home are recognised as victims of domestic violence.

211. Recalling that Article 35 of the convention also encompasses violence resulting in the death of the victim, GREVIO notes that data on women murdered by their husbands/partners or ex-husbands/partners are collected by the authorities. According to the annual report of the Ombudsperson for Gender Equality, in 2021, 14 women were killed, which is fewer victims than in 2020; however, 80% of them were killed by persons close to them, which represents an increase, and women continue to be the most frequent victims of domestic violence. GREVIO welcomes the information provided by the authorities that serious cases of domestic violence are analysed with a

113. See the submission made by the Women’s Network Croatia, p. 53.

view to identifying risk factors. However, GREVIO was not able to obtain any information on whether these efforts also seek to analyse the shortcomings in the response of institutions, for example in situations where the victim reported violence to institutions prior to being murdered, and whether any measures are being put in place to address the identified shortcomings. In this respect GREVIO notes the alarming findings of a study looking at 18 aggravated murder cases committed by a close person between 2013 and 2020. The analysis revealed that all but one victim were women and in 78% of the cases the perpetrator was the victim's current or former intimate partner. This information confirms that lethal violence in domestic settings is a gendered issue. On a more worrying note, almost 70% of the perpetrators had previously been convicted of committing domestic violence against the victim (out of 11, two were convicted of an offence under the Criminal Code and nine were convicted of a misdemeanour). GREVIO further notes that in a number of cases no convictions were issued despite years of violent behaviour and reports of violence. These findings raise serious concerns about the effectiveness of the justice system.

212. GREVIO strongly encourages the Croatian authorities to step up their efforts to examine cases of domestic violence that have led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to that violence and closing such gaps in the future.

4. Sexual violence and rape (Article 36)

213. GREVIO notes with satisfaction that the legal definition of rape has undergone significant changes with the criminal amendments that entered into force in 2020. Accordingly, the offence of sexual intercourse without consent, which included any non-consensual intercourse or equivalent act of a sexual nature committed without the use of force or coercion, was revoked and these acts were classified as rape. The Criminal Code in force now defines rape as "sexual intercourse or an equivalent sexual act without this person's consent" and imposes a punishment of one to five years' imprisonment. When the act is committed by the use of force or by threat of an imminent attack on the life or limb of the victim, the punishment is three to 10 years. If a rape results in a more serious consequence or is committed under more serious circumstances (for instance, it is committed by a close person or by multiple perpetrators, or results in the pregnancy or death of a victim of rape), then it is considered to be a Serious Criminal Offence against Sexual Freedom as prescribed in Article 154 of the Criminal Code, which carries longer prison sentences. GREVIO welcomes the legislative amendment classifying all non-consensual sexual acts as rape and prescribing the application of aggravating circumstances where the circumstances of the act are particularly violent, abusive and traumatising to ensure a sanction commensurate with the gravity of the act.

214. Consent, as referred to in paragraph 1 of Article 153 of the Criminal Code on rape, is understood to exist when a person decides with their own free will to engage in sexual intercourse or an equivalent sexual act and is capable of making and expressing such a decision. In cases of threat, fraud, abusing one's position towards a person who is in a situation of dependence with respect to the perpetrator, exploiting a person's condition as a result of which the person was unable to express his or her refusal or if the act was performed against a person unlawfully deprived of liberty, it is deemed that consent does not exist. A perpetrator who is avoidably mistaken as to the existence of consent shall be punished with imprisonment not exceeding three years – meaning that according to objective circumstances and his personal characteristics he must or could have known that there was no consent.

215. Despite a number of positive legislative changes in recent years with regard to the criminal offence of rape, GREVIO notes that these offences remain under-reported and under-prosecuted. This stems from the widespread lack of knowledge and understanding of the dynamics of these criminal offences and the impact of trauma on victims. GREVIO further notes that when a sexual violence case is brought before the courts, mitigating circumstances are often applied in favour of the perpetrator, where the victim's behaviour is stereotypically interpreted as contributing to the crime. In this respect, GREVIO notes with concern that the defendant's marital status and

parenthood are also often taken as a mitigating circumstance, as is their participation in the Homeland War.

216. Moreover, lengthy criminal proceedings expose the victims to re-traumatisation and the sentences imposed on perpetrators fall short of being dissuasive. According to research from the Ombudsperson for Gender Equality, on average, it takes 41 months from the committal of the violent act until the final verdict, but in some cases proceedings have extended to several years.¹¹⁴ The same study indicates that perpetrators were given suspended or partly suspended sentences, or even community service, in 17.4% of the cases. Moreover, in 79.45% of the cases, sentences imposed on rape perpetrators remain within the lower third of the available scale.

217. GREVIO encourages the Croatian authorities to fully implement the newly adopted provisions of the Criminal Code covering the offences of rape and sexual violence and to ensure their effective application in practice by law-enforcement authorities, prosecutors and the judiciary, including in the absence of resistance by the victim and where the circumstances of the case preclude valid consent. To this end, training for all relevant professionals should be conducted, and appropriate guidelines developed and implemented.

5. Forced marriage (Article 37)

218. Under Article 169 of the Criminal Code, forcing another person to conclude a marriage or luring a person to a state other than the one in which he or she resides in order to force him or her to marry there shall be punished by imprisonment of up to three years. GREVIO notes with satisfaction that Article 169 of the Criminal Code encompasses all aspects of forced marriage as defined in Article 37 of the convention.

219. Despite the specific criminal provision on forced marriage, GREVIO notes that according to the information provided by the Ministry of Interior there were no reported cases of forced marriage in 2021¹¹⁵ and it appears that to date there have been no convictions for forced marriage in Croatia since the introduction of the offence in 2013.

220. While the prevalence of forced marriage in Croatia is unknown, GREVIO notes the studies indicating the persistent practices of arranged marriage, child marriage and forced marriage within the Roma community in Croatia.¹¹⁶ The reluctance to report forced marriage may be attributed to fear and lack of information about the available remedies and the inability of the relevant professionals to identify cases of forced marriage, which points to the need for more specific training around this issue.

221. GREVIO invites the Croatian authorities to:

- a. collect data on early and forced marriages and follow trends in this area;**
- b. effectively investigate and prosecute cases of forced marriage with a view to bringing perpetrators to justice and, if convicted, punishing them adequately, and pursue efforts to provide appropriate training to relevant professionals, in particular prosecutors, judges and social workers;**
- c. collect information on the root causes, extent and impact of forced marriage among the Roma community, in co-operation with women's NGOs that assist Roma women and girls, and develop and implement a holistic strategy to respond to it in full compliance with each of the pillars of the Istanbul Convention (prevention, protection and prosecution).**

114. Examples of 170 months, 168 months and 167 months.

115. Recorded criminal offences in the Republic of Croatia and their distribution by police departments in the year 2021.

116. European Parliament Directorate-General for Internal Policies, Policy Department, 2017, study entitled "Gender Equality Policies in Croatia – Update", available at:
[www.europarl.europa.eu/RegData/etudes/STUD/2017/596803/IPOL_STU\(2017\)596803_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596803/IPOL_STU(2017)596803_EN.pdf).

6. Female genital mutilation (Article 38)

222. Article 116 of the Croatian Criminal Code was introduced in 2013 in compliance with the Istanbul Convention, in order to criminalise the act of completely or partially removing or permanently changing a woman's reproductive organs, or encouraging or assisting a woman to undergo such acts. The provision also prescribes a heavier sanction in cases where female genital mutilation (FGM) is committed out of hatred towards a child or a close person. Article 116 constitutes *lex specialis* over the general criminal offences of particularly serious bodily injury (Article 119) and bodily injury resulting in death (Article 120), which carry heavier sentences and are applied when the act of FGM results in the permanent and significant loss of the function of an organ or in the death of the victim.

223. GREVIO notes with satisfaction the introduction of a specific FGM offence in the Criminal Code and while acknowledging that FGM is not practised in Croatia, it highlights the importance of obtaining more knowledge on this subject as part of a more comprehensive effort to understand the situation of women belonging to the various migrant communities, their specific problems and their exposure to the risk of specific forms of violence such as FGM.

7. Forced abortion and forced sterilisation (Article 39)

224. Article 115 of the Croatian Criminal Code criminalises the termination of pregnancy against the will of the pregnant woman, while forced sterilisation is covered by Article 119 on causing particularly serious bodily injury which criminalises causing permanent incapacity for reproduction or the loss or cessation of the functioning of an organ.

225. The available data indicate that there was one conviction in 2021 for forced abortion; however, GREVIO does not have any additional information on this case. As for forced sterilisation, it is unclear whether any of the convictions under the offence of causing particularly serious bodily injury involved this form of violence against women, therefore it is hard for GREVIO to assess the effective implementation of Article 119 of the Croatian Criminal Code in this regard.

226. GREVIO invites the Croatian authorities to take measures to ensure that the conduct described in Article 39 of the Istanbul Convention, as regards forced sterilisation, is effectively prosecuted under Article 119 of the Croatian Criminal Code.

8. Sexual harassment (Article 40)

227. Croatia has transposed EU Directive 2006/54/EC, which prohibits sexual harassment in the workplace. In line with the directive, sexual harassment in the workplace is considered a form of discrimination for which penalties must be established. The Gender Equality Act and the Anti-Discrimination Act further define sexual harassment as a form of gender-based discrimination which can be subject to civil proceedings. Outside of the workplace, Article 10 of the Act on Protection against Domestic Violence criminalises sexual harassment within a domestic violence context as a misdemeanour whereas Article 156 of the Criminal Code sets out the offence of sexual harassment of a subordinate, of a person in a situation of dependence with respect to the perpetrator or of an especially vulnerable person as a result of their age, illness, disability, addiction or pregnancy. Article 156 defines sexual harassment as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that aims to violate or effectively constitutes a violation of the dignity of a person and creates an intimidating, hostile, degrading or offensive environment. In this respect, GREVIO commends the criminal amendments enacted in 2021 to address the concerns voiced by civil society organisations within the scope a public debate triggered by a large number of reported sexual violence cases in universities. These amendments introduced the *ex officio* prosecution of sexual violence offences which were previously prosecuted upon the request of the victim and consequently lifted the three-month time limitation to pursue a prosecution. While GREVIO welcomes this comprehensive legal framework and the positive legislative developments, it notes with concern that the Criminal Code excludes sexual harassment cases committed outside

of close relationships or relationships of subordination and dependency. Sexual harassment committed against persons who are not among the categories of victims mentioned above is qualified as a misdemeanour under the Anti-Discrimination Act and the Gender Equality Act.

228. Moreover, GREVIO notes with concern the observations made by civil society organisations that the sexual harassment offence in the Criminal Code is not adequately made use of by law-enforcement and criminal justice officials. One important issue in this respect is the lack of clarity about the application of various sanctions foreseen in different laws. For instance, the Gender Equality Act prescribes misdemeanour sanctions for sexual harassment but does not specify the competent prosecutors to initiate proceedings, thus rendering the sanctions ineffective. Similarly, reports indicate that complaints about workplace harassment rarely lead to consequences for the perpetrators.¹¹⁷

229. A particular issue in this regard appears to stem from the interpretation of the sexual harassment offence by the judiciary – caused by the wording of the provision – to require a repeated action. A very alarming example of this is the judgment of the Municipal Court in Vukovar in a sexual harassment case, in which the perpetrator verbally and physically harassed his subordinate colleague continuously for six hours. The Vukovar court decided to acquit the perpetrator of sexual harassment as it deemed the incident to fall short of the severity to be classified as a criminal offence as a one-off act and to constitute it as a misdemeanour instead.

230. According to the annual report from the Ombudsperson for Gender Equality, 2021 saw a fourfold increase from the year before in the number of sexual harassment complaints submitted to the institution. An increase in reports of sexual harassment was also recorded by the Ministry of Interior, which registered 98 such reports, with 85 of the victims being women. Despite these figures, according to data provided by the Central Bureau of Statistics, the number of cases processed in the courts remains in single digits, with even fewer convictions.¹¹⁸

231. GREVIO has highlighted the need to respond to sexual harassment taking place on online platforms or via the use of digital technologies and recently issued its General Recommendation No. 1 on the digital dimension of violence against women with a view to providing guidance to states parties to the Istanbul Convention on how to effectively combat this widespread problem. Forms of sexual harassment committed digitally include non-consensual image or video sharing; non-consensual taking, producing or procuring intimate images or videos (more commonly known as “upskirting”, “creepshots”, “fake porn”, etc.); exploitation, coercion and threats (forced sexting, sexualised doxing, impersonation); sexualised bullying; and “cyberflashing”. In this respect, GREVIO welcomes the criminalisation of image-based abuse with the most recent criminal amendments. Accordingly, Article 144a of the Criminal Code criminalises the act of non-consensual sharing of intimate images with third parties; thereby violating the privacy of the victim. GREVIO does not have any information on the application of this provision but is hopeful that this will pave the way to justice for the victims of this more and more frequent form of violence against women.

232. **GREVIO encourages the Croatian authorities to:**

- a. **ensure the efficient implementation of criminal or other legislation for sexual harassment, both inside and outside the workplace, including where such harassment is carried out using digital tools, by harmonising the definitions and sanctions provided in different laws and by increasing awareness, including through training of law-enforcement officials, judges and other relevant professionals;**
- b. **strengthen data collection on this form of violence against women, covering criminal, civil and disciplinary proceedings.**

117. Joint shadow report co-ordinated by SOS Rijeka, p. 88.

118. Ombudsperson for Gender Equality annual report (2021), available in Croatian : www.sabor.hr/sites/default/files/uploads/sabor/2022-04-01/153402/IZVJ_PRAVOBRANITELJICA_RAVNOPR_SPOLOVA_2021.pdf.

9. Sanctions and measures (Article 45)

233. GREVIO recalls that sentences and measures imposed for all forms of violence against women should be effective, proportionate and dissuasive.

234. While GREVIO welcomes the provision for a range of sanctions for acts of violence against women in Croatian criminal legislation, it notes with concern from the information it has received that there is a wide discrepancy between available sanctions and those that are imposed in practice, particularly in terms of the leniency of the sanctions imposed and the use of conditional sentences. The Ombudsperson for Gender Equality stated in 2020 that less than 10% of the total number of all perpetrators of violence were sentenced to unconditional prison sentences while the majority of the perpetrators were sentenced to relatively light fines or suspended prison sentences.

235. Data from the Ministry of Justice and Administration illustrate the leniency of the penal policy in dealing with violence against women cases. For example, in 2021, over 90% of the prison sentences imposed in cases of stalking were suspended. In domestic violence cases 83% of the prison sentences were conditional and in 70% of the cases the duration of imprisonment was within the lower range of the available sentences, whereas the maximum unconditional prison sentence of between two and three years was imposed in two cases. Similarly, in cases of causing particularly serious bodily injury three out of five sentences were suspended and the maximum unconditional prison sentence of three to five years was imposed in only one case. Last, almost all of the sentences imposed in sexual harassment cases were suspended.

236. **GREVIO strongly encourages the Croatian authorities to ensure – through the effective training of members of the judiciary and other appropriate measures – that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding, among the prosecution authorities and members of the judiciary, that conditional or suspended sentences in domestic violence cases and other forms of violence against women do not serve the aims of ensuring justice for victims, ending impunity for perpetrators or deterrence.**

10. Aggravating circumstances (Article 46)

237. Article 47 of the Criminal Code sets out the general criteria to be taken into account when deciding on the mitigation or aggravation of punishment, such as recidivism, the severity of endangering or violating a protected good, the motives for the crime, the degree of violation of the perpetrator's duties, the manner of commission and wrongful effects of the crime, the perpetrator's previous life, personal and financial circumstances and his or her behaviour after the crime, attitude towards the victim and efforts to compensate for the harm done.

238. Furthermore, some of the aggravating circumstances required by Article 46 of the Istanbul Convention form part of the elements of the crime in the Criminal Code, thus qualifying them as more serious offences punishable by harsher sentences. Common aggravating circumstances include the commission of the offence against a close person, against a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, against an official exercising public authority or the commission of the offence in a particularly hateful manner. GREVIO notes, however, with the exception of the domestic violence provisions in the Act on Protection against Domestic Violence and the Criminal Code, as well as the provisions on rape and serious criminal offences against sexual liberty, the majority of the general offences applicable in cases of violence against women, such as bodily injury and homicide and their more serious forms, do not include some of the aggravating circumstances listed by Article 46 of the convention, including being committed repeatedly (46*b*), committed against or in the presence of a child (46*c*), committed by two or more people acting together (46*e*), committed with the use or threat of a weapon (46*f*) and a previous conviction of the perpetrator (46*i*).

239. Furthermore, due to a lack of data on the application of these aggravating factors in cases concerning violence against women, it is not possible for GREVIO to assess how they are applied in practice when they exist.

240. **GREVIO strongly encourages the Croatian authorities to adopt legislative measures to expressly include all aggravating circumstances listed in Article 46 of the Istanbul Convention in all relevant provisions applicable to violence against women, and take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are applied as aggravating circumstances by the judiciary in practice.**

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

241. As regards the use of alternative dispute resolution in civil proceedings, Chapter 7 of the Family Act introduces mandatory counselling and family mediation before initiating divorce proceedings between spouses who have a common minor child and before initiating proceedings for the determination of custody and visitation rights.

242. The mandatory counselling service is provided by expert teams at the social welfare centres and aims to ensure the parents' agreement on a shared parental care plan. It requires the expert team to perform an initial screening of the relationship between the partners, paying due attention to indications of domestic violence. The mandatory counselling involves the personal participation of the family members in the meeting with the expert team; however, partners may attend separately. The Family Act provides measures which can be undertaken in the mandatory counselling procedure to ensure the best interests of the child, including recommending the partners to undergo marital therapy, providing spouses with assistance in reaching an agreement on parental responsibility, referring spouses to family mediation, referring spouses to court proceedings in cases of high conflict separation and undertaking measures to ensure the child's or the domestic violence victim's protection.¹¹⁹ If the parties cannot agree on a parental responsibility scheme during the counselling, attendance at a family mediation meeting is required before initiating divorce proceedings. Article 332, paragraph 1, of the Family Act provides an exception to participating in family mediation where there is a claim of domestic violence; however, the determination is made by the social welfare centre.¹²⁰

243. Despite the precautions put in place by the Family Act, concerns have been raised by civil society organisations that the social welfare centres encourage the settlement of disputes concerning custody or visitation rights even in cases involving domestic violence¹²¹ and that there is an ongoing need to train child-protection specialists, social workers, lawyers and judges on the specifics of cases involving domestic violence (see the section on custody and visitation). This problem has been remarked upon by various international bodies for a long time now: in 2013, the UN Special Rapporteur noted that the counselling process was often conducted with the perpetrator and the victim present together in the same location, the employees of the social welfare centres presented a lack of understanding of the complex nature of abusive relationships and the testimonies of victims revealed inadequate and inappropriate responses by the social welfare centres to the protection needs of women victims of domestic violence. In 2015, the CEDAW Committee expressed a similar concern that the social welfare centres pressured women victims of domestic violence to agree to joint mediation.

119. The Mandatory Counselling Ordinance regulates the procedure of mandatory counselling as well as the duties of the expert team. Accordingly, the social worker or psychologist working on the case is required to assess the child's vulnerability or the potential presence of domestic violence.

120. Article 332 of the Family Act provides that family mediation is not conducted in cases where, according to the professional team at the social welfare centre, equal participation of spouses in the mediation proceeding is not possible because of domestic violence.

121. The submission from the Autonomous Women's House Zagreb – Women against Violence against Women and Centre for Women War Victims – ROSA, p. 8.

244. In this respect, GREVIO stresses that violence between partners is indicative of a power imbalance in the relationship which may impair the ability to negotiate fairly and to come to a mutually acceptable agreement. A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent. However, the available information does not indicate that such precautions are taken systematically.

245. GREVIO strongly encourages the Croatian authorities to uphold and effectively enforce the ban on mandatory reconciliation in parental separation proceedings when there is a history of domestic violence, including by developing guidelines and providing in-service training on methods for screening family law cases for domestic violence, with the aim of increasing the competence of relevant professionals to recognise and take into due consideration the psychological dynamics of domestic violence, including the specificities related to post-separation violence.

VI. Investigation, prosecution, procedural law and protective measures

246. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

247. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

248. GREVIO notes the efforts of the Croatian authorities to provide a specialised police response to domestic violence. In this respect, a specialist course entitled “juvenile delinquency and crimes against youth and family” is offered systematically at the Police Academy, which includes a module on domestic violence. The information provided by the authorities reveals that the course addresses subjects such as gender equality, prevention of gender-based violence and sexual violence. According to the authorities, assigning specialised juvenile police officers to investigate domestic violence stems from the fact that two thirds of domestic violence cases involve children, either as victims or witnesses, and the remaining cases of violence against women that do not involve children are handled by general units.¹²² GREVIO has received reports from civil society indicating that despite the training efforts, there is a widespread tendency among law-enforcement officials to treat gender-based domestic violence as a private matter which needs to be dealt with within the family and to downplay the seriousness of victim’s claims.¹²³ GREVIO further notes with regret that the existing specialising efforts do not extend to the forms of violence against women covered by the Istanbul Convention other than domestic violence.

249. Victims or witnesses of violence against women can file a report with the police by calling the general emergency phone lines 192 and 112, presenting at the police station or via e-mail. In addition, the Ministry of Interior’s website has an online reporting application named “Red Button” where individuals can report a crime to the police, including anonymously. According to available information, since 2019 this application has been used regularly and some data on the number of overall reports received through this application are available; however, its main use appears to be to report child abuse and GREVIO does not have any information on the number of reports concerning violence against women submitted through the application. Upon the receipt of a report, a team of two officers, including at least one female officer, is dispatched under the urgent procedure.

250. The Protocol on Procedure in Cases of Domestic Violence aims to set out the responsibilities of all relevant actors in responding to domestic violence, including the police, and to increase co-operation among them. In terms of police action, the protocol explicitly imposes the obligation to promptly act upon any reports of domestic violence and take the necessary precautions for the protection of the victim, which include assigning a female police officer to interview the victim upon her request and interviewing the victim without the presence of the perpetrator. Despite these measures, GREVIO notes with concern the reports indicating the insufficient number of female

122. Information obtained during the evaluation visit.

123. See the joint shadow report co-ordinated by SOS Rijeka, p. 105.

officers and the lack of facilities to allow for anonymous and confidential interviews or for access by women victims of violence with disabilities.

251. GREVIO is concerned about indications received from civil society that the police do not respond to reports of domestic violence as a priority.¹²⁴ An overall lack of a gendered understanding of domestic violence seems to dictate the Croatian police's response to violence against women. Challenges faced in reporting include minimisation of violence, victim-blaming attitudes and justifying the perpetrators' actions. A particularly problematic issue caused by the lack of clarity of the relevant provisions and exacerbated by the lack of a gendered understanding of domestic violence is the phenomenon of double arrests. The difference between the criminal offence and misdemeanour of domestic violence is not clear in either of the laws and the classification of the offence depends mainly on the approach of the police. Even though the initial classification of the offence by the police may be changed by prosecutors, GREVIO did not receive substantial information on whether this happens often or not. However, the information to hand reveals that even cases involving repeated and serious violence tend to be classified as misdemeanours.¹²⁵ Investigations often focus on one incident of violence rather than looking for the larger picture, repeated violence being a common element in domestic violence cases. Consequently, cases may not lead to any charges or be routed onto the misdemeanour track, after which the violence frequently continues. One way of improving this would be the systematic and impartial recording of all incidents reported to the police, the adequate documentation of any injuries, however slight, by the health sector and the willingness to make wider use of other sources of evidence to reduce the over-reliance on victim's statements (for example, photographic evidence, witness testimony, reports from the social welfare centres, etc.).

252. A consistent increase in the number of reported cases of domestic violence has been observed in the last 10 years while misdemeanour reports have been decreasing. For example, the number of reported domestic violence misdemeanours is estimated to decrease by about 10% per year, while the number of criminal offences increased by as much as 28.8% in 2020 compared to the previous year.¹²⁶ While these trends can be interpreted as an increased understanding of the severity of domestic violence cases among Croatian criminal justice authorities, the Ombudsperson for Gender Equality regards this as the victims' reluctance to report the violence until it escalates, due to a loss of trust in the criminal justice system.

253. Another widescale issue which could be attributed to the lack of training provided to police officers on the gendered nature of domestic violence is the problem of dual arrests. This is partly due to the fact that under the Act on Protection against Domestic Violence psychological violence is placed on the same footing as physical violence and partly due to the inability of police officers to identify the primary aggressor in the case. GREVIO was made aware of cases where the self-defensive injuries of the woman victim of violence was not recognised by the police or verbal insults and physical violence were both treated as equally legitimate grounds to arrest both parties.

¹²⁷

254. Data on the annual numbers of reported cases of different forms of violence against women are not available. Furthermore, the full extent of violence against women in Croatia is difficult to estimate, as there is no up-to-date prevalence survey. However, based on the finding of the Eurobarometer survey that 40% of the Croatian population tend not to trust the police, the lack of sensitivity on the part of criminal justice professionals and the risk of a woman being arrested alongside her abuser, it is safe to assume that all forms violence against women, including domestic

¹²⁴. See, for example, the account of a witness of domestic violence: www.expaticroatia.com/realities-domestic-abuse-croatia/.

¹²⁵. See case examples provided in the joint shadow report by SOS Rijeka, pp. 96-97.

¹²⁶. *Ibid.*, p. 97.

¹²⁷. See the examples provided in "Implementation of Croatia's Domestic Violence Legislation: Follow-up Report", 2016, pp. 11-13.

violence, remain under-reported. The Fundamental Rights Agency's 2014 survey indicates that among those who report, three in five women (60%) were not satisfied with the police response.¹²⁸

255. GREVIO urges the Croatian authorities to:

- a. ensure the swift and impartial response of all law-enforcement officers to cases of domestic and other forms of violence against women, in their homes as well as in public spaces, on the basis of the full respect for women's human rights, in particular the right to life and physical integrity;**
- b. pursue practical steps, such as on-the-job training developed in co-operation with specialist women's NGOs, to overcome persistent attitudes, beliefs and practices – including dual arrests and misclassification of criminal offences as misdemeanours – that stand in the way of a police response to domestic violence that is based on an understanding of the gendered nature, impact and consequences of violence and that focuses on the victim's safety, the collection of evidence and the full accountability of the perpetrator.**

2. Effective investigation and prosecution

256. The Act on the Protection against Domestic Violence explicitly states that all bodies dealing with domestic violence are obliged to act urgently and all proceedings initiated under the act are urgent, which GREVIO welcomes. The police have a duty to collect the necessary evidence and transmit the file to the State Attorney's office in domestic violence cases within three days, as a rule. In cases where the perpetrator cannot be identified within three days, the police must inform the prosecution services within 24 hours of the identification of the perpetrator. According to the information provided by the authorities, as a rule the perpetrator is arrested on the spot for a duration of up to 24 hours.¹²⁹ The prosecutor then has 16 hours to interrogate the perpetrator and 48 hours to take precautionary measures for the protection of the victim or make a request to remand the perpetrator in detention to the investigating judge when necessary. Upon the request of the prosecutor, the investigative judge can order the detention on remand of the perpetrator for up to a month, which must be reviewed every three months until an indictment is issued. According to the Criminal Procedure Act, the prosecution services must complete the investigation within six months, which may be extended to 12 months in exceptional cases. The State Attorney's office is in charge of carrying out the criminal investigations and providing instructions to law enforcement. However, while the Department of Youth in the State Attorney's Office in Zagreb is somewhat mandated to handle violence against women cases, in the rest of the country there are no specialised teams of prosecutors to handle cases involving violence against women and domestic violence. While the protocol on procedure provides a list of measures to be taken by prosecution and judicial authorities in cases of violence against women, GREVIO notes that these measures simply contain information on the procedural rights of the victim without providing victim-centred guidelines to the authorities for handling domestic violence cases.

257. As a result of the shortcomings in the Croatian data-collection system, it is difficult for GREVIO to make an assessment of the success and efficiency of prosecutions into all forms of violence against women; however, the information available reveals a low rate of prosecution in domestic violence cases. For example, in 2019, out of 423 reports filed under the criminal offence of domestic violence prescribed by Article 179a of the Criminal Code, only 166 of them ended in prosecution. The prosecution rate for the same offence saw an increase in 2020, with 358 indictments issued in 604 reported cases.

258. As regards evidence collection, in proceedings into the criminal offence of domestic violence, GREVIO notes with regret that the prosecution of the offence depends on a medical report proving

128. FRA: "Violence against Women – An EU-wide Survey", 2014. <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

129. Information obtained during the evaluation visit.

physical injuries.¹³⁰ GREVIO stresses that victims of domestic violence may be reluctant or unable to seek medical help on time to be able to document their injuries. Relying solely on medical documentation without considering other evidence may end up with a large number of perpetrators going unpunished or being prosecuted for lesser offences. Law-enforcement authorities' collection of evidence should entail, in addition to medical evidence, taking photographs of the crime scene, collecting DNA samples, taking statements from neighbours and any other potential witnesses, and identifying abuse perpetrated through digital means such as the threat of or the sharing of images without consent, or stalking through spyware or other technical devices.

259. Last, GREVIO notes that very little information was made available on how law-enforcement agencies, prosecution services and the judiciary fare in relation to other forms of violence against women, in particular rape and sexual violence outside the context of an intimate relationship. Reporting rates seem to be extremely low, as very few women come forward and even fewer cases make it to the trial stage. GREVIO further notes with regret that the Croatian civil society organisations also did not possess information on the prevalence of certain forms of violence against women, including forced marriage, despite information indicating that 50% of Roma girls give birth before the age of 18.¹³¹ While acknowledging the differences between underage and forced marriages, GREVIO underlines that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. Such high rates of early marriage may indicate a widespread yet unreported prevalence of forced marriage. GREVIO is aware of the difficulties that generally surround investigations and prosecutions of such a sensitive issue but recalls the need to diligently prevent, investigate, punish and provide reparation for all acts of violence covered by the scope of the convention. Regarding the investigation of sexual violence offences, GREVIO notes that the lack of specialist sexual violence support services may contribute to the victims' lack of trust in the criminal justice system and consequently to the under-reporting of these crimes.

260. GREVIO urges the Croatian authorities to issue guidelines or standard operating procedures to public prosecutors' offices in order to ensure the victim-sensitive handling of all cases of violence against women covered by the Istanbul Convention in order to better equip the prosecution services to collect and pay due regard to all available evidence in the prosecution of all forms of violence against women covered by the Istanbul Convention.

3. Conviction rates

261. Judging from the data available, GREVIO notes that the ratio of convictions to opened prosecutions is satisfactory in Croatia.¹³² The worrying issue, however, is the nature of the sanctions imposed in those convictions.¹³³ Research has shown that under 10% of sanctions issued for such violence are jail or prison, regardless of whether the offences are tried under the Criminal Code or the Act on Protection against Domestic Violence.¹³⁴ Most sanctions are fines and suspended sentences, even for repeated acts of violence. Moreover, the problem of dual arrests is further exacerbated in the courtroom where judges are poorly equipped to identify the predominant aggressor.¹³⁵

262. The lack of regularly collected gender-disaggregated data across law-enforcement and judicial institutions, and the absence of a case-management system that would allow tracking individual cases from the moment of reporting to the judgment by the court, make it all the more difficult to assess accurate attrition rates at the various stages of the criminal justice chain and identifying the causes thereof. An evidence-based analysis of the factors contributing to attrition is crucial to addressing them, including through a review of gender-disaggregated administrative data

130. Submission from the Centre for War Victims ROSA.

131. The Committee on the Rights of the Child, combined fifth and sixth periodic report of Croatia.

132. See Appendix 3 of the state report, pp. 81-83.

133. Chapter V, Sanctions and Measures.

134. See the submission from ROSA.

135. See "Implementation of Croatia's Domestic Violence Legislation: Follow-up Report", 2016, p.12.

and case law and assessment of the handling of criminal cases by law-enforcement agencies, prosecutorial offices and courts in order to verify where attrition occurs and to identify possible gaps in the institutional response.

263. With a view to putting an end to the impunity of perpetrators and preventing the risk of recidivism, GREVIO strongly encourages the Croatian authorities to ensure that sentencing in cases of violence against women, including domestic violence, is commensurate with the gravity of the offence and preserves the dissuasive function of penalties.

B. Risk assessment and risk management (Article 51)

264. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

265. In accordance with Directive 2012/EU/29, the Criminal Procedure Act introduced the obligation to conduct an individual assessment of victims of all crimes. Specifically in domestic violence cases, the Protocol on Procedure in Cases of Domestic Violence requires the police and the social welfare centres to conduct an individual risk assessment in every case of domestic violence they are made aware of. This assessment aims to identify whether special protection measures should be taken in relation to the victim. In their assessment the authorities are required to take into consideration the personal characteristics of the victim, the type or nature of the violence and the circumstances in which the criminal offence has been committed. For the implementation of the individual risk assessment, the Rules of Conduct for Individual Assessment of the Victim were adopted, which include standardised forms on risk factors to be used by the police and social welfare centres respectively. Based on the assessment, the authorities prepare a plan that includes the identified protection measures to be applied in the victim's case.

266. The risk assessment by the police aims to determine the risk of severe or repeated violence and to manage those risks by taking appropriate measures, including arresting the perpetrator or proposing precautionary or protective measures. The risk assessment is carried out based on the Form for Assessing the Risk of Recurrence of Violent Behaviour. As regards the social welfare centres, they are required to draw up a safety plan together with the victim regardless of whether she remains in the family residence or moves to a shelter. The safety plan takes into consideration elements such as the nature, duration and history of violence and may include measures such as directing the victim to available services or assisting the victim to take personal safety measures, for instance changing contact information and online passwords. According to available data, the social welfare centres proposed only 68 protective measures in 2019 and 52 in 2020, which indicates a lack of a proactive approach to victim protection.

267. GREVIO welcomes the use of standardised forms to conduct risk assessments and the inclusion of both the law-enforcement and social welfare authorities to ensure that all competent authorities that may come into contact with victims can effectively assess the risks to the victim's safety on a case-by-case basis. However, according to information provided by NGOs active in the field, despite the obligation to carry out risk assessment since 2018, their implementation by the police appears to be sporadic and when they are implemented, it remains largely formalistic. Information provided by NGOs indicates a lack of collaboration between the relevant authorities and providers of specialist services to victims of violence against women in risk assessment and management.¹³⁶ Moreover, no data-collection efforts were taken to evaluate the effectiveness of the risk-assessment scheme. The available data on femicides paint a very worrying picture, however:

136. Joint shadow report co-ordinated by SOS Rijeka, p. 113.

according to the reports of the Ombudsperson for Gender Equality, in almost all cases reported to the police, there were elements indicating an elevated risk of violence but the police officers failed to determine the factors that are associated with femicide. The alarming information that the number of women killed as a result of intimate partner violence has increased by 50% since 2018¹³⁷ offers further demonstration of the urgent need to assess the reasons why the high level of risk remains undetected in some cases. In this context, it is essential to strengthen the knowledge of all professionals about the different risk factors, such as manifestations of coercive control, death threats and the increase in risk that separation represents. It would be equally important to put this into context with the type and frequency of breaches of protection orders.

268. GREVIO regrets to note that apart from domestic violence, no risk-assessment mechanisms are in place for other forms violence against women covered by the Istanbul Convention. This is a reflection of the Croatian policy framework's near exclusive focus on domestic violence cases under each pillar of the convention, which GREVIO is concerned about.

269. While no information was provided on any initiatives to formalise the risk-assessment duties of social welfare centres, GREVIO welcomes the issuance of a binding instruction, in September 2022, by the Director General of the Police that obliges all police officers to carry out an individual assessment of the victims' need for protection and support, based on the risk of repetition or escalation of the violent behaviour. In this respect, GREVIO wishes to point out that the European Court of Human Rights (the Court) has recently rendered a judgment in the case of *Kurt v. Austria*¹³⁸ in which it specified the obligations relating to risk assessments and risk management under Article 2 of the European Convention on Human Rights. Notably, the Court held that authorities must respond immediately to allegations of domestic violence. They must establish:

whether there exists a real and immediate risk to the life of one or more identified victims of domestic violence by carrying out an autonomous, proactive and comprehensive risk assessment. The reality and immediacy of the risk must be assessed taking due account of the particular context of domestic violence cases. If the outcome of the risk assessment is that there is a real and immediate risk to life, the authorities' obligation to take preventive operational measures is triggered. Such measures must be adequate and proportionate to the level of the risk assessed.¹³⁹

The Court found that once a risk has been established, the rapid sharing of information and co-ordination among relevant stakeholders is part of a comprehensive response to domestic violence, including information from child-protection agencies, schools and other childcare facilities, should children be involved.¹⁴⁰ GREVIO fully endorses these findings and their importance in ensuring the effectiveness of risk assessments.

270. **GREVIO strongly encourages the Croatian authorities to:**

- a. ensure the systematic use of standardised, evidence-based risk-assessment tools for all forms of violence covered by the Istanbul Convention, and provide training to all statutory agencies accordingly, in order to enable the identification of and timely response to all relevant factors that may contribute to a risk of repeated violence or to a threat to the life of victims of violence, when first contact is made with victims;**
- b. enhance the capacities of law-enforcement agencies to carry out risk assessments in domestic violence cases by introducing information sharing on the basis of multi-agency co-operation, including the involvement of women's specialist services, and establish effective protection measures and/or safety plans shielding victims and their children from the risk of further violence. The authorities should furthermore guarantee that subsequent assessments are performed to consider any changes in the level of risk.**

137. Ibid.

138. *Kurt v. Austria* [GC], Application No. 62903/15, §§ 167-176, 15 June 2021.

139. Ibid., § 190.

140. Ibid., § 180.

271. **GREVIO further encourages the Croatian authorities to ensure that systematic and gender-sensitive risk assessment and safety management become standard procedures in all interventions by the social welfare centres and concerning all forms of violence against women covered by the Istanbul Convention.**

C. Emergency barring orders (Article 52)

272. Under Article 52 of the Istanbul Convention, in situations of immediate danger (where harm is imminent), authorities are required to be granted the power to order a perpetrator of violence against women and domestic violence to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. The drafters of the convention left it to the discretion of parties to determine the duration of an emergency barring order (EBO) – usually of a short-term nature – and the competent authority to issue such orders. In its baseline evaluation reports, GREVIO has clarified that EBOs are tools for law-enforcement agencies and the criminal justice system to react quickly to a situation of immediate danger without lengthy proceedings. They are tools intended to prevent a crime and are thus intended to put safety first. EBOs should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger and with longer-term protection being granted by a court through a protection order, upon application of the victim. Under Article 52 of the convention, EBOs should moreover ensure the safety of victims without forcing them to hurriedly seek safety in a shelter or elsewhere. The burden of leaving the home is in fact shifted to the perpetrator who should be ordered to immediately vacate the residence of the victim and be barred from returning “for a sufficient period of time” and from contacting the victim and her children, where applicable. Moreover, the emergency barring order should in principle extend to children in need of protection and should have immediate effect, even if the order must be confirmed by a court or other legal authority afterwards. The EBO should also be accompanied by the availability of support to the victim, such as specialist support services, legal advice and help, shelters, medical help and psychological support counselling.¹⁴¹

273. In order to eliminate an immediate danger and ensure the protection of the victim, Article 130 of the Misdemeanour Code provides police officers with the authority to issue one or more precautionary measures against a perpetrator at the scene of an incident for up to eight days and regardless of the consent of the victim. These measures include banning visits to a certain location or area or banning approaching or establishing and/or maintaining connections with a certain person. The provision, however, explicitly states that these measures cannot limit the defendant’s right to access his own residence and the right to undisturbed relations with intimate partners and children.

274. In addition, Article 13 of the Act on Protection against Domestic Violence sets out other protective measures in domestic violence misdemeanour proceedings which can be issued by the courts upon the request of the victim or prosecuting authority if there is a direct threat to the safety of the victim or her family. These include mandatory psycho-social treatment, bans on approaching, harassing or stalking a victim of domestic violence, removal from the shared household and mandatory addiction treatment. The decision shall be rendered by the court without delay and no later than within 24 hours of the submission of the request. These measures can be imposed before the launch of misdemeanour proceedings and appeal does not delay the execution of the imposed measure. However, if the victim or the prosecution authority does not file a proposal for indictment within eight days of the day the decision was made, the decision shall be revoked and the court will inform the police without delay about the suspension of the protective measure. Sanctions for non-compliance with protective measures include a fine of a minimum of HRK 3 000 (approximately €400) or at least 10 days’ imprisonment.

141. Mid-term horizontal review of 17 GREVIO baseline evaluation reports, paragraph 460, 2021, with further references. Available at: www.coe.int/fr/web/istanbul-convention.

275. There are a number of concerns regarding the way the current procedures are set out and implemented. First, the available precautionary measures under the Act on Protection against Domestic Violence do not qualify as emergency barring orders as required by Article 52 of the Istanbul Convention. This provision sets out the obligation to ensure that a perpetrator of domestic violence may be ordered to vacate the residence of the victim or person at risk in situations of immediate danger. In this respect, GREVIO regrets that the right of police officers to order temporary measures in urgent cases does not include the removal of the perpetrator from the shared household. Only courts can issue such an order and for most victims the wait between filing the request and the delivery of the decision, combined with the uncertainty regarding the outcome, may present too much of a safety risk and they will prefer to relocate to a domestic violence shelter. The aim of the Istanbul Convention, however, is to allow women and children to remain safe in their own home.

276. Second, information provided by civil society organisations reveals that these measures are not often made use of: in 2020, the police issued 2 647 *ex officio* precautionary measures under the Misdemeanour Act in 8 539 reported cases of domestic violence. As for the use of precautionary measures provided for by the Act on Protection against Domestic Violence, which depend on the request of the victim or the police as the prosecuting authority, reports indicate that the police rarely use this option and that victims are often not informed of the possibility to use such a measure.¹⁴² GREVIO was also made aware that judges in misdemeanour courts often do not inform women of their right to appeal if their request for a protection order is denied.¹⁴³ In cases involving dual arrests, where the victim is detained for a domestic violence misdemeanour alongside the perpetrator, the victim may also decline to file an appeal in order to avoid retaliation.¹⁴⁴

277. Last, GREVIO is concerned that the protection orders available under the misdemeanour regime depend on the initiation of misdemeanour proceedings within eight days of requesting a protection order. Failure to do so will result in the suspension of the protection order granted. This is contrary to the requirements of Article 53 of the Istanbul Convention which clearly seek to distinguish between a victim's right to protection and holding the perpetrator accountable.

278. As for the offences set out in the Criminal Code, Article 65 provides for a set of security measures, such as mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psycho-social treatment, a ban on approaching, harassing and stalking a certain person, removal from a shared household and protective supervision after a completed prison term. These however cannot be regarded as emergency barring orders for the purposes of Article 52 of the convention as these measures, including eviction and restraining orders, may be issued by the criminal courts only at the very end of the proceedings, i.e. upon conviction. For the duration of the proceedings and in the event of an acquittal, no protection orders may be granted. The only action that can be taken by investigative authorities is investigative detention (as requested by the prosecutor to prevent the obstruction of evidence or the flight risk of the perpetrator) and arrest (by police officers in cases where there are reasonable grounds for investigative detention).

279. GREVIO is concerned about the lack of any interim or temporary protection orders for victims of domestic violence whose cases are prosecuted under the Criminal Code. This is all the more worrying as these cases are typically more serious in nature and may entail high levels of risk to the victim. GREVIO recalls that Article 53, paragraph 2, of the Istanbul Convention requires protection orders to be "available for immediate protection" and "irrespective of, or in addition to, other legal proceedings". The aim of this provision is to ensure protection without the need for lengthy court proceedings.

280. The above information leads GREVIO to conclude that emergency barring orders as defined under Article 52 of the Istanbul Convention are currently not available in Croatia. This is of great concern to GREVIO, as currently there is no authority authorised to evict a perpetrator of violence

142. Joint shadow report co-ordinated by SOS Rijeka, p. 118.

143. Information obtained during the evaluation visit.

144. *Ibid.*

from his home on the spot. GREVIO thus considers that the authorities will need to take legislative or other measures in order to ensure that Article 52 of the Istanbul Convention is duly implemented. In doing so, attention must be paid to ensure that no gap in the protection of the victim arises because of the expiry of any emergency barring, restraining or protection order by making available successive protection measures that can be applied immediately afterwards.¹⁴⁵

281. GREVIO strongly encourages the Croatian authorities to take legal or other measures to ensure that emergency barring orders are available in the Croatian criminal justice system, both in misdemeanour and in criminal proceedings, and irrespective of charging decisions by prosecution services or the institution of misdemeanour proceedings by victims, and that they meet the requirements of Article 52 of the Istanbul Convention. Subsequently, it must be ensured that they are duly implemented in practice, including through training and awareness-raising efforts with the police, the social welfare authorities, prosecutors and judges, and that no gaps arise in the protection of victims because of the expiry of any emergency barring, restraining or protection order, by making available successive protection measures that can be applied immediately afterwards.

D. Restraining or protection orders (Article 53)

282. The protective measures provided for in Article 13 of the Act on Protection against Domestic Violence and that can be issued before or in the course of misdemeanour proceedings by the courts can be regarded as measures falling within the scope of Article 53 of the convention. These include the prohibition to approach, harass, or stalk a victim of domestic violence and the removal from the shared household, which may be imposed for a minimum of one month and a maximum of two years. Upon the request of the victim or the prosecutor, the court may review and, if necessary, extend the imposed protective measure.

283. As explained in the previous subchapter on emergency protection measures, according to indications received by GREVIO, these measures are rarely requested and even then they are granted in only half of the cases.¹⁴⁶ Furthermore, the prescribed sanctions for violating the imposed protection measures are not dissuasive as reports indicate that a prison sentence is rarely imposed.¹⁴⁷ According to a study on the implementation of the EU Directive, 56% of the interviewed legal experts were of the opinion that protection orders in Croatia are generally not effective, 73% of the NGOs deemed that they were not adequately available to victims and 56% believed that they were not adequately enforced.¹⁴⁸

284. Under the Criminal Code, the protective measures provided for in Article 65 can only accompany a conviction, which leads to serious gaps in the protection of victims of violence against women throughout lengthy criminal proceedings.

285. As the data provided by the authorities were unclear in terms of the time frame of the submitted requests, granted measures and implemented measures, it was not possible for GREVIO to analyse whether they are used in practice for all forms of violence covered by the convention or to assess their efficiency in practice.

286. GREVIO strongly encourages the Croatian authorities to review their system of temporary protection orders to ensure that:

145. Chapter VI, Protection orders.

146. Submission from ROSA.

147. Ibid.

148. AWHZ, "ARTEMIS: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order – National report Croatia", 2020. www.artemis-europa.eu/wp-content/uploads/2020/09/Artemis-national-report-Croatia.pdf.

- a. **they are available for long-term protection in misdemeanour and criminal proceedings without undue delay, immediately after the expiry of an emergency barring order and regardless of a conviction, to avoid gaps in the protection of victims, and extend to all forms of violence covered by the scope of the Istanbul Convention;**
- b. **protection orders are vigilantly enforced and breaches sanctioned, in line with the requirement of effective, proportionate and dissuasive criminal or other sanction;**
- c. **progress is monitored in this area by gathering data on the number and types of protection orders imposed, any violations of such orders and the sanctions imposed as a result.**

E. *Ex parte* and *ex officio* proceedings (Article 55)

1. *Ex parte* and *ex officio* proceedings

287. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

288. This provision recognises the particularly traumatising nature of the offences and seeks to ease the burden which lengthy investigations and proceedings often place on the victims while at the same time ensuring that perpetrators are brought to justice.

289. Article 2 of the Criminal Procedure Code provides that the public prosecutor shall be obliged to initiate criminal prosecution if there is evidence that a crime, which is to be prosecuted *ex officio*, has been committed. For acts for which criminal proceedings are instituted based on a private lawsuit, the authorised prosecutor is a private prosecutor and can only initiate criminal proceedings at the request of the victim. GREVIO welcomes the criminal amendments of 2021 introducing the *ex officio* prosecution of sexual harassment committed against a person who is not classified as a vulnerable person under the provision. There are still a number of general crimes in the Criminal Code that cover conduct relating to violence against women outside the family violence sphere that are not prosecuted *ex officio*, but rather require a private lawsuit unless they are committed against a close person. These include the offences of threat, coercion and bodily injury.

290. According to the authorities, committing the act out of hatred, including gender-based hatred, constitutes a qualified form of the aforementioned general offences, thus requiring *ex officio* prosecution. GREVIO however does not possess any information on the frequency of judicial authorities interpreting cases of violence against women arising under these criminal provisions as motivated by gender-based hatred.

291. As per the Criminal Procedure Act, there is a three-month time limitation to launch private prosecutions from the day when the victim concerned has learned about the crime and the perpetrator. GREVIO notes that the offences subject to private prosecution leave aside many cases of violence, in particular physical and psychological violence, and result in a significant burden being put on victims to file complaints. In this regard, GREVIO is concerned by the intimidation or pressure likely to be put on victims, whether by perpetrators, relatives, the community at large or figures of authority, to withdraw their complaint, which results in a lack of convictions.

292. GREVIO strongly encourages the Croatian authorities to amend the law to require *ex officio* prosecution in relation to the offences specified under Article 55, paragraph 1, of the Istanbul Convention, including in cases of bodily injury committed in the context of domestic violence.

2. Victim support in legal proceedings

293. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

294. Both the Criminal Procedure Act and the Act on Protection against Domestic Violence provide victims of violence against women with the right to access victim support services, to benefit from psychological and other professional support and to be accompanied by a person of trust at all stages of the criminal justice chain. Authorities dealing with domestic violence are obliged to inform the victim about these rights in a way that is understandable. Victim and witness support departments exist in courts in a number of cities, while in other cities these services are provided by NGOs that are members of the Victim Support Network.

295. In this respect, GREVIO notes some worrying accounts indicating judges' lack of understanding and knowledge of the role of support persons. GREVIO was informed of instances where the support persons were treated as witnesses or barred from attending the proceedings on the ground that the victim already had a lawyer.¹⁴⁹

296. **GREVIO strongly encourages the Croatian authorities to increase the effectiveness of legal and psycho-social support at all stages of legal proceedings for all victims of violence against women and child victims, including by promoting and supporting the role of specialist women's organisations and those who assist child victims.**

F. Measures of protection (Article 56)

297. According to the Croatian Code of Criminal Procedure and more specifically the Act on Protection against Domestic Violence, victims of violence against women and domestic violence have the right to benefit from certain measures of protection, including the right to access support services, the right to psychological and other professional assistance, the right to be accompanied by a person of trust throughout the proceedings, the right to be informed, without undue delay, of the termination of the detention or escape of the perpetrator as well as the suspension of precautionary measures, the right to demand the exclusion of the public in court proceedings, the right to be questioned by a female investigator, the right to avoid contact with the perpetrator before and during the proceedings and the right to testify via the use of audiovisual technology.

298. Reports submitted by women's rights NGOs reveal that the application of these provisions vary throughout Croatia. While some police officers, prosecutors, social workers and judges are quite diligent when it comes to respecting the rights of the victim, GREVIO was informed of cases where these rights were denied to victims of violence against women. These worrying accounts include the denial of the right to interpretation where the victim was not a Croatian native speaker, the right to be interviewed by a female police officer and to provide testimony via video conference technology and being asked to confront the perpetrator in a sexual violence case.¹⁵⁰

299. As for child victims and witnesses, in accordance with the Police Duties and Powers Act, interviews are conducted by specialised police officers in accordance with the PEACE (planning and preparation, engage and explain, account, clarification and challenge, closure, evaluation) model in special rooms. They are also provided with psychological and other specialist services throughout the proceedings in partnership with NGOs. GREVIO welcomes the reports that the provision of victim support services to child victims and witnesses of domestic violence is more consistent.¹⁵¹

149. Ibid.

150. Joint shadow report co-ordinated by SOS Rijeka.

151. Information obtained during the evaluation visit.

300. **GREVIO strongly encourages the Croatian authorities to take legislative or other steps to implement all the measures to protect the rights and interests of victims of all forms of violence against women, as set out in Article 56 of the Istanbul Convention.**

301. **GREVIO further strongly encourages the Croatian authorities to ensure the use in practice of existing measures to protect the rights and interests of the victims during investigations and judicial proceedings for all forms of violence against women. Data collection and research on the implementation of these measures and their effectiveness should be carried out regularly, including from a victim's perspective.**

G. Legal aid (Article 57)

302. Under the Croatian Free Legal Aid Act, which regulates legal aid in administrative and civil matters, Croatian citizens and persons lawfully residing in Croatia can apply for free legal aid if they comply with the financial eligibility criteria. Free legal aid can be provided as primary legal aid, which includes general legal information, legal advice and drafting submissions before public bodies and the European Court of Human Rights, and secondary legal aid, which includes legal advice and legal representation in court proceedings. Secondary free legal aid can be granted regardless of the applicant's financial situation in cases that concern the right to compensation for damage caused by the commission of a criminal offence when the offence is punishable by imprisonment for a term exceeding five years.

303. Primary legal aid is provided by state administration offices in counties, the City Office for General Administration of the City of Zagreb, authorised associations and legal clinics, while secondary legal aid is provided by practising lawyers.

304. GREVIO notes that the legal framework determining the right to free legal aid is quite complex in Croatia but, according to the information available, primary legal aid can be granted in any legal matter whereas secondary legal aid can only be granted in civil and administrative procedures, thus excluding misdemeanour proceedings and criminal proceedings launched by victims of violent crimes, with the exception of offences against sexual freedom, which is explicitly stipulated by Article 44 of the Criminal Procedure Act. In criminal proceedings, the Criminal Procedure Act prescribes the right to consult with an "adviser" only when the victim has special protection needs.

305. GREVIO notes that the free legal aid scheme in Croatia prevents a large number of victims of violence against women from accessing the services of a state-funded legal counsel in criminal proceedings in particular in misdemeanour proceedings, which constitute the majority of domestic violence cases. Women's rights NGOs report that even when victims are eligible for primary legal aid, the implementation of the scheme is problematic and inconsistent in practice. For example, NGOs report different practices regarding the stage of proceedings where the right to free legal aid can be invoked, with some victims being appointed a free representative or adviser during the investigation stage whereas others only received legal aid once the indictment had been accepted.¹⁵²

306. GREVIO further notes that, according to women's rights NGOs, the Criminal Procedure Code fails to provide the professional qualifications of the person who can serve as an adviser, which could be interpreted to include not only legal professionals but also psychologists, pedagogues or social workers.¹⁵³ The lack of trained and specialised lawyers on gender-based violence against women exacerbates this issue.

152. See the joint shadow report co-ordinated by SOS Rijeka, p. 130.

153. Ibid.

307. **GREVIO encourages the Croatian authorities to take measures to ensure, including through legislative changes, the provision of free legal aid to victims of all forms of violence against women and to systematically inform them of their rights and possibilities under the free legal aid scheme.**

308. **Moreover, GREVIO encourages the Croatian authorities to remove any administrative or procedural barriers to obtaining legal aid, and to monitor the impact of the provisions on legal aid in practice with a view to ensuring women's continued access to justice through quality legal representation.**

VII. Migration and asylum

309. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

310. As a general consideration, GREVIO stresses that it is fully aware of the challenges posed to Croatia as an entry point to the European Union. GREVIO recognises the efforts made by Croatia to improve the legislative framework and the reception and integration of those recognised as seeking international protection or refugees. GREVIO reiterates its strong belief in the importance of solidarity between European states to ensure Croatia, as with Italy and other states of first arrival, is not left to deal with this situation alone.

A. Residence status (Article 59)

311. GREVIO notes with satisfaction that the legal framework governing the residence and stay of third-country nationals is capable of ensuring full compliance with the requirements of Article 59 of the Istanbul Convention. Moreover, where an independent permit is sought and the spouse or partner is being removed from the country, expulsion proceedings against the woman are suspended while the application is made and determined.

312. An autonomous residence permit is usually available to a person who has been present in Croatia for the purpose of family reunification with a temporary residence permit for three years. In cases of marriage/relationship breakdown, the Law on Foreigners¹⁵⁴ of 2021 provides for granting temporary residence for serious justified grounds of a humanitarian nature.¹⁵⁵ Under this provision an applicant is not required to provide evidence of means of subsistence or health insurance. What is required is a valid travel document and evidence proving that she or he is a victim of violence. Article 22 of the Ordinance on the Status and Work of Third Country Nationals in the Republic of Croatia¹⁵⁶ sets out the requirement to provide documentation justifying the application, such as evidence that it was established that the applicant was a victim of violence. GREVIO was informed by the Croatian authorities that such documentation could include a witness statement from the applicant.¹⁵⁷ GREVIO welcomes the fact that the ability to make an application is not dependent on the duration of the marriage or relationship or the previously lawful status of either party and the removal of a previous requirement to additionally show that the person had a “lack of appropriate care”.

313. GREVIO was informed that although Article 21 of the ordinance only provides the possibility to apply for temporary residence for humanitarian reasons for a citizen of a third country who co-operates with competent authorities in criminal proceedings against an employer who illegally employed the person, Article 22 provides for a broad undefined range of circumstances that potentially include where a woman is assisting the authorities with investigations or criminal proceedings relating to rape, domestic violence, sexual assault and the other offences that require criminalisation under the Istanbul Convention. GREVIO is pleased to note that the legal possibility

154. Official Gazette, No.133/20, available in Croatian: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html.

155. Article 79, paragraph 1, item 6 of the Law on Foreigners.

156. Official Gazette, NN/20/2022, available in Croatian: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_20_215.html.

157. Information obtained during the evaluation visit.

exists for women taken outside the country for forced marriage to potentially return to Croatia to resume their residence, however there were no examples of this known to the officials and understanding of both forced marriage and the risk of FGM in migrant populations appeared to be low.¹⁵⁸

314. There are no guidelines for either applicants or decision makers on the application of the law and women are not informed of the possibility to apply for a permit in their own right on any of the grounds in Article 59 of the Istanbul Convention at any stage. Furthermore, up until 2022, there were no data as to the number of women granted residence permits on this basis and although GREVIO was informed by NGOs that some women have received permits under these provisions, the number of known instances is very low. GREVIO welcomes the decision in 2022 by the Croatian authorities to take the necessary steps to collect data on the residence permits granted on the basis of humanitarian reasons, including gender-based violence. However, no information has been provided on whether violence against women is determined as a separate factor in the data or on the number of such permits granted so far.

315. Overall therefore, while the legal framework is broadly compliant with the provisions of the Istanbul Convention, the effectiveness of the legislation is questionable owing to the lack of information provided to migrant women about their rights or the possibilities to make relevant applications. GREVIO further notes that legal aid is only available where reciprocal arrangements apply in a country of origin, which will exclude the vast majority of migrant women in need of legal assistance.

316. **GREVIO encourages the Croatian authorities to:**

- a. **keep records of the number of applications made, granted and refused for temporary residence for humanitarian reasons, disaggregated by gender;**
- b. **ensure migrant women are aware of their right to make an application on humanitarian grounds, either owing to marriage breakdown or forced marriage or because of their participation in investigations into criminal offences covered by the Istanbul Convention, and the evidence they are required to provide in support of such an application;**
- c. **ensure that decision makers, lawyers and NGOs representing migrant women are aware of the full range of circumstances covered by Article 79 of the Law on Foreigners and the provisions of Articles 21 and 22 of the Ordinance on the Status and Work of Third Country Nationals in the Republic of Croatia to enable them to apply these provisions in appropriate circumstances.**

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

317. Croatia has transposed EU Directive 2011/95/EU (the Qualification Directive),¹⁵⁹ Directive 2013/32/EU (the Procedures Directive)¹⁶⁰ and Directive 2013/33/EU (the Reception Directive)¹⁶¹ into domestic law through the Law on International and Temporary Protection.¹⁶² Article 4 of the Law on

158. Chapter V, Forced marriage and Female genital mutilation.

159. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons for international protection, for the unique status of refugees or persons who meet the conditions for subsidiary protection, and for the content of approved protection (amended), (OJ L 337, 20 December 2011).

160. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for the recognition and withdrawal of international protection (amended), (OJ L 180, 29/06/2013).

161. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 on establishing standards for the reception of applicants for international protection (amended), (OJ L 180/96, 29 June 2013).

162. Official Gazette, NN 70/15 and 127/17.

International and Temporary Protection defines vulnerable groups as, among others, pregnant women, single parents with minor children, victims of human trafficking, and victims of torture, rape or other psychological, physical and sexual violence such as victims of female genital mutilation.

318. Article 15 of the Law on International and Temporary Protection provides for special procedures and acceptance guarantees to provide adequate support to applicants with regard to their personal circumstances, including age, gender, sexual orientation, gender identity, disability, serious illness, mental health or the consequences of torture, rape or other severe forms of psychological, physical or sexual violence, in order to exercise the rights and obligations from the act. The legal framework explicitly disapplies Article 41 (on expedited and accelerated procedures) and Article 42 (on handling of claims at the border or in the transit area) to the requests of applicants who need special procedural guarantees, including victims of torture, rape or other serious forms of psychological, physical or sexual violence, if adequate support cannot be provided.

319. GREVIO also notes that under the terms of Article 22, gender-related characteristics, including gender identity, must be considered when determining whether a particular social group exists, and Article 23 provides definitions of persecution, including acts which by their nature are specifically related to gender or children.¹⁶³

320. The process of identifying the applicant's personal circumstances and the need for special procedural and acceptance guarantees is said to be continuously carried out by trained police officers, employees of the ministry and other competent bodies, with the expressed intention of providing international protection until a decision is made on the application. However, it does not appear that this process is standardised or that it is regularly implemented. Specific difficulties arise in respect of access to the procedures and as the procedures and guarantees do not apply to women at the borders before their intention to claim international protection is expressed, they may not be applied in practice where needed.¹⁶⁴ While GREVIO welcomes the extensive training provided to border officials and the police in respect of all aspects of asylum and a gender-sensitive approach, the impact of this training is not yet evident. On the basis of the information available, it is GREVIO's view that the existing legal safeguards are not effective in practice.¹⁶⁵

321. According to the state report,¹⁶⁶ in the three years between 2019 and 2021 a total of 2 643 women applied for asylum, of which 111 were granted asylum and two subsidiary protection. Given the numbers arriving at the borders and the profile of the main countries of origin, this rate of both numbers of applicants and recognition is low. GREVIO were informed that this could be as a result of applicants leaving the country before the recording or determination of their claim and that applicants view Croatia as a transit rather than destination country. Anecdotal evidence suggests that there have been only a few cases where refugee status has been recognised on the basis of gender-based persecution.

322. GREVIO is therefore concerned that despite the existence of a legislative framework giving effect to the requirements of Article 60, paragraph 1, of the convention, gender-based violence-related claims to international protection are either not being recorded in the system or identified during the refugee status determination process.

2. Accommodation

323. Accommodation of applicants for international protection is provided by two reception centres, situated in Zagreb and Kutina. At the date of GREVIO's visit, the Kutina reception centre, which had been specifically designated for the accommodation of vulnerable groups, including women and female-headed households, was closed for refurbishment. Pending its reopening, all

163. Article 23(2)(6).

164. Chapter VII, *Non-refoulement*.

165. Information obtained during the evaluation visit.

166. See the state report, p. 64.

applicants were housed at the mixed-sex accommodation centre in Zagreb, where women stay in single-sex shared rooms that can be locked and have separate bathrooms.

324. Access to reception centres was restricted during the Covid-19 pandemic from March 2020 until the end of 2021, with the exception of personnel from the Ministry of Interior, the Croatian Red Cross (CRC) and Médecins du Monde (MdM), who provided services to the applicants and ensured the normal functioning of the facilities. GREVIO notes that while the publicly available information indicates that NGO access to centres has resumed,¹⁶⁷ GREVIO noted at the time of the evaluation visit that civil society organisations other than the CRC and MdM were still not present in the centres. GREVIO notes that limiting independent women's rights organisations' access to the reception centre may result in instances of harm going unidentified and women not being fully aware of their rights and may well contribute to women leaving Croatia before their claims are recorded.

325. GREVIO commends the new Operating Procedure on the Prevention and Response to Sexual and Gender-Based Violence in Reception Centres for Applicants for International Protection as a good example of successful multi-agency co-operation. It was prepared by the Ministry of Interior in conjunction with international and domestic NGOs and is a comprehensive document that, if implemented successfully, will be a vital tool. There is a useful standardised form for reporting incidents of sexual and gender-based violence. However, staff have a requirement to report any instance of violence irrespective of whether the woman gives her consent and women are not informed of this requirement until the end of the process. To empower women, they should be informed at the outset of the interview that there is a legal requirement on the interviewer to pass on information. This would enable the victims to make an informed decision on whether to continue with the interview. It would also be more effective if the protocol was applied to all asylum-seeking women and migrants at the borders and elsewhere, not just those in accommodation centres.

326. Both the Croatian authorities and NGOs stated that the passage of women asylum seekers through the reception centres is rapid.¹⁶⁸ Many do not stay long enough to have their claims recorded or processed and valuable opportunities to identify and assist victims of sex and gender-based violence are missed. Alongside this, a difficult economic situation has led to high levels of emigration from Croatia by the national population. GREVIO recognises the efforts being made by the Croatian authorities in respect of integration and commends the practice of offering two years' free accommodation and paid utility bills for recognised refugees. GREVIO notes that notwithstanding these efforts many refugees and migrants choose to leave owing to the difficulties in obtaining sustainable employment. In addition, the level of financial support provided to the applicants for international protection is extremely low, at around €13.30 per month. GREVIO is of the view that identifying whether and why women leave before their claims are processed could lead to better interventions resulting in better protection for women fleeing gender-based persecution.

327. GREVIO strongly encourages the Croatian authorities to take measures to ensure that improvements are made in the identification, processing and protection of migrant and asylum-seeking women who are or may become victims of gender-based violence by:

- a. ensuring that all women arriving at the border are given the opportunity to have their claim for international protection recognised and recorded;
- b. collecting quantitative and qualitative data on the number of women arriving at the border; the number of applications for international protection by women and girls; the number of asylum requests based on gender-based violence; how the grounds for these requests, including FGM and forced marriage, are interpreted and applied in practice; the number of decisions granting or refusing protection on such grounds; the reasons why migrant and asylum-seeking women do not remain on the territory;
- c. providing standard operating procedures and gender-sensitive guidance on identifying, interviewing, processing and determining claims of gender-based violence

167. AIDA country report, https://asylumineurope.org/reports/country/croatia/reception-conditions/housing/conditions-reception-facilities/#_ftn3.

168. Information obtained during the evaluation visit.

- to all officials likely to encounter migrant women. The existing standard operating procedures relating to prevention and protection in accommodation centres may serve as a good model;**
- d. ensuring that adequate information is provided to women seeking asylum at the borders, in landing settings, hotspots and reception facilities with the aim of increasing their awareness of their vulnerabilities and rights, their right to redress in case of mistreatment by border guards or others and facilitating their access to general and specialist support services;**
 - e. monitoring and evaluating the impact of the training provided to border and migration officials.**

328. **GREVIO strongly encourages the authorities to ensure NGO access to migrant women in the accommodation and reception centres, on an independent basis, and to ensure that the terms on which access is granted or refused are transparent. Early access to independent specialist advice may result in better protection outcomes for women and it is an important safeguard against potential abuse of power in accommodation centres.**

C. *Non-refoulement* (Article 61)

329. Article 61 of the convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to women victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention of Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The obligation to respect the *non-refoulement* principle applies equally to victims of violence against women who are in need of protection, irrespective of the status or residence of the women concerned.¹⁶⁹

330. Article 6 of the Law on International and Temporary Protection is consistent with the prohibition on *refoulement*; however, GREVIO was alerted to reports of denial of access to the territory and asylum as well as reports of violence and misconduct by border police at the borders with Serbia and Bosnia and Herzegovina of sufficient severity to amount to inhuman and degrading treatment contrary to Article 3 of the European Convention on Human Rights. Such reports include incidents involving women, pregnant women, female-headed households, families with children and unaccompanied and separated children.¹⁷⁰

331. In this respect, GREVIO notes with regret that in a widely publicised case, a Croatian border official was accused of sexually assaulting an Afghan woman during a search of a group of migrants at the border with Bosnia.¹⁷¹ The Ombudsperson for Children reported that 256 children were pushed back in 2021 according to data provided by the Border Violence Monitoring Networks. The ombudsperson also reported that older children were victims of physical violence and younger children of psychological violence. Unaccompanied children were taken to police stations where they were often forced to sign a statement claiming to be of legal age. The Ombudsperson for Children further reported that families with children and unaccompanied children were returned without conducting an individual procedure, thus denying them the right to international protection, even though persons expressed their intention to seek asylum.¹⁷²

169. Explanatory Report to the Istanbul Convention, paragraph 322.

170. Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020 <https://rm.coe.int/1680a4c199>.

171. www.theguardian.com/global-development/2021/apr/07/croatian-border-police-accused-of-sexually-assaulting-afghan-migrant.

172. Available in Croatian: <https://dijete.hr/docs/IZVJESCE%20O%20RADU%20PRAVOBRANITELJICE%20ZA%20DJECU%202021.pdf>.

332. In August 2021 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the country and reported on conditions at the border,¹⁷³ raising very serious concerns about allegations of severe physical ill-treatment and other abuses by border police officers. In addition to direct physical mistreatment, the report also details transportation in unsafe conditions, ignoring asylum requests and denying migrants access to fundamental safeguards to which they are legally entitled. Reports of ill-treatment continued after the delegation visited Croatia and there were no effective monitoring mechanisms or accountability mechanisms.

333. In November 2021 the European Court of Human Rights, in the case of *M.H. and Others v. Croatia* (Applications Nos. 15670/18 and 43115/18), found a violation of Article 2 (right to life) regarding the investigation into the death of an Afghan family's daughter; a violation of Article 3 (prohibition of torture) in respect of the applicant children unanimously; and a violation of Article 5(1) (right to security and liberty) and a violation of Article 4 of Protocol No. 4 to the European Convention on Human Rights (prohibition of collective expulsions of aliens) in respect of the applicant mother and her five children; and a violation of Article 34 (right to individual applications). Other relevant findings of the Court related to the treatment of civil society organisations and lawyers assisting the migrant family. These included key evidence such as recordings of thermal imaging cameras going missing and representatives of the organisations Centre for Peace Studies and Are you Syrious? being intimidated, with the result that a volunteer from Are You Syrious? was reportedly persecuted in Croatia for supporting the family.

334. In response to the case of *M.H. and Others v. Croatia* and interventions by the CPT and the Council of Europe's Special Representative of the Secretary General on Migration and Refugees, Croatia set up an independent monitoring mechanism in 2021. Although GREVIO recognises that this is a welcome development, it notes the criticism concerning the independence of this body made by civil society, on the basis that visits to the green border are only permitted when accompanied by the police and arranged in advance.¹⁷⁴

335. Effective human rights border monitoring requires that the mechanism is independent in law and practice and has sufficient resources and a robust mandate to monitor border-related operations anywhere on the territory of a state. It requires unfettered access to border areas without notice, to relevant documentation and to alleged victims of violations. It also requires the authorities to engage directly with prosecutors' offices and others with information relevant to its investigations, including international organisations, civil society and the media. The independent monitoring mechanism does not currently meet these criteria.

336. The government further restricts, controls and limits the civil society organisations it permits to be involved with these operations and there are allegations of threats and politically motivated prosecutions against independent NGOs in the migration field.

337. There are few cases where police have been held accountable for abuse at the borders or elsewhere. Even in the context of the report on the independent monitoring mechanism, very few instances of police redress are mentioned. When asked, the Croatian authorities informed GREVIO that none of the cases in which a police officer had been disciplined was as a consequence of violence against women. It therefore appears that the authorities, at least at the border, have subjected migrant women to abuse with impunity and there have been no successful avenues of redress.

173. Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 10 to 14 August 2020 CPT/Inf (2021)29: <https://rm.coe.int/1680a4c199>.

174. See, for example, an article by the Centre of Peace Studies on the effectiveness and the independence of the independent monitoring mechanism, 2022, available at: www.cms.hr/en/azil-i-integracijske-politike/novo-godisnje-izvjesce-neovisnog-mehanizma-nadzora.

338. GREVIO takes note of the establishment of the independent monitoring mechanism and shares the concerns raised in its first report that claims are not being recorded, that claimants are being pushed back and denied access to the procedures and that there are instances of inhuman and degrading treatment at the border.

339. **GREVIO urges the Croatian authorities to urgently identify and take action in all cases of border police violence against women to provide justice for past abuse and ensure such abuse is not permitted to take place with impunity in the future.**

Concluding remarks

340. GREVIO welcomes the Croatian authorities' political commitment to align the country's legislative and policy framework with the Istanbul Convention and to adopt measures enabling its implementation. This commitment has resulted in several legislative amendments, including to the Criminal Code, which have enabled the *ex officio* prosecution of stalking and sexual harassment and the adoption of a consent-based definition of rape. An offence of image-based abuse was introduced more recently to account for the rising prevalence of the digital dimension of violence against women. At the policy level, various strategic documents are being implemented in order to promote gender equality, prevent and prosecute acts of domestic and sexual violence more efficiently and to afford victims the protection they need.

341. GREVIO also observed promising practices to improve the availability of specialist support services throughout Croatia and to implement measures to provide long-term housing to victims and encourage their integration into the labour market and the undertaking of initiatives to change the attitudes of boys and men regarding domestic violence.

342. Against this backdrop of promising change, this report identifies areas where progress is still needed and provides guidance and concrete solutions to overcome them. The information provided during the evaluation demonstrates a strong focus on policy responses and allocation of resources to domestic violence compared to other forms of violence covered by the Istanbul Convention. In a similar vein, women subjected to or at risk of intersectional discrimination, such as Roma women, migrant women, women with disabilities and women with addiction issues, do not always find a place in preventive initiatives and service provision.

343. GREVIO has also identified, throughout the report, instances where, in GREVIO's view, insufficient attention is being paid in policy design and legislation as well as service provision to the experiences of women who are exposed to violence because they are women. There is also a great need for more systematic and gender-specific training of all relevant professionals who interact with victims of violence against women.

344. Another area that warrants more heightened attention is data collection and analysis. Since data are rarely disaggregated by relationship of perpetrator to the victim, they do not sufficiently allow lessons to be learned about how social services, law-enforcement agencies and the judiciary serve women victims of violence.

345. The report also shows that precautionary measures and protection orders, as they are now conceived, do not constitute a quick tool for preventing the repetition or escalation of violence as they do not grant police officers the right to remove the perpetrator from the shared household regardless of the victim's willingness to pursue criminal proceedings.

346. Finally, in the area of migration and asylum, the report points to instances of denial of access to the territory and the consequent risk for women and girls of being deprived of the ability to access the Croatian asylum determination system. The report therefore recalls the obligation to respect the principle of *non-refoulement* of victims of violence against women.

347. With the present report, GREVIO wishes to support the Croatian authorities in their fight to end violence against women and invites the Croatian authorities to keep it regularly informed of developments as regards the implementation of the Istanbul Convention. GREVIO looks forward to continuing its good co-operation with the Croatian authorities.

348. GREVIO also invites the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I - List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. GREVIO strongly encourages the Croatian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention, in particular sexual violence (paragraph 6).

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. GREVIO strongly encourages the Croatian authorities to continue their efforts to ensure that all policy and legislative measures taken in the implementation of the Istanbul Convention clearly reflect the notion that violence against women, including domestic violence, is gender-based violence directed against women because they are women and recognise that it affects women disproportionately (paragraph 14).

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

3. GREVIO encourages the Croatian authorities to (paragraph 24):

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including on the basis of association with a national minority, state of health, and disability;
- b. promote research and ensure the collection of data on gender-based violence affecting groups of women who are, or may be, exposed to intersectional discrimination, including women with disabilities, migrant women, women with addiction issues, and Roma women, so as to assess the prevalence of the various forms of violence and the access by such groups to support services, protective measures and justice;
- c. integrate the perspectives and needs of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the specialist associations concerned, and supporting, funding and closely co-operating with women's rights organisations representing them;
- d. improve the accessibility to protection and support services for victims belonging to the groups of women mentioned in paragraph *b.* above.

D. State obligations and due diligence (Article 5)

4. GREVIO strongly encourages the Croatian authorities to (paragraph 28):

- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;
- b. ensure that different state officials, including police officers, are held accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention;
- c. collect data on cases initiated against public officials for failing to uphold their due diligence obligation, including the outcomes of such cases.

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO urges the Croatian authorities to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women covered by the Istanbul Convention, and adopting targeted measures aimed at addressing the specific needs of all groups of victims, in particular women who are or might be exposed to intersectional discrimination, based on a gendered understanding of violence against women (paragraph 33).

B. Financial resources (Article 8)

6. GREVIO encourages the Croatian authorities to (paragraph 37):

- a. implement gender-responsive budgeting in order to identify and allocate sufficient funding, monitor public spending and measure the progress achieved in combating violence against women;
- b. ensure sustainable funding levels for women's NGOs that run specialist support services for women victims of all forms of violence, or who assist them, in all parts of the territory. Such suitable funding opportunities should be guaranteed, for example, through long-term grants based on transparent procurement procedures.

C. Non-governmental organisations and civil society (Article 9)

7. GREVIO encourages the Croatian authorities to valorise, tap into, and benefit from the extensive victim-centred expertise of NGOs to ensure that a gender-sensitive and victim-centred approach is integrated into the legislation, policies and practices related to violence against women (paragraph 43).

D. Co-ordinating body (Article 10)

8. GREVIO strongly encourages the Croatian authorities to (paragraph 50):

- a. assign the role of co-ordinating body to one or more fully institutionalised entities, to equip them with clear mandates, powers and competences that are widely communicated, and to allocate the necessary human and financial resources to ensure the sustainability of their work;
- b. ensure, on one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies;
- c. ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention, and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making.

E. Data collection and research (Article 11)

1. Administrative data collection

9. Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the Croatian authorities to take the necessary measures, including legislative amendments if required, to (paragraph 59):

- a. ensure that data collected by all relevant stakeholders, including law-enforcement agencies and judicial authorities, are disaggregated on the basis of the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and that information on the presence of child victims is

also included. In collecting data on domestic violence cases, it is necessary to include both the criminal and misdemeanour proceedings, as well as to introduce data categories that would allow a differentiation to be made between intergenerational violence and intimate partner violence;

- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of, *inter alia*, allowing an assessment of conviction and attrition rates, and recidivism rates; enabling a thorough analysis of the pathway of cases through the criminal justice system chain – law enforcement, prosecutors’ offices and the courts – and identifying possible gaps in the criminal justice response to cases of violence;
- c. introduce a data-collection system that allows for the accurate recording of the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the breaches led to the repetition of violence or the death of the victim.

10. GREVIO strongly encourages the Croatian authorities to ensure the systematic and comparable collection of data by the healthcare sector on the number of instances that victims have sought assistance from the healthcare authorities as a result of experiencing any of the forms of violence covered by the Istanbul Convention (paragraph 61).

11. GREVIO strongly encourages the Croatian authorities to ensure the systematic and comparable collection of publicly available data on the number of victims who contact social services and on the interventions provided to the victims for their experiences of all forms of violence covered by the Istanbul Convention (paragraph 64).

12. GREVIO encourages the Croatian authorities to introduce a data-collection system that records asylum claims on the basis of gender-related persecution (paragraph 66).

2. Population-based surveys

13. GREVIO encourages the Croatian authorities to regularly conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention (paragraph 70).

3. Research

14. GREVIO encourages the Croatian authorities to examine, through research, all forms of violence against women, including sexual violence, stalking, sexual harassment, female genital mutilation and forced marriage, as well as women’s experiences with support services, and violence affecting vulnerable groups of women, including, but not limited to, women and girls with disabilities, LGBTI women, elderly women and migrant women (paragraph 75).

III. Prevention

A. General obligations (Article 12)

15. GREVIO urges the Croatian authorities to take measures to prevent all forms of violence against women covered by the scope of the Istanbul Convention, in particular by promoting changes in the mentalities and attitudes of the general population that contribute to justifying and perpetuating violence against women, by addressing structural inequalities between women and men as the root causes of such violence (paragraph 81).

B. Awareness raising (Article 13)

16. GREVIO encourages the Croatian authorities to further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention and by

relying on the expertise and experience of specialist women's NGOs to implement activities. Special attention should be paid to reaching vulnerable groups of victims, especially when they are at risk of intersectional discrimination (paragraph 87).

C. Education (Article 14)

17. GREVIO encourages the Croatian authorities to take measures to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, adapted to the evolving capacity of learners, and to ensure information on the different forms of gender-based violence against women, in formal curriculums and at all levels of education. Bearing in mind Recommendation CM/Rec(2019)1 on preventing and combating sexism, GREVIO encourages the Croatian authorities to review teaching curriculums and materials with a view to removing negative stereotypes of women and girls and fostering equality. Measures taken to this effect should promote a gendered understanding of violence against women, based on the principles of the Istanbul Convention, and should ensure co-operation with NGOs with recognised expertise in gender equality, non-discrimination, sexual health and national and ethnic minority issues (paragraph 93).

D. Training of professionals (Article 15)

18. GREVIO urges the Croatian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, for all professional groups, in particular the healthcare sector, social workers and legal professionals such as those in prosecution services and the judiciary. Such training should be based on the principles of non-discrimination and equality between women and men, and devised in close co-operation all relevant stakeholders, including independent women's NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields (paragraph 101).

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

19. GREVIO encourages the Croatian authorities to (paragraph 108):

- a. ensure that all programmes for the social and judicial follow-up of perpetrators of domestic violence and sexual violence incorporate a standardised gendered approach and the deconstruction of sexist stereotypes;
- b. ensure the external evaluation of existing perpetrator programmes in light of international best practices and principles, including analysis of reliable information on re-offending, in order to assess whether the programmes serve the intended preventive aims;
- c. ensure that the programmes form part of a multi-agency approach involving all relevant institutions, in particular women's specialist support services for victims of violence against women.

F. Participation of the private sector and the media (Article 17)

20. GREVIO encourages the Croatian authorities to continue to engage with the media as a key partner for raising awareness of violence against women and to encourage the media, including social media, to monitor compliance with self-regulatory standards specifically in the area of violence against women and gender equality, having due regard to relevant existing international standards (paragraph 116).

21. GREVIO invites the Croatian authorities to seek the involvement of employers in the prevention of violence against women, including sexual harassment in the workplace. To this end,

employers should be encouraged to take part in the implementation of policies, such as awareness-raising campaigns, and to foster a work environment where violence against women is not tolerated and victims can be heard and supported (paragraph 117).

IV. Protection and support

A. General obligations (Article 18)

22. GREVIO encourages the Croatian authorities to establish institutionalised co-operation mechanisms among statutory agencies, and with women's support services run by NGOs, in relation to cases of rape and sexual violence, forced marriage, stalking, sexual harassment and other forms of violence covered by the Istanbul Convention (paragraph 124).

23. GREVIO further encourages the Croatian authorities to pursue and intensify their efforts to ensure co-operation in domestic violence cases between all relevant institutions and women's support services run by NGOs (paragraph 125).

B. Information (Article 19)

24. GREVIO encourages the Croatian authorities to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women, in a language they understand and in formats that are accessible for victims with disabilities (paragraph 131).

C. General support services (Article 20)

1. Social services

25. GREVIO strongly encourages the Croatian authorities to ensure, through legislative and other measures, women's access to dedicated programmes that address their specific needs as victims of violence in the areas of housing, vocational training and employment, and thus contribute to their recovery and economic empowerment, as well as to provide training to professionals in the social welfare system on the gendered nature of violence against women, including domestic violence (paragraph 139).

2. Health-care services

26. GREVIO strongly encourages the Croatian authorities to (paragraph 143):

- a. develop protocols and guidelines for healthcare professionals to ensure standardised care paths in cases of all forms of violence against women and domestic violence, including the identification of victims, screening, diagnostic, treatment, documentation of injuries and referral to the appropriate specialist support services;
- b. promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services.

D. Specialist support services (Article 22)

27. GREVIO strongly encourages the Croatian authorities to support the setting up of low-threshold support services for victims of all forms of violence against women, beyond domestic violence, based on a victim-centred and empowering approach, and taking into account the needs of specific groups of women, relying on the long-standing expertise and experience of women's NGOs (paragraph 148).

E. Shelters (Article 23)

28. GREVIO urges the Croatian authorities to (paragraph 154):

- a. increase the number and capacity of appropriate and easily accessible shelters providing safe accommodation, based on a gendered understanding of violence against women and in relation to all forms of violence covered by the Istanbul Convention;
- b. ensure that shelters are available in an adequate geographic distribution and accessible to all women, including women with disabilities, women from minority backgrounds, migrant women with irregular status, and other women who are at risk of intersectional discrimination;
- c. ensure that all women and their children have access to shelters, regardless of whether they want to report the violence they have suffered to the authorities, and offer victims the possibility to self-refer;
- d. develop minimum quality standards that shelters must meet, where these do not already exist, based on a gendered understanding of violence against women, the empowerment of victims and a victim-centred and human rights-based approach, and taking into account promising practices developed internationally;
- e. ensure sustainable funding of and sufficient human resources for shelters;
- f. introduce and provide ongoing and specialised training for staff.

F. Telephone helplines (Article 24)

29. GREVIO strongly encourages the Croatian authorities to ensure the functioning of a nationwide, free-of-charge, anonymous and round-the-clock telephone helpline dedicated to women victims of all the forms of violence against women covered by the Istanbul Convention, and in a wider variety of languages. This helpline should be accessible to all women, including women with hearing impairments, and operated by qualified staff trained in all forms of violence. GREVIO further strongly encourages the Croatian authorities to provide long-term and sustainable funding to the civil society organisations operating national telephone helplines, in order to ensure their continuous operation (paragraph 157).

G. Support for victims of sexual violence (Article 25)

30. GREVIO strongly encourages the Croatian authorities to set up sexual violence referral centres that provide immediate medical care, trauma support, forensic examinations and immediate, short and long-term psychological assistance, staffed by qualified professionals who are not under any obligation to report the violence to the police, who are trained in gender-based violence against women and who can provide victim-sensitive examinations, in line with the standards set by the Istanbul Convention (paragraph 163).

31. In the meantime, GREVIO urges the Croatian authorities to (paragraph 164):

- a. ensure that protocols/guidelines and training are made available on the management of cases of sexual violence and rape in all medical facilities in Croatia, and that these are fully implemented;
- b. make rape kits available at hospitals alongside a system for the storing of forensic evidence in cases where the victim needs time to reflect on whether to report the rape/sexual violence;
- c. increase the capacities of the organisations providing specialist services for psychological counselling and trauma care to victims of sexual violence, ensure their financial stability, and ensure that medical professionals systematically refer victims to these services;
- d. take measures to eliminate barriers to women victims of sexual violence who turn to these centres for support.

32. GREVIO further urges the Croatian authorities to review the obligation for professionals, including those working at the sexual violence referral centres, to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim unless the victim is a minor or is unable to protect her/himself due to intellectual disabilities (paragraph 165).

H. Protection and support for child witnesses (Article 26)

33. GREVIO strongly encourages the Croatian authorities to provide children who witness domestic violence with long-term, tailored services including psychological counselling by staff trained in the harmful impact on children of witnessing domestic violence (paragraph 170).

I. Reporting by professionals (Article 28)

34. GREVIO strongly encourages the Croatian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy (paragraph 175).

35. To this end, GREVIO strongly encourages the Croatian authorities to review the obligation for professionals, including those operating in NGOs, to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim unless the victim is a child or is unable to protect her/himself because of disabilities (paragraph 176).

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

36. GREVIO encourages the Croatian authorities to ensure that full use is made of all available civil remedies with regard to cases of misconduct or the failure of state officials to take appropriate action in relation to cases of violence against women, in particular domestic violence cases where victims were later killed by their abusers, and all other forms of violence covered by the Istanbul Convention. In addition, GREVIO encourages the Croatian authorities to ensure that data on the use of available remedies and their outcomes are collected and regularly updated (paragraph 183).

2. Compensation (Article 30)

37. GREVIO encourages the Croatian authorities to take all available measures in order to ensure that wider use is made of the legal possibilities to grant compensation to women victims of any of the forms of violence covered by the Istanbul Convention, in particular by examining and addressing the reasons for the low reported number of compensatory measures ordered in domestic violence cases under the Croatian Criminal Code. GREVIO furthermore encourages the Croatian authorities to collect data on the number of women victims of violence who have requested and obtained compensation either from the perpetrator or from the state (paragraph 189).

38. GREVIO invites the Croatian authorities not to renew the reservation with regard to Article 30, paragraph 2, of the Istanbul Convention, upon expiry of its period of validity (paragraph 190).

3. Custody, visitation rights and safety (Article 31)

39. GREVIO urges the Croatian authorities to take the necessary measures to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights, and to assess whether such violence would warrant restricting custody and visitation rights. To this end, without prejudice to the court system structure in Croatia, the Croatian authorities should (paragraph 196):

- a. take measures to incorporate a systematic process for screening cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship and whether it has been reported;
- b. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including, but not limited to, law-enforcement agencies, health and education authorities and specialist women's support services;
- c. incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interests of the child;
- d. ensure that only those professionals, particularly psychologists and child psychiatrists, who are trained on violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;
- e. ensure that all professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation for what is called "parental alienation syndrome", as well as for any other approach or principle that tends to consider mothers who invoke the violence as "unco-operative" and "unfit" as a parent, and refrain from blaming them for the poor relationship between a violent parent and his children;
- f. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator, and to prevent the risk of revictimisation;
- g. ensure appropriate use of the legal provisions that allow reducing, removing and/or subjecting to safeguards the perpetrator's custody and visitation rights whenever a situation of violence is ascertained, and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed;
- h. accompany such measures with the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines that tend to frame violence as a conflict and that resort to unfounded concepts such as "parental alienation" that prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they justify their decisions on custody and visitation rights.

4. Civil consequences of forced marriages (Article 32)

40. GREVIO urges the Croatian authorities to take the necessary measures, including legislative amendments, to ensure the annulment of marriages concluded under force without placing any undue burdens on the victims (paragraph 199).

B. Criminal law**1. Psychological violence (Article 33)**

41. GREVIO strongly encourages the Croatian authorities to ensure that the definition of psychological violence in the Act on Protection against Domestic Violence is enforced in a manner that considers the gendered nature of this form of violence and the power dynamics in relationships involving domestic violence, in accordance with the Istanbul Convention (paragraph 203).

42. GREVIO strongly encourages the Croatian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Croatian Criminal Code, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence, as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice (paragraph 204).

2. Stalking (Article 34)

43. GREVIO strongly encourages the Croatian authorities to take all necessary measures to establish better practices in the implementation of Article 140 of the Criminal Code, with a view to ensuring the safety of all victims and giving due regard to the gendered nature of this form of violence, its online dimension and its serious psychological consequences (paragraph 208).

3. Physical violence (Article 35)

44. GREVIO strongly encourages the Croatian authorities to step up their efforts to examine cases of domestic violence that have led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to that violence and closing such gaps in the future (paragraph 212).

4. Sexual violence and rape (Article 36)

45. GREVIO encourages the Croatian authorities to fully implement the newly adopted provisions of the Criminal Code covering the offences of rape and sexual violence and to ensure their effective application in practice by law-enforcement authorities, prosecutors and the judiciary, including in the absence of resistance by the victim and where the circumstances of the case preclude valid consent. To this end, training for all relevant professionals should be conducted, and appropriate guidelines developed and implemented (paragraph 217).

5. Forced marriage (Article 37)

46. GREVIO invites the Croatian authorities to (paragraph 221):

- a. collect data on early and forced marriages and follow trends in this area;
- b. effectively investigate and prosecute cases of forced marriage with a view to bringing perpetrators to justice and, if convicted, punishing them adequately, and pursue efforts to provide appropriate training to relevant professionals, in particular prosecutors, judges and social workers;
- c. collect information on the root causes, extent and impact of forced marriage among the Roma community, in co-operation with women's NGOs that assist Roma women and girls, and develop and implement a holistic strategy to respond to it in full compliance with each of the pillars of the Istanbul Convention (prevention, protection and prosecution).

7. Forced abortion and forced sterilisation (Article 39)

47. GREVIO invites the Croatian authorities to take measures to ensure that the conduct described in Article 39 of the Istanbul Convention, as regards forced sterilisation, is effectively prosecuted under Article 119 of the Croatian Criminal Code (paragraph 226).

8. Sexual harassment (Article 40)

48. GREVIO encourages the Croatian authorities to (paragraph 232):

- a. ensure the efficient implementation of criminal or other legislation for sexual harassment, both inside and outside the workplace, including where such harassment is carried out using digital tools, by harmonising the definitions and sanctions provided in different laws and by increasing awareness, including through training of law-enforcement officials, judges and other relevant professionals;
- b. strengthen data collection on this form of violence against women, covering criminal, civil and disciplinary proceedings.

9. Sanctions and measures (Article 45)

49. GREVIO strongly encourages the Croatian authorities to ensure – through the effective training of members of the judiciary and other appropriate measures – that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding, among the prosecution authorities and members of the judiciary, that conditional or suspended sentences in domestic violence cases and other forms of violence against women do not serve the aims of ensuring justice for victims, ending impunity for perpetrators or deterrence (paragraph 236).

10. Aggravating circumstances (Article 46)

50. GREVIO strongly encourages the Croatian authorities to adopt legislative measures to expressly include all aggravating circumstances listed in Article 46 of the Istanbul Convention in all relevant provisions applicable to violence against women, and take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are applied as aggravating circumstances by the judiciary in practice (paragraph 240).

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

51. GREVIO strongly encourages the Croatian authorities to uphold and effectively enforce the ban on mandatory reconciliation in parental separation proceedings when there is a history of domestic violence, including by developing guidelines and providing in-service training on methods for screening family law cases for domestic violence, with the aim of increasing the competence of relevant professionals to recognise and take into due consideration the psychological dynamics of domestic violence, including the specificities related to post-separation violence (paragraph 245).

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

- 1. Reporting to, immediate response and investigations by law-enforcement agencies**

52. GREVIO urges the Croatian authorities to (paragraph 255):

- a. ensure the swift and impartial response of all law-enforcement officers to cases of domestic and other forms of violence against women, in their homes as well as in public spaces, on the basis of the full respect for women's human rights, in particular the right to life and physical integrity;
- b. pursue practical steps, such as on-the-job training developed in co-operation with specialist women's NGOs, to overcome persistent attitudes, beliefs and practices – including dual arrests and misclassification of criminal offences as misdemeanours – that stand in the way of a police response to domestic violence that is based on an understanding of the gendered nature, impact and consequences of violence and that focuses on the victim's safety, the collection of evidence and the full accountability of the perpetrator.

2. Effective investigation and prosecution

53. GREVIO urges the Croatian authorities to issue guidelines or standard operating procedures to public prosecutors' offices in order to ensure the victim-sensitive handling of all cases of violence against women covered by the Istanbul Convention in order to better equip the prosecution services to collect and pay due regard to all available evidence in the prosecution of all forms of violence against women covered by the Istanbul Convention (paragraph 260).

3. Conviction rates

54. With a view to putting an end to the impunity of perpetrators and preventing the risk of recidivism, GREVIO strongly encourages the Croatian authorities to ensure that sentencing in cases of violence against women, including domestic violence, is commensurate with the gravity of the offence and preserves the dissuasive function of penalties (paragraph 263).

B. Risk assessment and risk management (Article 51)

55. GREVIO strongly encourages the Croatian authorities to (paragraph 270):

- a. ensure the systematic use of standardised, evidence-based risk-assessment tools for all forms of violence covered by the Istanbul Convention, and provide training to all statutory agencies accordingly, in order to enable the identification of and timely response to all relevant factors that may contribute to a risk of repeated violence or to a threat to the life of victims of violence, when first contact is made with victims;
- b. enhance the capacities of law-enforcement agencies to carry out risk assessments in domestic violence cases by introducing information sharing on the basis of multi-agency co-operation, including the involvement of women's specialist services, and establish effective protection measures and/or safety plans shielding victims and their children from the risk of further violence. The authorities should furthermore guarantee that subsequent assessments are performed to consider any changes in the level of risk.

56. GREVIO further encourages the Croatian authorities to ensure that systematic and gender-sensitive risk assessment and safety management become standard procedures in all interventions by the social welfare centres and concerning all forms of violence against women covered by the Istanbul Convention (paragraph 271).

C. Emergency barring orders (Article 52)

57. GREVIO strongly encourages the Croatian authorities to take legal or other measures to ensure that emergency barring orders are available in the Croatian criminal justice system, both in misdemeanour and in criminal proceedings, and irrespective of charging decisions by prosecution services or the institution of misdemeanour proceedings by victims, and that they meet the

requirements of Article 52 of the Istanbul Convention. Subsequently, it must be ensured that they are duly implemented in practice, including through training and awareness-raising efforts with the police, the social welfare authorities, prosecutors and judges, and that no gaps arise in the protection of victims because of the expiry of any emergency barring, restraining or protection order, by making available successive protection measures that can be applied immediately afterwards.

D. Restraining or protection orders (Article 53)

58. GREVIO strongly encourages the Croatian authorities to review their system of temporary protection orders to ensure that (paragraph 286):

- a. they are available for long-term protection in misdemeanour and criminal proceedings without undue delay, immediately after the expiry of an emergency barring order and regardless of a conviction, to avoid gaps in the protection of victims, and extend to all forms of violence covered by the scope of the Istanbul Convention;
- b. protection orders are vigilantly enforced and breaches sanctioned, in line with the requirement of effective, proportionate and dissuasive criminal or other sanction;
- c. progress is monitored in this area by gathering data on the number and types of protection orders imposed, any violations of such orders and the sanctions imposed as a result.

E. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

59. GREVIO strongly encourages the Croatian authorities to amend the law to require *ex officio* prosecution in relation to the offences specified under Article 55, paragraph 1, of the Istanbul Convention, including in cases of bodily injury committed in the context of domestic violence (paragraph 292).

2. Victim support in legal proceedings

60. GREVIO strongly encourages the Croatian authorities to increase the effectiveness of legal and psycho-social support at all stages of legal proceedings for all victims of violence against women and child victims, including by promoting and supporting the role of specialist women's organisations and those who assist child victims (paragraph 296).

F. Measures of protection (Article 56)

61. GREVIO strongly encourages the Croatian authorities to take legislative or other steps to implement all the measures to protect the rights and interests of victims of all forms of violence against women, as set out in Article 56 of the Istanbul Convention (paragraph 300).

62. GREVIO further strongly encourages the Croatian authorities to ensure the use in practice of existing measures to protect the rights and interests of the victims during investigations and judicial proceedings for all forms of violence against women. Data collection and research on the implementation of these measures and their effectiveness should be carried out regularly, including from a victim's perspective (paragraph 301).

G. Legal aid (Article 57)

63. GREVIO encourages the Croatian authorities to take measures to ensure, including through legislative changes, the provision of free legal aid to victims of all forms of violence against women and to systematically inform them of their rights and possibilities under the free legal aid scheme (paragraph 307).

64. Moreover, GREVIO encourages the Croatian authorities to remove any administrative or procedural barriers to obtaining legal aid, and to monitor the impact of the provisions on legal aid in practice with a view to ensuring women's continued access to justice through quality legal representation (paragraph 308)

VII. Migration and asylum

A. Residence status (Article 59)

65. GREVIO encourages the Croatian authorities to (paragraph 316):

- a. keep records of the number of applications made, granted and refused for temporary residence for humanitarian reasons, disaggregated by gender;
- b. ensure migrant women are aware of their right to make an application on humanitarian grounds, either owing to marriage breakdown or forced marriage or because of their participation in investigations into criminal offences covered by the Istanbul Convention, and the evidence they are required to provide in support of such an application;
- c. ensure that decision makers, lawyers and NGOs representing migrant women are aware of the full range of circumstances covered by Article 79 of the Law on Foreigners and the provisions of Articles 21 and 22 of the Ordinance on the Status and Work of Third Country Nationals in the Republic of Croatia to enable them to apply these provisions in appropriate circumstances.

B. Gender-based asylum claims (Article 60)

2. Accommodation

66. GREVIO strongly encourages the Croatian authorities to take measures to ensure that improvements are made in the identification, processing and protection of migrant and asylum-seeking women who are or may become victims of gender-based violence by (paragraph 327):

- a. ensuring that all women arriving at the border are given the opportunity to have their claim for international protection recognised and recorded;
- b. collecting quantitative and qualitative data on the number of women arriving at the border, the number of applications for international protection by women and girls, the number of asylum requests based on gender-based violence; how the grounds for these requests, including FGM and forced marriage, are interpreted and applied in practice; the number of decisions granting or refusing protection on such grounds; the reasons why migrant and asylum-seeking women do not remain on the territory;
- c. providing standard operating procedures and gender sensitive guidance on identifying, interviewing, processing and determining claims of gender-based violence to all officials likely to encounter migrant women. The existing standard operating procedures relating to prevention and protection in accommodation centres may serve as a good model;
- d. ensuring that adequate information is provided to women seeking asylum at the borders, in landing settings, hotspots and reception facilities with the aim of increasing their awareness of their vulnerabilities and rights, their right to redress in case of mistreatment by border guards or others and facilitating their access to general and specialist support services;
- e. monitoring and evaluating the impact of the training provided to border and migration officials.

67. GREVIO strongly encourages the authorities to ensure NGO access to migrant women in the accommodation and reception centres, on an independent basis, and to ensure that the terms on which access is granted or refused are transparent. Early access to independent specialist advice

may result in better protection outcomes for women and it is an important safeguard against potential abuse of power in accommodation centres (paragraph 328).

C. Non-refoulement (Article 61)

68. GREVIO urges the Croatian authorities to urgently identify and take action in all cases of border police violence against women to provide justice for past abuse and ensure such abuse is not permitted to take place with impunity in the future (paragraph 339).

Appendix II - List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministry of Labour, Pension System, Family and Social Policy
Ministry of Interior
Ministry of Health
Ministry of Justice and Administration
Ministry of Foreign and European Affairs
Ministry of Science and Education
Ministry of Culture and Media
Ministry of Regional Development and EU Funds
Government Office for Gender Equality
Government Office for Human Rights and the Rights of National Minorities
Croatian Bureau of Statistics
Central State Office for Reconstruction and Housing Care
Croatian Employment Centre
Agency of Electronic Media

Public bodies

Gender Equality Commission of the City of Zagreb
Duga Zagreb
Ombudsperson for Gender Equality
Ombudsperson for the Rights of Persons with Disabilities
Centre for Social Welfare Rijeka

Non-governmental organisations

Autonomous Women's House Zagreb
B.a.b.e.
Centre for Education, Counselling and Research (CESI)
Centre for Peace Studies
Centre for Women War Victims (ROSA)
Croatian Call Centre for Victims of Crime
Croatian Red Cross
Croatian Women's Network
Domine
Médecins du monde
Parents in Action (RODA)
Save Me Initiative
SOS Rijeka
UZOR Rijeka
Women's Room - Centre for Sexual Rights

Civil society representatives and other organisations

Dean Ajduković, professor of social psychology at the University of Zagreb
Maja Munivrana, professor of law at the University of Zagreb
Una Zečević Šeparović, attorney at law

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

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