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## **LANZAROTE CONVENTION**

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

**Replies to the thematic questionnaire**

**CROATIA**

**2<sup>nd</sup> thematic monitoring round**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”**

Replies registered by the Secretariat on 22 October 2017

## Prevention

### Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?

Within the EMPACT project, Cybercrime-CSE police officers of the Police Directorate participated in an activity managed by Europol in order to make the preventive movie "Say NO!". The video is of preventive nature and warns + EU languages, including Croatian.

<https://www.youtube.com/watch?v=WyXIZuYDp4Y>

"ZAJEDNO" (TOGETHER) – the aim of this project, that is, a national preventive action is to raise awareness of prevention of human trafficking with the aim of preventing human trafficking and of the criminal offences that arise from it (including sexual exploitation and sexual abuse) through joint co-operation with all the competent institutions and organisations, private sector (exposed professions), local community, civil society organisations and citizens. Although the project is primarily aimed at sensitisation of students and teachers to existence of dangers of criminal offences such as "Exploitation of Children for Pornography", "Introducing Pornography to Children", committed through computer information systems, to dangers of becoming victims of the said criminal offences and the way to act self-protectively and what to do if they find out about the existence of such criminal offences. The action was carried out in 2016 in the areas of 17 police departments and it included 700 primary school students, 6000 secondary school students, 120 students, 36 children of preschool age as well as a large number of citizens with regard to other publicly carried out activities (theatre play for 600 people, information desks in public areas, education of 15 users of the Institution for Education...).

In co-operation with the civil society organisation "CESI- Centre for Education, Counselling and Research", an international preventive campaign "Two little girls" was carried out within this action.

<http://www.cesi.hr/hr/novosti/1620-odrzana-prezentacija-kampanje-dvije-djevojci/>

<https://youtu.be/GVoyExZz6w0>

"A WORLD FIT FOR CHILDREN" is the name of the forum that took place on 2 June 2016 in co-operation with Croatian National Theatre to mark the International Day of Innocent Children Victims of Aggression. The Ombudsman for Children and esteemed experts of different profiles (judges, philosophers, psychologists, criminalists, representatives of civil society organisations) talked about the importance of respecting children's rights and making joint efforts in fighting violence against children, as well as violence through new media from their perspectives. The forum was aimed at experts that deal with the issue of violence against children and protection of children victims of aggression, students, secondary school seniors and media that contributed to a quality debate together through active discussion. In addition to the above, within their presentations, certain experts talked about dangers and harms of publishing and generating photographs, video recordings that the children "produce" by themselves and that depict them during sexually explicit behaviour.

After the forum, an artistic educational and preventive program called "Svi ideali svijeta ne vrijede suze jednog djeteta" with the aim of pointing out the importance of prevention of all types of violence to younger population in an interesting and educational way. These two preventive activities included 450 users.

<https://www.youtube.com/watch?v=8fF7oc4Y4QA>

Furthermore, within the project “Capacity Building in the Field of Fight Against Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims” financed from the EU funds within IPA 2009, a large number of various preventive activities was held and numerous prevention materials such as flyers and brochures with the aim of raising awareness about protection of children from sexual abuse were made. The dangers of personal production and distribution of sexually explicit content over the internet, as well as distribution of other similar contents made by third parties were pointed out to children in the abovementioned flyers and brochures.

b. self-generated sexual content?

Ministry of the Interior, Police Directorate is continuously carrying out a number of preventive projects and activities through its specialised Prevention Service on a national level, as well as on regional and local levels and we can highlight the most important ones:

“LIVING LIFE WITHOUT VIOLENCE” – is a national preventive project that the Prevention Service of the Police Directorate of the Ministry of the Interior is carrying out for the sixth year in a row. The project is primarily aimed at prevention of all types of violence and it includes prevention of sexual abuse and sexual exploitation of children through new media. In 2016, the project was implemented in co-operation with the Ministry of Science and Education, civil society organisations, local governments and self-governments, music artists and other socially responsible people living a public life. The project unites three components (interactive-workshop, artistic and educational program, interactive-debate). Police officers for prevention of the Ministry of the Interior are actively included in all three components. In 2017, it was implemented in 7 counties with students from a total of 16 primary schools, which included 1579 students aged 13 and 14. The project was awarded by the European Crime Prevention Network as the best project of primary prevention in 2013.

<http://stari.mup.hr/main.aspx?id=175030>

<https://www.youtube.com/watch?v=sFFNh4BF8XQ>

“BLUE CARPET” – 1st international festival of preventive and educational movies about safety that took place at the Cinema Europa in Zagreb from 22 to 25 May 2017. It was aimed at education and strengthening of self-protective behaviour of children and youth through modern methods of prevention of crime, that is, by using multimedia contents. The festival was split into days with different themes and one of these days was dedicated to dangers that threaten children and youth online through new media, prevention of personal data, human trafficking and the issue of violence in general. In addition to screening of the abovementioned movies, interactive workshops and debates were held with experts in different fields. The organisers of the Blue Carpet festival were the Police Directorate of the Ministry of the Interior of the Republic of Croatia and the Ministry of the Interior of the German state of Baden - Württemberg with the support of the Office of the Liaison Officer of the German Federal Police of the Embassy of the Federal Republic of Germany in Zagreb.

<https://www.mup.hr/novosti/641/krece-blue-carpet-festival-u-kinu-europa>

<https://www.youtube.com/watch?v=oKXB0Kh1Vq8>

<https://www.youtube.com/watch?v=heluQUASpGc>

The Centre for Missing and Exploited Children (civil society organisation) was initiated by the Safer Internet Centre that offers a number of services on national level which are aimed at promoting the safe use of modern technologies among children and youth, education of children, youth, parents and local community, promotional activities and sensitisation of public to the risks that the children and youth are exposed to when using online technologies. Within their

activities, they implemented a number of activities and created a lot of materials that deal with risky children and youth behaviour on the internet. We would like to put a special emphasis on the campaign of the Safer Internet Centre, project Web Detectives; educational and promotional activities aimed at the youth on the subject of risky behaviour on the internet that the Centre implements continuously; creating and implementing a national survey on the subject of experience of children and the youth on the internet that was implemented in co-operation with the Department of Psychology of the Faculty of Humanities and Social Sciences Osijek in which 7038 students participated.

<http://cnzd.org/projekti/web-detektiv>

<https://www.csi.hr/>

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

All educational activities aimed at raising awareness and educational activities intended for children about the risks they encounter when producing and/or sharing self-generated sexually explicit images and/or video recordings or self-generated sexual content are intended for children who are witnesses to the mentioned behaviours. Consequently, answers under 1.1. a and b apply mutatis mutandis.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

Police officers of the Ministry of the Interior, Police Directorate, through its specialized Prevention Service continuously carry out a number of preventive projects and activities on a national level, as well as regional and local levels using tools and materials abovementioned in the answer to the question 1.1.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

<https://www.youtube.com/watch?v=WyXIZuYDp4Y>

[https://www.mup.hr/UserDocImages/Savjeti/ipa2009\\_seksualno\\_zlostavljanje/LETAK.pdf](https://www.mup.hr/UserDocImages/Savjeti/ipa2009_seksualno_zlostavljanje/LETAK.pdf)

[https://www.mup.hr/UserDocImages/Savjeti/ipa2009\\_seksualno\\_zlostavljanje/BROSURA.pdf](https://www.mup.hr/UserDocImages/Savjeti/ipa2009_seksualno_zlostavljanje/BROSURA.pdf)

[https://www.mup.hr/UserDocImages/Savjeti/2015/PROTOCOL%20ON%20THE%20PROCEDURE%20IN%20CASE%20OF%20ABUSE%20AND%20NEGLECT%20OF%20CHILDREN%20\(2\).pdf](https://www.mup.hr/UserDocImages/Savjeti/2015/PROTOCOL%20ON%20THE%20PROCEDURE%20IN%20CASE%20OF%20ABUSE%20AND%20NEGLECT%20OF%20CHILDREN%20(2).pdf)

## **Question 2. Civil society involvement**

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
- a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?

Civil society organisations in the Republic of Croatia implement joint activities in relation to the described behaviours in 2.1. a and b and that is why there is an integrated answer to those questions.

The Ministry of Demographics, Family, Youth and Social Policy continuously financially supports implementation of projects of civil society organisations aimed at prevention of sexual abuse of and among children and youth, that is, at protection of children against threats they are exposed to when using computers, internet and other means of remote communication. Between 2015 and 2017, the Ministry provided financial support to certain projects whose activities are concerning prevention of sexual abuse of children and youth on the internet totalling HRK 1,207,333.99.

The Ministry of Demographics, Family, Youth and Social Policy, the Ministry of Science and Education, the Government of the Republic of Croatia, Office for Cooperation with NGOs provides financial support to encourage the work of the Safer Internet Centre which has a goal of raising awareness of citizens about the violence among the youth and educating children, youth and parents about the services of an anonymous and free telephone line for help and support in cases of unacceptable sexual behaviour. Work of the Centre is also supported by the Office of the President of the Republic of Croatia and the Ministry of the Interior. National authorities also participate in the work of the Safer Internet Centre by joining the Advisory Committee and with that they directly contribute to development of educational and promotional activities.

- 2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:
- a. self-generated sexually explicit images and/or videos;
  - b. self-generated sexual content?

Civil society organisation in the Republic of Croatia implement joint activities in relation to the described behaviours in 2.2. a and b and that is why there is an integrated answer to those questions.

The association "Hrabri Telefon" from Zagreb educates children and parents on the subject of sexual violence and violence by means of information and communication technologies. Children and parents can ask for help and support via telephone. Besides its educational role, the association also carries out scientific researches. The Safer Internet Centre from Osijek offers activities of sensitisation, informing, education, installing computer protection and it offers free help and consulting. Its work is aimed at creating and developing preventive programs and projects.

The Safer Internet Centre is carrying out a number of preventive activities: the campaign #recinama; the web-detectives project; workshops and education for children, youth, parents and experts; expert activities; carrying out a national research on the subject of experience of children and youth

on the internet; through membership in international organizations such as INHOPE, Insafe and European Antibullying Network where it exchanges experiences and examples of good practice. Furthermore, the Centre creates informational and educational materials and activities. Employees of the Centre go through educational activities organised by Interpol and Europol. Also, educational and informational materials are available on the official web page of the Centre [www.csi.hr](http://www.csi.hr). In addition to that, the Centre organises promotional activities through its profiles on social networks, organises an info day and creates mobile applications. In 2010 it presented the first computer program for protection on the internet in Croatian language "Sigurni na Internetu SINI".

### **Question 3. National curriculum**

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

a and b

Considering the nature of the national curriculum in the Republic of Croatia it is not possible to provide separate answers to questions described in the points 3. a and b. Within the national curriculum, the Ministry of Science and Education and the Ministry of Health are carrying out different activities for raising awareness about risky behaviour between children and youth, which include the behaviours described in the points 3. a and b.

With the aim of preventing inappropriate and unacceptable behaviour of children on the internet and social networks, the Ministry of Science and Education is carrying out an intersectorial co-operation with the Croatian Regulatory Authority for Network Industries, Ministry of the Interior, Police Directorate and the non-governmental sector in preparation and implementation of preventive activities in school environment with a special emphasis on protection of children and youth from violence and abuse in the world of internet, network technologies and mobile phones.

Furthermore, the Ministry of Science and Education is continuously carrying out programs of professional training of teachers and expert associates through intersectorial co-operation by publishing expert materials (brochures and manuals) about the importance of universal prevention with the aim of protecting children and youth in the world of internet, network technologies and mobile phones and development of the system of education and teaching of students, as well as informing parents about responsible behaviour when using network technologies at the moment when children start using them independently without constant adult supervision.

Within the current health education curriculum there is a module called Sex/Gender Equality and Responsible Sexual Behaviour ([http://www.azoo.hr/images/zdravstveni/Kurikulum\\_ZO.pdf](http://www.azoo.hr/images/zdravstveni/Kurikulum_ZO.pdf)). It also contains topics that include the topic of online sexual abuse. According to the abovementioned module, when teaching the students, it is required to:

- Discuss the role of media and peer pressure in sexual initiation of adolescents;
- Discuss the importance of peer-to-peer communication in a partnership/friendship;
- Argue the importance of agreement about responsible sexual behaviour with a partner;
- Compare different views about sexuality and use of protection;
- Recognize, express and represent personal boundaries and needs in a partnership.

### **Question 4. Higher education curriculum and continuous training**

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:



## Protection

### Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
  - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?
- a) and b )

The Croatian criminal legislation prescribes behaviours described in the point a) as criminal offences unlike behaviours described in the point b) that do not fulfil the requirements to be considered a criminal offence. Given that at the moment of reporting it is not clear if the reported behaviour meets the requirements to be considered a criminal offence, we are providing an answer to the question in the points a) and b) in relation to the reporting procedure.

In this respect, as a competent authority for detecting and investigating criminal offences, the Ministry of the Interior developed a special web application that enables “online” reports of internet contents that are related to various types of sexual exploitation or abuse of children, including publishing sexually explicit images or video recordings or other self-generated contents. The application is primarily intended for the child victims, but also for all the other persons who have the knowledge about child abuse or contents of sexual abuse of children on the internet. The web application can be found at <https://redbutton.mup.hr>. The reporting procedure is simple and specifically adapted to children and it also reduces fear and psychological pressure caused by the reporting procedure.

Furthermore, the NGO Safer Internet Centre has a free telephone line 0800 606 606 intended for children, youth and parents with an aim of raising awareness of citizens about the violence among the youth and educate children, youth and parents about services of the anonymous and free telephone for help and support and the ways of reporting unacceptable behaviour. Children, youth and parents can also contact the Centre through its official web pages [www.cnzd.org](http://www.cnzd.org) and [www.csi.hr](http://www.csi.hr), profiles on social networks (Facebook, Twitter, ask.fm), via chat and e-mail.

Besides the abovementioned, we point out that there is a number of other civil society organisations in the Republic of Croatia of non-profit nature with the aim of helping and supporting abused children and their parents, as well as fighting against unacceptable behaviour of children and youth such as: Hrabri Telefon and Plavi Telefon with open telephone lines at the number: 116 11 or 483 3888.

The action protocol in case of sexual violence (that includes actions described in a) and b)) provides important information about actions of educational institutions (kindergartens, primary and secondary schools and student dormitories) in case of sexual violence experienced by students of educational institutions. In that regard, a procedure of submitting a report was prescribed in a way that the educational worker to whom the child confided in or who witnessed sexual exploitation and abuse of a child is required to report it to parents, the Ministry of Science and Education through an online form, social services department and the police.

After a child, parents or a third party in any abovementioned way reports behaviour described in the points a) and b), the report is forwarded to public attorney as a competent prosecutor for further actions.

Criminal legislation of the Republic of Croatia prescribes everyone's duty to report a criminal offence they were informed of or that they found about for which the procedure shall be instituted ex officio. Given that behaviour described in the point a) would meet the requirements to be considered as a criminal offense of Exploitation of children for pornography under Article 163 of the Criminal Code, we emphasise that if an official or responsible person (e.g. doctor, social services department employee, educational institution principal) does not report such criminal offense, it would be considered as a criminal offence of failure to report the commission of a criminal offence under Article 302 para 2 of the Criminal Code.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

In 2014 the Government of the Republic of Croatia has brought the Protocol on the Treatment of Child Abuse and Neglect. The term abuse also includes sexual exploitation and sexual abuse. The purpose of the Protocol in relation to the treatment in the health system is to provide the child with the victim of abuse overall health care with a view to preserving both physical and mental health as well as rehabilitation of injuries and psychotrauma.

Health institutions are required to:

- a) provide trained and qualified staff for the purpose of screening in case of abuse children 24 hours a day,
- b) carry out continuous specialized training on child abuse professional staff,
- c) designate a person coordinating the protection and assistance of children to victims of abuse
- d) Ensure co-operation and implementation of multidisciplinary team work (pediatrician, family physician, gynecologist, psychologist, social worker, police, etc.) to avoid further traumatizing the child by repeated repetition of traumatic experience.

Victims whose images are published on the Internet or who have independently produced sexual content receive assistance at the Polyclinic for the Protection of Children and Young People of the City of Zagreb, a specialized institution for providing help to psychotraumatized children.

The Centre for Missing and Exploited Children has an established co-operation with national authorities and civil society organisations, especially when children and youth victims are in question. The Centre provides services of direct psychosocial counselling, offers emotional support and practical information as a part of work of the Children, Youth and Family Counselling Centre and via the telephone number 0800 606 606. If it is contacted or addressed by a child or young person for which the professional workers estimate that he needs professional assistance or support, he is sent to other organisations and institutions that can provide the said support and help. The Centre established co-operation with the Independent Service for Victim and Witness Support operating within the Ministry of Justice in a way that informational materials about the work and services of the Centre were forwarded to police officers and employees of other relevant institutions so they could refer a child or young person to free help and support provided by law.

With the aim of securing the required support, counselling and psychological help to children victims whose sexually explicit contents were published on the internet, during police conduct, every child

victim is handed a written notice about their rights and its key part is a list of authorities, organisations or institutions for helping criminal offence victims. In order for a child victim to exercise his right to efficient psychological and other professional assistance and support in accordance with the law, all police departments made a list of central government bodies and civil society organisations that provide support and protection to victims on national and regional levels. Furthermore, flyers of the Victim Support Office and flyers of the Independent Service for Victim and Witness Support and UNICEF brochures for children and brochures for parents that also include information about the way and scope of help a child can receive are available for children victims at police facilities. When processing victims from particularly vulnerable groups, all police departments are required to consistently apply standard procedures defined by the Protocol of Procedures in Sexual Violence Cases, Family Violence Procedure Protocol, Protocol of Identification, Assistance and Protection of Victims of Human Trafficking, Protocol on the Procedure in Case of Abuse and Neglect of Children and Protocol on the Treatment of Unaccompanied Children - Foreign Nationals. Notices about rights are available on the web pages of the Ministry of the Interior where the links to sites of non-government organisations that deal with support for abused children can be found.

Concerning the part of the question about support and legal aid for the child victim described in the point a), we point out that during the criminal procedure he has rights established by the Criminal Procedure Code of which some belong to the child victim during the procedure preceding the institution of criminal proceedings such as the right to access support services for victims of criminal offences and the right to an efficient psychological and other expert help and support of the authority, organisation or institution for aiding victims of criminal offences.

Furthermore, besides the abovementioned rights, the child victim of a criminal offence is entitled to: a legal representative at the expense of the budget funds, confidentiality of personal data, request the exclusion of the public at the hearing, talk to a counsel at the expense of the budget funds before the interrogation, be interrogated by a person of the same sex from the policy authority and State's Attorney's Office and to be interrogated by the same person in case of a repeated interrogation, refuse to answer the questions related to the strictly private life of the victim and request to be interrogated via an audio-video device. The interrogation shall be carried out in the absence of the judge and parties in the room where child is situated through audio and video devices, with the assistance of a psychologist, educator or other expert person. The interrogation of a minor as a witness shall be carried out by the investigating judge. Paying special attention to the protection of the minor, the interrogation shall be carried out via an audio-video device. This type of interrogation of a child victim is established to avoid visual contact with the perpetrator and prevent secondary victimization.

- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Croatian criminal legislation does not prescribe actions described under the point b) as a criminal offence. Consequently, the child victim is not entitled to rights prescribed by the Criminal Procedure Code listed in the answer to the question 6.2 a. However, regardless of the rights from the criminal procedure, the child will be provided with support and psychological aid for actions described under the point 6.2.b. for example in a way presented in actions of the Polyclinic for the Protection of Children and Young People of the City of Zagreb and Centre for Missing and Exploited Children.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Regarding the number of victims for actions described under 6.1 a and 6.2. a, we are stating that between 2014 and 2016 there is a total of 464 children victims of criminal offence.

According to the data of the Centre for Missing and Exploited Children it can be concluded that the Centre provided help and support to four children victims whose explicit images and/or video recordings were published on the internet or whose self-generated sexual contents were published on the internet in 2017.

### **Question 7. Cooperation with civil society**

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offenses covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

The Ministry of Demographics, Family, Youth and Social Policy has been co-operating with the association Hrabri Telefon for a number of years, to which was assigned the service of the National Call Centre for Children 116 111 in 2015. The National Call Centre for Children is an advisory, anonymous and free telephone line intended for all children, no matter the problem they have. According to the available data, children are contacting it mostly because of difficulties in family relations, emotional abuse, peer violence, internet safety and sexual violence via social networks.

The Ministry of the Interior co-operates with numerous non-government organisations. Co-operation is shaped and based on the agreements made with them. In 2009, along with the Ministry of Demographics, Family, Youth and Social Policy, the Ministry of the Interior made a Memorandum of Co-operation with the association "Hrabri Telefon – telefon za zlostavljanu i zanemarenu djecu (telephone for abused and neglected children)" which informs the police in case of sexual exploitation or abuse of children it reaches within its work.

Furthermore, besides the agreements the Ministry of the Interior has on national level, police departments, that is, regional organisational units of the Ministry of the Interior are encouraged to make similar agreements with their local non-government organisations so we can mention an agreement between the Osijek-Baranja County Police Administration and the association "Centre for Missing and Exploited Children". Their co-operation is reflected in different preventive activities, joint lectures for children, expert help and support for victims and notifying the police in case of child abuse etc.

The Centre for Missing and Exploited Children is carrying out a number of activities aimed at protecting children from dangers when using a computer, especially protecting children from sexual abuse and sexual exploitation on the internet and from sharing pornography. The association is the rights holder of the number 116 000 - the national number for missing children which works with the aim of promoting, protecting and improving children's rights and preventing and fighting against all types of violence against children and youth.

## Prosecution

### Question 8. Legislation

8.1. Does national law contain any reference to:

a) self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

a) The Criminal Code prescribes using a child for pornography as a separate criminal offence in the Article 163. Paragraph 6 of the offence concerned defines child pornography as any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes. Furthermore, the abovementioned paragraph explicitly stipulates that any material that is artistic, medical or scientific in character shall not be deemed pornography within the meaning of Article 163 of the Criminal Code. In the context of violations covered by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter "Convention"), we are pointing out that the Article 20 of the Convention is transposed into the national criminal legislation through Article 163 of the Criminal Code and as such incriminates overall exploitation of children for pornography, including the one done through information and communication technologies.

b) self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

c) non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

b) and c) With regards to the definition of child pornography from Article 163 para 6 of the Criminal Code that explicitly defines material considered as child pornography (cited in the answer 8.1.a), self-generated images of a child of sexual nature (e.g. parts of body that do not include sexual organs, etc.) and non-image content (e.g. sound, text) of sexual nature are not punishable according to the Croatian criminal legislation.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

a) self-generated sexually explicit images and/or videos?

a) The provision of Article 163 para 5 of the Criminal Code prescribes that a child shall not be punished for producing and possessing pornographic material depicting him and another child, where this material is produced and possessed by them with their consent and solely for their own private use. An expression "shall not be punished" presents a reason for excluding culpability because the act is still unlawful. It means that, in procedural terms, the act the defendant is charged with "is not a criminal offence according to law so the court shall render a judgment of acquittal according to Article 453 point 1 of the Criminal Procedure Code.

b) self-generated sexual content?

b) self-generated images of a child of sexual nature (e.g. music, parts of bodies that do not include sexual organs, etc.) are not punishable according to the Croatian criminal legislation which explicitly defines child pornography and all modalities of its perpetration according to the provision of Article 163 para 6 of the Criminal Code cited in the answer 8.1. a).

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?

a.) A provision of the Criminal Code, Article 163 prescribes that whoever films child pornography or produces, offers, makes available, distributes, transmits, imports, exports, procures for himself or herself or for another person, sells, gives, presents or possesses child pornography or knowingly obtains access, through information and communication technologies, to child pornography shall be punished by imprisonment from one to eight years. The child's consent that his or her image or video be shared through information and communication technologies is irrelevant to the existence of perpetrator's criminal liability. A child (pursuant to the provision of the Criminal Code Article 87 para 7, a child shall mean a person who has not attained the age of eighteen years) cannot give consent for his or her image and/or video record to be shared through information and communication technologies. A perpetrator who shares through information and communication technologies self-generated images and/or videos of a child or a video in which multiple children appear shall, pursuant to a provision of Article 52 of the Criminal Code, answer for a concurrence of offences. This means that the court shall for each criminal offence committed against a concrete specified child determine a punishment, and then impose an aggregate punishment, given that the provision of Article 52 para 2 of the Criminal Code expressly prescribes that Criminal offences which represent an attack on sexual freedom of a person cannot be legally denoted as continuing. If the perpetrator of a criminal offence is a child, the proceedings shall be conducted in accordance with the Juvenile Courts Act. An exception to the aforesaid is a situation where children independently, consensually and for personal use produce self-generated images or videos of explicit sexual content. Namely, the provision of Criminal Code Article 163 para 5 prescribes that a child shall not be punished for producing and possessing pornographic material depicting him or her alone or him or her and another child, where this material is produced and possessed by them with their consent and solely for their own private use.

- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?
- b. Self-generated images of a child containing sexual character (e.g. music, body parts not including sexual organs etc.), pursuant to the quoted provision of Criminal Code Article 163 para 6, are not punishable.

## **Question 9. Criminalisation**

- 9.1. Does national law criminalise cases when adults:<sup>1</sup>
- a. possess child self-generated sexually explicit images and/or videos?
  - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
  - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

a) b) and c) provisions of Article 163 of the Criminal Code prescribe a criminal offence of exploitation of children for pornography. Article 163 para 2 of the Criminal Code prescribes that the perpetrator who records, produces, offers, makes available, shares, imports, exports, procures for himself or another person, sells, gives, displays or possesses child pornography or knowingly obtains access, through information and communication technologies shall be punished by imprisonment for one to eight years. Furthermore, the provision of Article 166 of the Criminal Code prescribes serious

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<sup>1</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

criminal offences of sexual abuse and exploitation of a child. Pursuant to Article 166 para 1 of the Criminal Code, if, by the criminal offense referred to in Article 163 para 2 of the Criminal Code, a serious bodily injury is inflicted on the child or his physical or emotional development is impaired or the child is left pregnant, where a number of perpetrators participated in the act or the act is committed against a particularly vulnerable child or it is committed by a family member or a person with whom the child lives in a joint household or it is committed in an especially cruel or especially degrading manner, the perpetrator shall be punished by imprisonment for three to fifteen years. In conclusion, the provision of Article 166 para 3 of the Criminal Code prescribes imprisonment for not less than 10 years of long-term imprisonment if, by the criminal offence referred to in Article 163 of the Criminal Code, a child dies.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

No. The above acts are subject to criminal proceedings which the State Attorney, as the authorized prosecutor, initiates the procedure *ex officio*.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

If the court in criminal proceedings determines the defendant committed a criminal offence, it shall render a judgment that the defendant is guilty and he shall be punished according to the limits of the prescribed punishment for the committed criminal offence. Besides the sentence for the committed criminal offence, the court can determine one of the following security measures for the defendant: prohibition from engaging in a certain duty or from exercising a certain profession, prohibition from accessing the internet and protective supervision after serving a full prison sentence. The court shall order the security measure of prohibition from fully or partially engaging in a certain duty or from exercising a certain profession referred to in Article 71 of the Criminal Code to the perpetrator who committed a criminal offence in carrying out his duty or activity if there is a danger that such a role could induce the perpetration of another criminal offence through the abuse of the duty or activity. The security measure shall be ordered for a period of one to ten years. To the perpetrator of the criminal offence referred to in Chapter XVII of the Criminal Code Criminal Offences of Sexual Abuse and Exploitation of Children, the court can order a prohibition from engaging in a duty or from exercising a profession where he is in regular contact with children even when these offences were not committed in carrying out duty or activity and it can be ordered for life. The court shall inform the competent authority for keeping the register of persons who engage in certain duties or activities about the final security measure. The court shall order the safety measure of prohibition from accessing the internet referred to in Article 75 of the Criminal Code to the perpetrator who committed a criminal offence via the internet if there is a risk of perpetration of another criminal offence through the abuse of the internet. The security measure shall be ordered for a period of six months to two years. The court shall inform the competent regulatory authority for electronic communication that will secure its implementation about the final security measure. The court shall order the safety measure of protective supervision after serving a full prison sentence referred to in Article 76 of the Criminal Code to the perpetrator if he was sentenced to prison in duration of five or more years for an intentional criminal offence or in duration of two or more years for an intentional violent criminal offence or other criminal offence referred to in Chapter XVII of the Criminal Code (Criminal Offences of Sexual Abuse and Exploitation of Children) and if the sentence was fully served because a suspended sentence was not imposed. The supervision of the convict shall begin upon leaving the prison. The supervision shall last for three years if the criminal offence is committed against a child. The court can prolong supervision before it ends for one more year on the proposal of a competent authority if without it there is a risk of perpetration of one of the criminal offences that caused the security measure to be ordered.

Rehabilitation terms shall be calculated according to Article 19 para 6 in conjunction with Article 13 para 4 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation (Official Gazette 143/12, 105/15, 32/17). Provision of Article 19 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation prescribes rehabilitation. Provision of Article 19 para 1 prescribes that convicts shall be entitled to all rights of citizens established by the Constitution, law or other regulations and acquire all rights except the ones prohibited by a safety measure or by legal consequences of the sentence after an executed sentence, if the convict was pardoned or after the limitation period, after an executed long-term imprisonment or juvenile imprisonment. Provision of Article 19 para 4 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation prescribes that rehabilitation occurs by force of law for the perpetrator of the criminal offence provided that he is not re-convicted for a new criminal offence when the following terms pass: twenty years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to long-term imprisonment, fifteen years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of ten years or for a severe penalty, ten years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of three years or for a severe penalty, five years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of one year or for a severe penalty and juvenile imprisonment, three years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of less than one year. In conclusion, the provision of Article 19 para 6 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation prescribes that rehabilitation for the perpetrators of criminal offences referred to in Article 13 para 4 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation which explicitly cites criminal offences referred to in Chapter XVII of the Criminal Code, Criminal Offences of Sexual Abuse and Exploitation of Children (including the criminal offence of Exploitation of Children for Pornography) shall be enforced by force of law upon expiration of double terms referred to in Article 19 para 4 of the Law on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation.

9.4. Does national law criminalise cases when adults:<sup>2</sup>

a. possess child self-generated sexual content?

a) National law does not criminalise cases included in the question 9.4.a.

b. distribute or transmit child self-generated sexual content to other adults?

b) National law does not criminalise cases included in the question 9.4.b.

c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

c) National law does not criminalise cases included in the question 9.4.c.

a).b.) and c). Namely, pursuant to provision of Article 163 para 6 of Criminal Code, child pornography is any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes. This provision defines child pornography as well as the explicitly mentioned material referred to as child pornography. Article 163 of the Criminal Code incriminates the exploitation of children for pornography, but not those behaviours whose content is not considered to be child pornography in the context of Article 163 para 6 of the Criminal Code.

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<sup>2</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The cases 9.4.a-c do not meet the requirements to be considered a criminal offence so the criminal proceedings are not initiated.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

There are no legal consequences of the behaviours referred to in 9.4.a-c

9.7. Does national law criminalise cases when children:<sup>3</sup>

- a. produce self-generated sexually explicit images and/or videos?
- b. possess self-generated sexually explicit images and/or videos?

a.) and b.) Provision of Article 163 para 5 of the Criminal Code prescribes that a child shall not be punished for producing and possessing pornographic material depicting him and another child, where this material is produced and possessed by them with their consent and solely for their own private use. In relation to the term “shall not be punished”, everything mentioned in the answer 8.2.a) applies mutatis mutandis.

- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

c.) d.) e.) f.) Provision of Article 163 of Criminal Code prescribes the criminal offence of Exploitation of children for pornography. Article 163 para 2 of the Criminal Code prescribes that the perpetrator who records, produces, offers, makes available, shares, imports, exports, acquires for himself or another person, sells, gives, displays or possesses child pornography or consciously accesses it through information and communication technologies shall be punished by imprisonment for one to eight years. Consequently, the criminal offence referred to in Article 163 para 2 of the Criminal Code may be committed by juvenile offenders.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Yes, the provision of Article 7 of the Criminal Code prescribes that criminal legislation shall not be applied to a child who, at the time of committing a criminal offence, had not reached fourteen years of age. A child under the age of 14 can commit an unlawful act, and the cited provision expresses an inexcusable presumption that a child under the age of 14 is not capable of criminal responsibility or guilt. Pursuant to the provision of Article 49 of the Juvenile Courts Act, when, during the proceedings, it is established that a person concerned was, at the time when the criminal offence was committed, under fourteen years of age, criminal case shall be dismissed or criminal proceedings shall be dropped and the information on the offence and on the perpetrator shall be submitted to the centre of social welfare.

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<sup>3</sup> This question does not in any way suggest that these behaviours should be criminalised.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

In the juvenile proceedings for all criminal offences, the authorized prosecutor is the State's Attorney. A person who at the time of the commission of the criminal offence has reached the age of fourteen and did not reach the age of twenty one shall be subject to the provisions of the Criminal Code, unless otherwise provided for in a special law. The special law is the Juvenile Courts Act (Official Gazette 84/11, 143/12, 148/13, 56/15) which regulates provisions for young offenders (juveniles, persons who, at the time when the offence was committed, had reached the age of fourteen and had not reached the age of eighteen and young adults, persons who, at the time when the offence was committed, had reached the age of eighteen and had not reached the age of twenty one). Correctional and safety measures may be applied to a minor who at the time when he committed an offence was between fourteen and sixteen of age (junior minor). Correctional measures shall be: court reprimand, special obligations, intensified care and supervision, intensified care and supervision with daily stay in a correctional institution, referral to a correctional institution, referral to a reformatory, referral to a special correctional institution. Correctional and safety measures may be applied to a minor who at the time when he committed an offence was between sixteen and eighteen years of age (senior minor) and he may be sentenced to juvenile imprisonment. Juvenile imprisonment may not be shorter than six months nor longer than five years, and its length shall be determined in full years and months. In case of a criminal offence carrying a long-term imprisonment or in case of two concurrent criminal offences carrying sentence of imprisonment of over ten years, juvenile imprisonment may last for up to ten years. The provisions of the Criminal Code are applicable to younger adults, subject to the conditions provided for by the Juvenile Courts Act and the provisions applicable to juvenile perpetrators of criminal offences. The court may apply to a young adult a correctional measure of special obligations, correctional measure of intensified supervision and juvenile imprisonment, and if the perpetrator attained twenty one years of age at the time of the trial, he may be referred to a correctional institution and a reformatory. With regard to security measures, the court may, besides a correctional measure or juvenile prison, order security measures to a minor according to the provisions of the Criminal Code, with the exception of the security measure of prohibition to engage in a duty or activity which may not be imposed to the minor or a person who committed a criminal offence as a young adult. As far as minors are concerned, the general provisions of the Criminal Code apply to their criminal liability and punishment, that is to say, if a juvenile imprisonment sentence is imposed on a minor or a young adult is sentenced to imprisonment, the rehabilitation terms are calculated in accordance with Article 19 para 6 in conjunction with Article 13 para 4 of the Act on the Legal Consequences of Condemnsions, Criminal Records and Rehabilitation (Official Gazette 143/12, 105/15, 32/17). Provision of Article 19 of the Act on the Legal Consequences of Condemnsions, Criminal Records and Rehabilitation prescribes rehabilitation. Provision of Article 19 para 1 prescribes that convicts shall be entitled to all rights of citizens established by the Constitution, law or other regulations and acquire all rights except the ones prohibited by a safety measure or by legal consequences of the sentence after a served full sentence, if the convict was pardoned or after the limitation period, after a fully served long-term imprisonment or juvenile imprisonment. Provision of Article 19 para 4 of the Act on the Legal Consequences of Condemnsions, Criminal Records and Rehabilitation prescribes that rehabilitation occurs by force of law for the perpetrator of the criminal offence provided that he is not re-convicted for a new criminal offence when the following terms pass: twenty years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to long-term imprisonment, fifteen years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of ten years or for a severe penalty, ten years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of three years or for a severe penalty, five years from the date after serving a full sentence, after the statute

of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of one year or for a severe penalty and juvenile imprisonment, three years from the date after serving a full sentence, after the statute of limitations has expired and after the convict was pardoned when sentenced to imprisonment for a period of less than one year. In conclusion, the provision of Article 19 para 6 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation prescribes that rehabilitation for the perpetrators of criminal offences referred to in Article 13 para 4 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation which explicitly cites criminal offences referred to in Chapter XVII of the Criminal Code, Criminal Offences of Sexual Abuse and Exploitation of Children shall be enforced by force of law upon expiration of double terms referred to in Article 19 para 4 of the Law on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation. The provision of Article 3 para 2 of the Act on the Legal Consequences of Condemnations, Criminal Records and Rehabilitation prescribes that records of correctional measures imposed on juveniles and young adults are kept by the ministry responsible for the social welfare affairs.

- 9.10. Does national law criminalise cases when children:<sup>4</sup>
- a. produce self-generated sexual content?
  - b. possess self-generated sexual content?
  - c. distribute or transmit self-generated sexual content to peers?
  - d. distribute or transmit self-generated sexual content to adults?
  - e. distribute or transmit self-generated sexual content of other children to peers?
  - f. distribute or transmit self-generated sexual content of other children to adults?

a.)b.)c.)d.)e.)f. National law does not criminalise the above since it would not have been included in the definition of child pornography under Article 163 para 6 of the Criminal Code, which defines child pornography as any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Criminal legislation of the Republic of Croatia does not criminalise behaviours described under the question 9.10.a-f.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

There are no legal consequences for behaviours under 9.10.a-f. since criminal legislation of the Republic of Croatia does not criminalise them.

## **Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use**

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>5</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

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<sup>4</sup> This question does not in any way suggest that these behaviours should be criminalised.

<sup>5</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>6</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

No, the provision of Article 163 para 5 of the Criminal Code prescribes that a child shall not be punished for producing and possessing pornographic material depicting him and another child, where this material is produced and possessed by them with their consent and solely for their own private use.

**Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion**

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

a) self-generated sexually explicit images and/or videos?

a) The criminal legislation of the Republic of Croatia does not prescribe sexual coercion and/or extortion of children and/or other persons related to the child as an independent criminal offence. Such conducts are described in Article 138 of the Criminal Code, which prescribes the criminal offence of coercion and in Article 243 of the Criminal Code, which prescribes the criminal offence of extortion. The criminal offence of coercion is committed by whoever by the use of force or serious threat coerces another to do or omit to do something or to suffer, for which criminal offence the legislator prescribes the punishment of imprisonment not exceeding three years and prosecution ex officio if committed against a child. The criminal offence of extortion is committed by whoever, with the aim of procuring for himself or herself or a third party an unlawful material gain by the use of force or by serious threat, coerces another to do, refrain from doing or suffer something to the detriment of his or her or another's property. If the perpetrator should by any of the means described in Articles 138 and 243 of the Criminal Code obtain self-generated sexually explicit images and/or videos, he or she would answer for a concurrence of criminal offences with the criminal offence of exploiting children for pornography as referred to in Article 163 para 2 of the Criminal Code, given that the very possession of the said materials is prescribed as a criminal offence.

b) self-generated sexual content?

b) The described behaviours are not prescribed as a criminal offence.

**Question 12. Jurisdiction rules<sup>7</sup>**

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

The provision of Article 14 of the Criminal Code prescribes that criminal legislation of the Republic of Croatia shall be applied to its national or a person who has his permanent residence in its territory who outside the territory of the Republic of Croatia commits a criminal offence if the act is a criminal

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<sup>6</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>7</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

offence at the locality of its commission. Furthermore, the provision of paragraph 3 of the same Article prescribes that criminal legislation of the Republic of Croatia shall apply to criminal offences under Article 163 of the Criminal Code and Article 166 of the Criminal Code even if the act is not a criminal offence at the locality of its commission.

The provision of Article 15 of the Criminal Code prescribes that the criminal legislation of the Republic of Croatia shall apply to an alien who, outside the territory of the Republic of Croatia, perpetrates a criminal offence against a Croatian national or a person with a permanent residence in the Republic of Croatia, if the act is also a criminal offence at the locality of its commission.

The provision of Article 16 of the Criminal Code prescribes that the criminal legislation of the Republic of Croatia shall apply to anyone who outside of its territory commits any of the criminal offences which the Republic of Croatia is required to punish under an international treaty even though committed abroad.

The provision of Article 17 of the Criminal Code prescribes that the criminal legislation of the Republic of Croatia shall apply to an alien who outside its territory commits a criminal offence for which under the Croatian law a punishment of five years of imprisonment or a more severe penalty may be imposed, if the act is a criminal offence at the locality of its commission and if the extradition of the perpetrator is permitted under the law or an international treaty but has not been made.

The provision of Article 18 para 7 of the Criminal Code prescribes that in the case referred to in Articles 14, 15, 16 and 17 of the Criminal Code criminal proceedings shall be instituted only if the perpetrator is present on the territory of the Republic of Croatia.

### **Question 13. Specialised units/departments/sections**

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

a. in law enforcement?

Within the Police Directorate of the Ministry of the Interior, two specialised units have been established which, within their scope, deal with criminal offences of sexual abuse and exploitation of children. Department for Juvenile Delinquency and Crime against Children and Family and Department for High-tech Crime. The mentioned organisational units collaborate closely during their criminal investigations in order to better identify the children victims of sexual abuse and detect perpetrators of these crimes. The Department for High-tech Crime is responsible for conducting proactive and online investigations related to sexual exploitation and abuse of children on the internet and working on the ICSE database in order to identify children victims in general, while the Department for Juvenile Delinquency and Crime against Children and Family is responsible for investigating criminal offences and identifying children victims when it is suspected that the victims are in the Republic of Croatia.

b. in prosecution?

b. In prosecution, as authorized prosecutors in criminal offences of sexual abuse and exploitation of a child, there are no specialised departments dealing exclusively with the criminal offences mentioned when they are committed by means of information and communication technologies. However, there are youth departments established in prosecution responsible for the criminal offences committed by juveniles and young adults, as well as adult perpetrators of criminal offenses exhaustively listed in Article 113 para 4 of the Juvenile Courts Act against children, which include criminal offences of sexual abuse and exploitation of children referred to in Chapter XVII of the Criminal Code. The provision of the Article 38 of the Juvenile Courts Act prescribes that public prosecutors for juveniles shall have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology of the youth and social welfare for

young persons. Taking into account the criteria in Article 38 of the Juvenile Courts Act, public prosecutors for juveniles shall be appointed for a term of office of five years from the ranks of public prosecutors and deputy public prosecutors in respective public prosecution services by the Public Prosecutor of the Republic of Croatia, and after the expiry of that period, he can be re-appointed as a public prosecutor for juveniles (Article 39 para 2 and 3 of the Juvenile Courts Act). The deputy public prosecutor to appear before the juvenile panel of the Supreme Court of the Republic of Croatia shall be indicated in the annual assignment schedules by the Public Prosecutor of the Republic of Croatia (Article 40 of the Juvenile Courts Act).

c) in courts?

In the courts there are no specialised departments dealing exclusively with sexual criminal offences against children by means of information and communication technologies. However, in accordance with the provision of Article 37 of the Juvenile Courts Act, in municipal courts located in the places where county courts have their seats, as well as in county courts themselves, juvenile divisions are established which are composed of juvenile panels and juvenile judges who are competent for criminal offences committed by juveniles and young adults and adult perpetrators of criminal offences exhaustively listed in Article 113 para 3 of the Juvenile Courts Act committed against children, which include criminal offences of sexual abuse and exploitation of children referred to in Chapter XVII of the Criminal Code. The provision of Article 38 of the Juvenile Courts Act shall be applied *mutatis mutandis* when appointing juvenile judges. Juvenile judges in municipal and county courts, by taking into account the criteria under Article 38 of the Juvenile Courts Act, shall be appointed for a term of office of five years from the ranks of the judges sitting in these courts by the President of the Supreme Court of the Republic of Croatia and after the expiry of that period, a judge may be re-appointed as a juvenile judge. Juvenile panel shall be constituted in the Supreme Court of the Republic of Croatia (Article 37 para 3 of the Juvenile Courts Act) and the judges sitting in that panel shall be indicated in the annual assignment schedules by the President of the Supreme Court of the Republic of Croatia (Article 40. of the Juvenile Courts Act).

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

In prosecution and courts there are no specialised departments in charge of dealing exclusively with sexual criminal offences of juvenile offenders against children by means of information and communication technologies.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

In the Ministry of the Interior, Police Directorate, Department for Juvenile Delinquency and Crime against Children and Family there are five positions for civil servants performing the abovementioned jobs. There are five positions for civil servants in the Department for High-tech Crime.

The number of judicial officials who have been appointed by the President of the Supreme Court of the Republic of Croatia as juvenile judges in municipal courts is 129 and in county courts it is 127. Consequently, the total number of juvenile judges in the Republic of Croatia is 246.

→ As regards law enforcement, please indicate if:  
a. there is a victim identification function?

Determining the identity of victims is a legal obligation in the Republic of Croatia, and in terms of identifying children victims of sexual criminal offences committed by means of internet, there are special competent organisational units of the Criminal Police Directorate (Department for Juvenile Delinquency and Crime against Children and Family and Department for High-tech Crime).

- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

Yes, since June 2013, the Republic of Croatia has been connected to Interpol's ICSE database. Since connecting until the middle of 2017, a total of 140 children victims were identified in the Republic of Croatia. Also, new police officers are constantly being trained to access and work on this database, for example, in 2017, six new users of this database were trained.

#### **Question 14. Challenges in the prosecution phase**

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?

The Ministry of the Interior of the Republic of Croatia has stated that there are issues in practice concerning the speed of development of modern technologies and the internet in the sense of how new forms of criminal offences are manifested as well as in the sense of how criminal offences are committed, of finding new and adequate modalities of providing evidence, as well as in the fact that the development of a criminal law system is a process that requires time to synchronise with new forms in which criminal offences are manifested and committed.

- b. self-generated sexual content?

The above is not defined as a criminal offence by the Croatian criminal legislation, which renders us unable to provide an answer concerning the challenges which the law enforcement, prosecutors and courts face in the course of criminal proceedings with respect to the behaviours described under 14.b.

#### **Question 15. Training of professionals**

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. a) In the Republic of Croatia, the Police Academy carries out two specialised courses in which police officers are trained for criminal investigations of the criminal offences in question. The first is a course for police officers specialising in youth, which addresses the topics related to sexual abuse and exploitation of children on the internet. The second course is specialised solely for training police officers in investigation of criminal offences committed against children through the internet.
- c. An ICSE database training was also carried out at the Police Academy. Further, police officers of the Ministry of the Interior regularly participate in various international trainings in this area organised by Europol, CEPOL or other organisations. In addition, several subjects at the Police College address topics related to protecting children from sexual exploitation on the internet.
  - a. prosecutors?
  - b. judges?

b. and c. In the Republic of Croatia, the Judicial Academy Act (Official Gazette nos. 153/09, 127/10 and 82/15) prescribed the founding of the Judicial Academy, within whose competence is the implementation of the basic education and training of candidates for independent, responsible and unbiased performance of judicial duties, advisors in judicial bodies and other judicial officers (judges and state attorneys). In the context of trainings related to the criminal offences of sexual abuse and exploitation of children committed through information and communication technologies, the Judicial Academy has organised two seminars: a two-day international seminar “Fighting Cybercrime and Child Pornography on the Internet” and a two-day international conference “Cybercrime” with “Child Pornography on the Internet” as one of the topics.

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

The course for police officers specialising in youth also includes training related to sexual abuse and exploitation of children on the internet and is mandatory for all police officers working in the areas of juvenile delinquency and crime against family and youth within the Ministry of the Interior’s system. Courses specialized only for training police officers in investigation of criminal offences committed against children through the internet are held depending on the needs of an organisational unit and the possibilities available at the level of international trainings. The subjects taught at the Police College addressing the topics of child protection against sexual exploitation on the internet are mandatory for all Police College students.

An international seminar with the topic “Fighting Cybercrime and Child Pornography on the Internet” was held in Zagreb in 2014 and organised by the Police Academy, Taiex and the Academy of European Law. Seminar attendees were informed about different types of cybercrime, the general impact of new technologies, the matters of jurisdiction in cybercrime, the role of the internet industry in preventing criminal offences, discovering and reacting to offences committed with the use of information and communication technologies and challenges in criminal prosecution and court proceedings in cybercrime cases in the Republic of Croatia. While attending the training in the said topic was not obligatory, a total of 40 participants attended the seminar, 18 of whom were foreign and 22 from Croatia: 1 county state attorney, 12 deputy state attorneys, 1 senior state attorney advisor, 8 judges.

An international conference on cybercrime was held in Zagreb in 2016 and organised by the Judicial Academy, the Regional Cooperation Council and GIZ foundation. One of the topics of the international conference was child pornography on the internet. While attending the training in the said topic was not obligatory, it was attended by 20 participants, 7 of whom were judicial officers from Croatia.

## Partnerships

### Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

a) Within the project EMPACT Cybercrime – CSE, one of the operational activities in 2016/2017 was creation of preventive material, the movie “Say NO” which was translated to all the EU languages <https://www.youtube.com/watch?v=WyXIZuYDp4Y>. Also, the Republic of Croatia,

Ministry of the Interior actively participates in different global alliances and initiatives such as “WeProtect Global Alliance” (<http://www.weprotect.org/>) whose goal is global, joint co-operation in fighting against sexual abuse and exploitation of children on the internet.

b) protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

The Ministry of the Interior participated in the implementation of two projects financed from the EU funds, IPA 2009, the project “Capacity Building in the Field of Fight Against Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims” and IPA 2011, the project “Capacity Building on Cybercrime”.

Within the mentioned projects, police officers were educated in the segment of conducting criminal investigations of sexual abuse of children on the internet. Through implementation of those projects, the segment of preventive work with children and sensitisation of public about the risks of sharing materials on the internet were implemented.

Also, within the project IPA 2009, “Capacity Building in the Field of Fight Against Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims”, computer forensics equipment that the police uses while investigating criminal offences of sexual abuse of children on the internet was procured.

c) investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

The Ministry of the Interior, through international police co-operation, is actively co-operating with other police forces whose states are Parties to this convention. This co-operation takes place through common police channels as well as through Interpol’s ICSE database. We also *collaborate with international institutions such as Europol (AP Twins) and Interpol (CAC – Crimes Against Children Unit).*

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

a) and b) At the Polyclinic for the Protection of Children and Adolescents of the City of Zagreb on a weekly basis are organized study visits of experts from the field of protection of children and young people from other countries who are introduced to the way of work and activities of the Polyclinic as well as to exchange experience in the work.

Some experts from the Polyclinic for the Protection of Children and Young People of the City of Zagreb are involved in the role of an expert and consultant in the European PROMISE project, which among others is aimed at encouraging children's adapted multidisciplinary and interinstitutional services for children victims and witnesses of sexual violence. More about the project itself is available on the project website: <http://www.childrenatrisk.eu/promise/>

c) The said is not criminalised by the Croatian criminal legislation which renders us unable to answer the question about co-operation with other Parties to the Lanzarote Convention in processing the cases described in the question 16.2.c.