

CROATIAN NGO JOINT SHADOW REPORT TO GREVIO

GREVIO Shadow Report NGO Coalition
Women's Network Croatia

Co-ordination

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ACRONYMS

AWHZ	Autonomous Women's House Zagreb
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSW	Centre for Social Welfare
DV	Domestic violence
EBO	Emergency barring order
EU	European Union
FRA	Fundamental Rights Agency
GBV	Gender-based violence
GE	Gender equality
HDZ	Croatian Democratic Party
HRK	Croatian national currency (Croatian Kuna)
IC	Istanbul Convention
IPV	Intimate partner violence
LPDV	Law on Protection from Domestic Violence
MoI	Ministry of Interior
MoJ	Ministry of Justice
NAP	National action plan
NGO	Non-governmental organisations
UN CAT	UN Committee against Torture
UN HRC	UN Committee on Human Rights
UPR	Universal Periodic Review
VAW	Violence against women
WNC	Women's Network Croatia

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INTRODUCTION

This Shadow report on the implementation of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention) is being submitted on behalf of the Women's Network Croatia. It has been prepared by the Autonomous Women's House Zagreb (AWHZ) and Centre for Women War Victims – ROSA (Centre ROSA) and endorsed by the members of the Women's Network Croatia, who provided information and cooperated in the writing process. The Shadow report does not refer to all the articles of the Convention, but rather comments on only those that require commenting, listing the existing challenges and recommendations.

Women's Network Croatia (WNC) is a feminist network founded in 1996 that unites 30 organisations, groups and initiatives across Croatia that recognize discrimination against women who are often economically and politically marginalized and opposes all sorts of discrimination against women. The WNC and its member organisations' work is based on respect of fundamental women's rights, women's solidarity, anti-militarism, non-discrimination on any grounds, recognition of women's right to choose, reproductive rights, developing environmental awareness, and actively combating violence against women. The WNC's basic goals are women's participation in politics and political decision-making, the right to education, work, earnings and full employment, social security and elimination of all forms of violence against women and girls.

Autonomous Women's House Zagreb – Women against Violence against Women (AWHZ) is a feminist, non-governmental and non-profit organization, founded in 1990 in order to respond to the need for safe shelter for women and their children exposed to gender-based violence. AWHZ opened the first shelter for women survivors of violence and their children in Eastern Europe in 1990. Today, it also operates a Counselling Centre, a hotline for survivors and legal services. AWHZ carries out numerous public campaigns and has advocated for legal changes and better implementation of existing laws to address violence against women.

Centre for Women War Victims - ROSA (Centre ROSA) is a non-governmental, feminist, anti-militaristic organization founded in 1992 with an aim to support women survivors of sexual violence and other war related violence against women, as well as misogynistic and nationalistic politics in Croatia and the countries of former Yugoslavia. Since the 1990s, the Centre ROSA has developed various activities in order to offer various forms of direct support and legal representation to women survivors of war violence, rape and sexual violence, trafficking in women, prostitution and other forms of male violence against women.

GENERAL INFORMATION

Prevalence of violence against women and domestic violence

Violence against women (VAW) and domestic violence (DV) is a wide-spread problem in Croatia, especially violence in intimate partner relationships. A nation-wide survey that AWHZ conducted in 2003, the only one of its kind to date, showed that every third woman had survived or will survive some form of physical intimate partner violence (IPV) during her lifetime.¹ The same research showed that 44% of women survived verbal abuse in their current relationship, while nearly seven out of 10 (68%) women had experienced such abuse from a previous partner. A third of the women (34%) were survivors of sexual violence.

The 2012 data from the Fundamental Rights Agency (FRA) EU-wide survey on violence against women² showed that one in eight (12%) women in Croatia survived physical violence from a partner since the age of 15, 3% have shared that they have survived sexual violence from a partner and 42% have survived psychological violence from a partner. Among them, most (33%) have experienced abusive behaviours (verbal abuse, insults, humiliation), but nearly three in ten (29%) also identified controlling behaviours. More than one in ten (11%) have identified economic abuse from their partners since the age of 15.

Femicide, or murder of women in intimate partner relationships, is a serious issue in Croatia. From 2016 till 2021, 92 women have been murdered in Croatia (45% of all murders). Of those, 52 were murdered by a close person, with the past few years showing an increase (7 women in 2019, 9 in 2020 and 11 in 2021).³ An in-depth analysis of these cases showed in many of them the femicides were the consequence of the failure of the state institutions to use the available legislative measures and protect the women from intimate partner violence.⁴

Equality between women and men

Violence against women is a violation of the rights and fundamental freedoms of women. As root causes of violence against women lie in historically unequal power relations between men and women, it is important to note that gender inequality is still significantly present and insufficiently addressed in Croatia. These structural inequalities are visible in political participation, participation in the economy, in education, justice system and in living standards and quality of life.

Women in Croatia are underrepresented in positions of political power and are therefore unable to influence policies, legislation and socio-economic development to the same extent that men do. Women constitute only 31.8% of members of the Parliament, and there are only 5 (27.8%) women in the government. On average, about 30% of members of local governments are women, but when it comes to positions of political power, that number is lower, with only 9% of women county prefects

¹ Autonomous Women's House Zagreb, *Interpretacija rezultata istraživanja o nasilju nad ženama u Republici Hrvatskoj* ("Interpretation of Research Results of a Survey on Prevalence of Violence Against Women in Croatia"), available (in Croatian) at <http://www.azkz.net/istrazivanja.html>. The research looked at the violence that women have survived, the violence their mothers have survived and the violence their friends have survived and then calculated a lifetime prevalence.

² European Union Agency for Fundamental Rights, *Violence against Women: an EU-wide survey (2014)*, available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>

³ Ombudsperson for Gender Equality Year report (2021), available at https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

⁴ Ibid.

and 13% of women mayors. About a quarter (26%) of functionaries and government and public officers are women, and less than third (30%) of ambassadors.⁵ In addition, the provisions of the Gender Equality Act on mandatory quotas on candidate lists for political decision-making bodies are interpreted as meaning that it is possible to have too many women on the list, i.e. that there must be at least 40% men for the list to be "balanced" as if they were underrepresented in political life.

Although women now constitute the majority of students in higher education (57%) and even a bigger majority of postgraduate specialist students (66%), this is not reflected in employment or salaries. 86% of elementary school teachers are women, as well as 67% of high school teachers, but only 57% are directors in elementary schools and 45% are directors in high schools. Half of employees in universities are women, but only 22% are rectors and 30% are deans. Even as employees, women tend to occupy the position of assistants, while men hold the majority of full and associate professorships.⁶

Women constitute 52.5% of the unemployed in Croatia. They constitute the majority of employees only in retail (55%), accommodation and food service (53%), financial and insurance activities (69%), education (79%), health and social work (78%), art and entertainment (56%) and other services (66%), all occupations that tend to pay less. Women earn on average about 87% of men's salary, with the biggest difference (below 80%) precisely in those sectors where women are the majority of employees (finance, education, health and social work etc.). These differences are further reflected in the pension gap, where women receive 89% of the average pension compared to 113% of the average pension that men receive. The average at-risk of poverty rate for women is 19.3% compared to 17.2% for men, with women over 65 having the highest rate at risk of poverty at 33.6%.⁷

Croatia does not have enough kindergartens or effective measures to reconcile private and professional life. According to the participation of children in the educational system between the age of 4 and the beginning of compulsory schooling, we are at the bottom of the EU scale, only Greece has a lower percentage. An analysis of the human rights situation and the needs of women in rural areas does not exist at all, which is a long-standing problem. We urgently need a new National Policy for Gender Equality which must include an analysis of the situation and concrete measures concerning women in rural areas.

As mentioned in the State report to GREVIO, Croatian Constitution enshrines equality between the sexes and protects against discrimination. Furthermore, there is a Gender Equality Act which includes an obligation to pass a National Policy for Gender Equality. Despite these commitments and obligations, the last National Policy expired in 2015 and the new one still hasn't been passed, 7 years later. The adoption of the National Policy is prescribed by the Gender Equality Act as an organic law. Not only has the government not put the basic document for the protection of women's rights in the parliamentary procedure for six years without any explanation, but it has been announced that a document of lower power will be adopted - the National Plan adopted by the Government and not the

⁵ Croatian bureau of Statistics, "Women and men in Croatia 2021", Zagreb 2021. Available at https://podaci.dzs.hr/media/zoyp1kuq/men_and_women_2021.pdf

⁶ Ibid.

⁷ Ibid.

Parliament. In previous periods, the National Policy for Gender Equality, when it existed, was not implemented properly. How then will a less powerful document be implemented?

The government is in the process of drafting the National Plan for Gender Equality, which is a different type of document to the one mandated by the Gender Equality Act. The National Plan on Gender Equality will not be voted on and passed by the Croatian Parliament, but only by the Government. This is seen by women's NGOs and many female politicians as backsliding on the importance of women's equality since the new document would not carry as much weight.

Ratification of the IC, backlash and patriarchal norms and attitudes

Croatia signed the Istanbul Convention (IC) on January 22, 2013 but did not ratify it until April 13, 2018. This was in great part due to widespread misinformation campaigns about the use of the word "gender" in the Convention. In response to these objections, the Croatian parliament adopted an interpretive statement upon ratification that states the Convention does not "include an obligation to introduce gender ideology into the legal or education systems nor an obligation to modify the constitutional definition of marriage."

In Croatia, the actors who have challenged the ratification of the Istanbul Convention were primarily active against it beginning in late 2016 until the ratification in April 2018, but even afterward. These actors included both officially registered and unregistered NGOs, initiatives, representatives of the political parties and the church. Their work is aimed primarily against women's sexual and reproductive rights and sexual education in school, but has spread to include other issues, such as the fight against the IC. Their almost singular argument against the ratification has been based on the supposed introduction of so-called "gender ideology" that the IC would bring.

Although these actors were in the end unsuccessful in preventing the ratification, their influence over human rights and women's rights issues is still very strong and continues to impact the context of implementation of IC. Research has shown that IC opposition actors also oppose a variety of human rights issues, including LGB rights, sexual and reproductive rights, immigrant's rights, comprehensive sexual education in schools, and equality between the sexes in general.⁸

As in most countries where there is a strong opposition to the IC and women's rights, one of the key actors of the opposition in Croatia is Catholic Church, who enjoys financial and political support from the State, mostly through the four concordats that Croatia has signed with the Holy See. The opposition to the IC from the Catholic Church started already in 2014 when they published a document called "Male and female created them", where they outlined the so-called 'gender ideology' and why they see it as a danger.⁹ In November 2017, the Croatian Episcopal Conference sent a message to the bishop on school education, family law and the Istanbul Convention, explaining their position on traditional family and divorce: "We clearly support those legal provisions that aim to protect the well-being of children and their right to both parents. This is a principled position that is gaining additional weight for Croatian society in the climate of current unfavourable demographic trends and the worrying fall in birth rates, as well as the increasing number of divorces. In this spirit, we also support efforts to design mediation in cases where there is a risk of divorce; to provide professional assistance to spouses

⁸ The Advocates for Human Rights „A Rollback for Human Rights – Istanbul Convention under attack“, December 2021, p.3.

⁹ Croatian Bishops' Conference, 'Male and female created them!', <http://hbk.hr/dokumenti-hbk/musko-i-zensko-stvori-ih/>

who have joint minor children, in order to overcome the crisis and heal their relationships. Namely, every effort should be made to reconcile and strengthen marital union, as this protects the institution of marriage, while at the same time further specifying the constitutional obligation of the state to protect the family.”¹⁰

Other actors included very strong and well-funded radical right NGOs, as well as members of the Parliament from the right-wing party. These initiatives received support from the official government, with the deputy prime minister participating as a keynote speaker in TradFest¹¹, a festival of conservative and traditional ideas, where they advocated against the IC, against sexual and reproductive rights, claiming that research shows that women are safer in marriage than outside of it and that there is least violence against women in those countries with strong familial ties. According to them, the IC claims that family is the source of violence while according to them, it is the source that protects from violence.

One research recorded a strong activity of the conservative movement in Croatia, with the following significant areas of attack on women’s human rights¹²:

- Restriction of acquired rights regarding the protection of women from violence,
- Fight against the ratification and implementation of the Istanbul Convention,
- Advocating for treating the victim and perpetrator as equally responsible,
- Challenging and/or restricting the right to abortion, medically assisted reproduction and making it difficult to access contraception,
- Attacks on the feminist movement, women’s human rights defenders and LGBT movement,
- Attacks on civic and sexual education in schools,
- Advocating for the re-traditionalization of the role of women in society.

It is important to note that prime minister Plenković announced the ratification at the end of 2016, saying that this was in the HDZ¹³ programme all along: “Violence against women is unacceptable and efforts to eradicate it are a precondition for ensuring gender equality. Adequate and transparent victim support system, systematic education of all bodies dealing with violence against women and strengthening of preventive measures are the goals of the Government's work in this area.”¹⁴ The government never wavered publicly with its intent to ratify. However, the strong opposition from right-wing NGOs, the church and right-wing political parties in their own HDZ coalition considerably slowed the process and influenced it negatively. The Ministry for Demography, Family, Youth and Social Policy named two conservatives to be the members of the Working group for the ratification of the Istanbul Convention, despite their clear opposition to it. The ruling party has given plenty of attention and space to these organisations and individuals, inviting them into space where human rights are discussed.

¹⁰ Croatian Episcopal Conference, 'To advocate for the core values of education and family', November 20th 2017, <http://hbk.hr/zaloziti-se-za-temeljne-vrednote-obrazovanja-i-obitelji/>

¹¹ TradFest 2016, TradFest website <https://www.tradfest.org/tradfest-2017/>

¹² 'The Conservative Movement's Attack on Women's Rights - Consequences, Resistance Strategies, Successes and Losses', Centre for Women War Victims ROSA, 2021.

¹³ HDZ (Hrvatska demokratska zajednica): Croatian Democratic Party, currently the ruling party in Croatia.

¹⁴ HR news, 'Plenković: We are starting the process of ratification of the Convention on combatting violence against women', November 25th 2016, <https://vijesti.hrt.hr/362360/plenkovic-pokrecemo-postupak-ratifikacije-konvencije-o-borbi-protiv-nasilja-nad-zenama>

While the IC was eventually ratified, allowing the space and giving respect to the opposition weakened the impact of the ratification. As a result, the Convention is sometimes not taken seriously even by the institutions that have to implement it, and conservative attitudes and norms related to family and domestic violence have spread as a result, impacting protection and treatment of women survivors of violence.

Impact of COVID-19 pandemic on violence against women

As in the rest of the world, COVID-19 pandemic, lockdown and other measures impacted negatively women survivors of violence. Incidents of violence increased, but at the same time, there were fewer reports of violence to the police and fewer protection orders were issued. The work of the courts slowed down and service provision was made more difficult by the measures imposed. Autonomous women's shelters had to follow new health safety regulations, which made it more difficult to provide accommodation, the amount of administration increased considerably, and support and a lot of the services had to be provided online. At the same time, these service providers received no additional funding to be able to carry out their work in these aggravated conditions.

An online survey on domestic violence and COVID-19 showed some alarming trends. Most of the women who participated in the survey had experienced violence prior to the pandemic, but for 3% of them the violence started during the pandemic. Physical violence, verbal abuse, emotional blackmail and social isolation and control by the abuser all increased both in frequency and intensity. About 25% of abused women reported that their partner controlled their mobile phone, email and social networks, with 12% of the abusers denying the victims access to their mobile phones entirely. In nearly 30% of the cases, the abusive partner was doing all the shopping, leaving the women isolated at home. Over half of the perpetrators of violence generally ignored the imposed public health safety measures, and 10% of them prevented women and children from respecting the measures as well. New forms of psychological violence developed, with 17% of abusers sneezing and coughing at women on purpose and 20% accusing the women and children of exposing him to infection on purpose. In 28% of the cases, the abuser would forbid women and children to leave the house, and in nearly 7% of the cases, they prevented the women from going to work. 18% of abusers consumed more drugs/alcohol than usual.¹⁵

Despite these alarming trends that indicate an increase in both frequency and severity of violence, the state response to reports from these women had actually worsened. In the surveyed group of women, nearly half of them (48%) had requested help. 37% had requested help from the police. Of those, in only 33% of the cases they apprehended the perpetrator, and in 67% of the cases the police officers advised her not to provoke him.

Half of all women requested help from the Centres for Social Welfare (CSWs). In only 29% of the cases, the CSWs reported the violence to the police (although they are obligated by law and protocols to report every single case). In 43% of the cases, they advised the woman to report the violence to the police, in 14% of cases they offered accommodation at the shelter and in 14% of the cases they asked both the victim and the perpetrator to come in to talk to them, to mediate the situation.

¹⁵ Autonomous women's House Zagreb „Gender-based violence during COVID-19 pandemic“, 2020. The survey included 152 abused women and their subsequent experience during the pandemic.

Of those women who did not ask for any help, 75% said that they didn't think that anyone could help them, 17% were too afraid to report, and 8% had experience of prior reporting where they didn't receive adequate help.

While women already report unequal distribution of housework and childcare, during the pandemic 20% of women reported that education of the children, playing and spending free time with the children, housework and getting groceries became even more their job than usual. Over half of the women (53%) said that their children are also victims of violence, and for 12% this violence started during the pandemic.

Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

Article 3 – Definitions

De jure and de facto the structural nature of violence against women as gender-based violence is not recognized. The problem of not recognizing the structural nature of this form of violence leads to further problems in incriminations, even in the duality of misdemeanour and criminal regulation of violence, because the legislator does not differentiate gender-based violence from other forms of domestic violence.

At various expert discussions and in working groups, the issue of gender-based violence is often addressed but ignored and put into the general context of violence despite the existence of a number of international documents binding the State to focus particular attention on gender-based violence (see reasons in the preamble to the Istanbul Convention).

Given that gender-based violence is violence that's targeting a woman just because she's a woman or that disproportionately affects a woman, the mechanisms of the state need to be more effective and the promotion of full equality much stronger expressed, both through the legal framework and through good practices.

The Council of Europe ("CoE") defined the purpose of the Convention after having previously recognised that the achievement of de jure and de facto equality between women and men is a key element in preventing violence against women, that violence against women is the result of historically unequal power relations between women and men which led to dominance over women and discrimination against women by men, and to the prevention of the full progress of women.

Also, the CoE recognised the structural nature of violence against women as gender-based violence, and one of the key mechanisms forcing women to be subordinate to men. Furthermore, it recognised that women and girls are at higher risk of gender-based violence than men, and that domestic violence is disproportionately affecting women.

Since the purpose of the Convention and the purpose of the Criminal Law in relation to the issue of violence coincide, the Autonomous Women's House Zagreb continuously insists in its proposal that Article 87 of the Criminal Law include definitions from Article 3 t. a. and d. Conventions, and are appropriately incorporated into relevant criminal offences:

a) violence against women is considered a violation of human rights and a form of discrimination against women and refers to all acts of gender-based violence that result in or are likely to result in physical, sexual, mental or economic damage or suffering of women, including threats to such acts, coercion or deliberate deprivation of liberty, whether occurring in public or private life.

b) gender-based violence is violence that's targeting a woman just because she's a woman or that disproportionately affects a woman

Such a proposal was not accepted.

Recommendations:

- Include the definitions of the Convention in the Criminal Law and the Law on Protection against domestic violence.
- Adopt a National policy on gender equality with the aim of raising awareness of gender-based violence.

Article 4 – Fundamental rights, equality and non-discrimination

Article 4 of the Istanbul Convention enshrines equality between women and men as part of combatting and preventing violence against women and girls. While Croatian Constitution in Article 14 clearly prohibits discrimination on the basis of sex, and despite decades of work to promote equality between women and men, women remain unequal and discriminated against in many areas, as explained in the General information section.

With regard to raising awareness and cooperation with non-governmental women's organizations, it is important to point out that the concept of gender-neutral approach to the problem of violence has been extended at the national level, which the principles of the work of women's non-governmental organizations perceived as an unobjective approach.

The approach of gender neutrality to the issue of violence does not accept extremely strong findings from the preamble of the Convention, which consequently influences the implementation of the Convention and its actual implementation, because the system and victims of violence can process as perpetrators or even deny them the necessary support and assistance.

Today's circumstances in which gender-neutral approach is strongly present show that the Convention makers not only based the document on the needs they have identified, taking into account the increasing number of cases of the European Court of Human Rights that establish important standards in the area of violence against women, but also that this is a visionary undertaking that further sets a firm foundation in relation to the issue of equality of women and violence against women that are relativized at various levels, leading to the weakening of rights already acquired and achieved standards of protection.

Article 5 – State obligations and due diligence

According to Article 5 of the Istanbul Convention, the state parties must ensure the principle of due diligence through organising their response to violence is such a way to allow for effective prevention, investigation, punishment and reparation of acts of violence against women and domestic violence. Croatian authorities, however, often fail in ensuring an effective response. The repeated and gendered nature of crime of domestic violence as well as its context of coercive control is not taken into account by the state actors. Violence is investigated and prosecuted as isolated acts of physical, sexual, verbal or economic violence, without taking into consideration the gendered nature of such violence and the context of power and control of perpetrator over the victim. As a result, the sentences received by perpetrators are very low, and end in prison or jail sentences only in about 10% of the cases.

The perpetrators are almost never held in pre-trial detention. Precautionary orders of protection in Criminal Procedure Law and Misdemeanour Law are largely used only to make sure that that the

defendant will not escape, destroy evidence or repeat the act. The last condition can be used to protect the victim but is rarely used. Very few judges will use these orders to protect the victim on the basis of her fear. This means that, especially in criminal procedures, the victim is left unprotected during a very long time since these proceedings can take years. The consequences can be seen in underreporting of domestic violence. Less than 20% of women reported the violence to the police. The number of reported cases each year under the Law on Protection from Domestic Violence (LPDV) has been steadily decreasing in the last 10 years, with 58% less cases reported in 2021 than in 2011. In the recent years, more cases have been reported through the Criminal Law, but not nearly enough to account for such a decrease in reported LPDV cases. Qualitative research indicates that women don't report violence because of lack of information about their rights, feeling ashamed, lack of financial resources, feelings of inferiority due to a failed marriage, and distrust in the work of institutions. Three in five women (60%) who did report the violence were not satisfied with the police response.

Recommendations:

- Through education, raise awareness among experts about the overall effect of general prevention as the purpose of effective criminal proceedings. Poor functioning of the judiciary has an effect not only on the deterrence of potential perpetrators of criminal offences, but also on the deterrence of reporting of criminal offences and the search for state aid.

Article 6 – Gender-sensitive policies

Despite Article 6 of the Istanbul Convention asking for gender-sensitive policies in implementation of IC and evaluation of its measures, Croatia employs a gender-neutral approach. Croatia has not fully recognized the structural nature of violence against women and girls as gender-based violence (GBV). As mentioned in the State report to GREVIO (pg. 4), Croatia has enshrined gender equality in its Constitution as one of the highest values. The Gender Equality Act, first passed in 2003, is an organic law that aims to protect and promote gender equality and to define and regulate methods of protection against discrimination based on sex, while also creating equal opportunities for men and women. Article 3 of this Act stipulates that all government and State bodies and entities must take into account the effect of any plan and/or action on the position of women and men, with the aim of achieving their full equality.¹⁶ The Gender Equality Act doesn't mention domestic violence (DV) or violence against women, except for sexual harassment, which it defines specifically as a form of discrimination under this Act.

The main policy documents for dealing with VAW and DV are the National Policy for Gender Equality (the last one expired in 2015) and the National Strategy for Preventing and Combatting Violence in the Family (2017-2022). The new National policy for Gender Equality has yet to be created. The last National policy was for the period of 2011-2015¹⁷ and there hasn't been a new one since. The last National Policy, no longer in effect, clearly defines domestic violence as one of the forms of violence

¹⁶ Gender Equality Act, Article 3,

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64728/64195/F1532941299/HRV64728%20English.pdf>

¹⁷ National Policy for Gender Equality 2011-2015, Government Office for Gender Equality

<https://ravnopravnost.gov.hr/UserDocsImages//arhiva/images/pdf//National%20Policy%20for%20Gender%20Equality%202011-2015.pdf>

against women and refers many times to combatting all forms of violence against women. Some of its recommendations were based on the Recommendation (2002)5 of the Committee of Ministers to member states on the protection of women against violence, since the Istanbul Convention was not signed at time of the drafting (although it was signed at the time the NP was adopted, on July 15th, 2011).

As concerns the National Strategy for Preventing and Combatting Violence in the Family (2017-2022), while the Strategy does make reference to the most relevant international instruments against VAW, including CEDAW and IC, as well as clearly stating that, according to the statistical reports, most victims of DV are women, it is still a gender-neutral document, which fails to make the connection between gender inequality and VAW. The fact that the main national document dealing with this issue does not clearly identify the causes of violence makes these causes invisible and they are not a part of the Strategy's measures. Although the National strategy, as well as the Law on Protection from Domestic Violence (LPDV) and the new Criminal Law all refer to the IC as a relevant document, they all seem to follow the approach of protection of the family unit, and not the individual woman. For example, the first such National strategy, for 2005-2007¹⁸, had clearly stated that there should be support for shelters for women and children, while all the subsequent strategies only said shelters for victims, using gender-neutral terminology.

The problem of not recognizing the structural nature of this form of violence leads to further problems in incriminations, including the duality of misdemeanour and criminal regulation of violence because the legislator does not distinguish GBV from other forms of violence that can occur in the family. At various expert discussions, in working groups, the issue of GBV is very often underestimated. The National Strategy for Preventing and Combatting Violence in the Family is limited to domestic violence and takes a gender-neutral approach. The legislation is also gender-neutral, not only in language but in implementation as well.

There are serious harmful consequences to this approach. They are explained more fully under relevant articles in chapters II-V, and here we list them briefly.

Consequences of the gender-neutral approach:

- Male violence against women is not clearly visible in administrative data, which takes into account the sex of the perpetrator and the victim, but not the relationship between them. The data also includes children of both sexes as victims, which further confuses the issue.
- Women survivors of domestic violence are arrested and/or charged alongside the perpetrators for domestic violence in cases where they defended themselves, insulted the perpetrator who abused them, or the perpetrator merely claims he was attacked first.
- Without a clear understanding of the gendered nature of domestic violence and violence against women, women are treated unfavourably during divorce and custody proceedings.
- Women are pushed into mediation procedures during divorce where they are treated as equal with the perpetrator, with the family conflict approach used.
- Gender-neutral services for victims are established, and women are seen as equally violent as men.

¹⁸ National Strategy for Protection from Family Violence 2005-2007.

- The professionals and experts working in institutions (police, CSWs, courts etc.) consider this neutral approach to be objective and professional, as opposed to a gender-sensitive approach which they see as biased and favouring women.

This attitude is in clear opposition to the spirit of IC and, more specifically, to Articles 4 and 6 of the Convention. For this reason, AWHZ proposed an amendment to the Criminal Law, to include the following: “Violence against women is considered a violation of human rights and a form of discrimination against women and means 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, coercion or wilful deprivation of freedoms, whether appearing in public or private life,” and that “Gender-based violence against women means violence directed at a woman because she is a woman or that disproportionately affects a woman.” This proposal was rejected with the explanation that an article on violence towards a close person already exists in the Criminal Law. But this article is completely gender-neutral and the Criminal Law does not acknowledge the specific, gendered nature of VAW. Even the European Parliament called for online and offline GBV to be treated as a particularly serious crime and demanded a targeted legislation to address all forms of violence and discrimination based on gender.

Recommendations:

- Fully incorporate and implement the provisions of the Istanbul Convention into all domestic laws and policies and ensure a gender-sensitive approach in all stages of implementation and evaluation.
- Implement nation-wide policies aimed at promoting and achieving substantial equality between women and men and the empowerment of women.

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

In Croatia, there is no single document that encompasses policies and measures to combat and prevent all forms of violence covered by the Istanbul Convention. The State report lists seven different strategies and plans, showing how scattered protection from VAW and DV is in Croatia. This makes it difficult to provide a holistic and co-ordinated approach. The relevant documents are the National Policy for Gender Equality (already mentioned, expired, with the new National Plan being in the process of drafting), the National Strategy for Preventing and Combatting Violence in the Family 2017-2022 and the National Plan for the Suppression of Sexual Violence and Sexual Harassment, also in the process of being drafted.

The main national strategic document dealing with domestic/intimate partner violence against women is the National Strategy for Protection against Family Violence from 2017 – 2022, passed by the government of Croatia on September 22nd, 2017. It contains:

- Prevention – educational activities and programmes for children, youth and all stakeholders in the educational system; systematic monitoring of individual cases with the aim of providing assistance by forming interdisciplinary expert teams in health, education and social service sectors; financial support to NGOs working in the field of prevention and running SOS phone lines.
- Measures to change the legislation and align it with the IC.
- Services – providing financial support to shelters for victims of domestic violence; supporting employment for victims of violence.
- Providing psychosocial treatment to perpetrators of violence.
- The forms, manner and content of co-operation between the competent authorities and other actors involved in the detection and suppression of violence and the provision of assistance and protection to women victims of gender-based violence and victims of domestic violence.
- Education and training of all experts/stakeholders working in the field of protection from violence in the family.
- Raising public awareness of violence in the family.

As already mentioned, the Strategy is a gender-neutral document. It doesn't cover all forms of violence in the Convention, only domestic violence. It also doesn't address fully all the measures from the Convention or principles underlying it. For example, the section on prevention talks only about educational programmes in schools, using very gender-neutral language and without mentioning gender equality and gender inequality as a cause of IPV. There is not enough focus on placing the rights of the victim at the centre of the response to violence. Multi-agency co-operation in specific cases is not present. Furthermore, there is no specific budget in the Strategy. It merely says under each measure that funds will be secured within the relevant ministries and institutions.

Recommendations:

- Draft and fully implement a National Strategy on preventing and combatting violence against women and domestic violence, in line with the provisions of the Istanbul Convention.
- The National Strategy should address all forms of violence against women from the Convention in a gender-sensitive manner, and it should include chapters on prevention, protection, prosecution and integrated policies.

Article 8 – Financial resources

The National Strategy for Protection against Family Violence doesn't include an allocated budget, but rather states that the necessary funds will be secured by the relevant ministries and other state institutions. Furthermore, the Strategy doesn't even estimate the cost of implementing the measures that are included in it. The cost of DV and VAW has never been estimated for Croatia. However, The European Added Value Assessment estimates the total cost of gender-based violence against women in the EU in 2011 to be about €228 billion (1.8% of EU GDP).¹⁹ This amounts to about 450 euros per citizen, or nearly 2 billion euros for Croatia. The State report mentions a budget of 12 million euros for 2019-2020 (about 6 million euros per year) allocated to combatting DV, but this is an estimate that includes the regular work of competent state bodies, and these funds are not geared specifically towards combatting VAW and DV, or towards implementation of IC. Even if all the funds were spent specifically on combatting DV, it would still not be nearly enough.

The Government Office for Gender Equality has received less funding than before. Their budget for 2017 was 660.060,00 EUR, 331.494,00 EUR in 2018, 266.695,00 EUR in 2020²⁰ and 247.000,00 EUR in 2022.

The funding for autonomous women's shelters has remained the same for many years now, and it amounts to 2.170.000,00 HRK (290.000,00 EUR) for all 7 shelters. This amount has increased by only 10.000,00 EUR in total since 2010, although the cost of living has increased in the meantime and this amount covers only about 30% of the total amount needed for all seven shelters (which was about 1 million EUR in 2010). This is extremely low, and some shelters get support from city and county. Otherwise, they have to rely on projects and private companies. Government funding is available, mostly project based, to women's NGOs providing specialised services (shelters, counselling centres, SOS phone lines), but funding for women's NGOs working to prevent VAW and DV through advocacy is insufficient and scarce.

One of the most important sources of institutional support for Croatian NGOs is the National Foundation for the Development of Civil Society. In April 2016 the Government issued a Statute which reduced funding for over 50% to the National Foundation for Civil Society Development which funds projects and programs of the NGOs on promotion and protection of human rights. The Statute was brought outside the regular procedures, without public discourse and strategic and analytical

¹⁹ European Parliament (2014): European Parliament resolution of 25 February 2014 with recommendations to the Commission on combating Violence against Women (2013/2004(INL)), Para R

²⁰ European Women's Lobby, *Time for women's rights, Time for a united feminist Europe: The state of women's rights in Central Eastern Europe, the Balkans and the Baltic States: Under Attack and Under Resourced*, page 24, https://www.womenlobby.org/IMG/pdf/ceebbs_report_ewl_web.pdf

background which influenced some NGOs ability to operate. This mostly affected the organizations working on protecting fundamental rights of women, especially victims of male violence, and it endangered the models of (co)financing shelters, counselling centres and emergency phone lines for women and children victims of violence, and it also endangered the survival of the organizations that ensure such services.²¹

Besides this, most women's NGOs have to rely on project-based funding, such as EU projects or international foundations. The problem with this type of funding, reported by all the members of WNC, is that it is insecure, it doesn't provide enough funds for basic operating costs and the administrative work consumes time and resources. The available tenders are for developing services, working with volunteers, and providing social services, rather than for working on women's empowerment, gender equality and for combatting all forms of VAW. The tenders are also not specific for women's organisations so that any organisation, regardless of its guiding principles and area of work, can apply to these tenders and provide support and services to victims of DV and VAW.

Recommendations:

- Designate a clear percentage of yearly State and local government budget to be allocated to preventing and combatting violence against women and gender inequality.
- Conduct an assessment into the real financial and human resources needs to prevent and combat violence against women and domestic violence.
- Allocate a yearly budget to prevent and combat VAW and DV, in line with specific and detailed measures as part of the National Policy for Preventing and Combatting VAW and DV, in line with the provisions of the Istanbul Convention.
- Ensure regular and sufficient funding for women's shelters, counselling centres and SOS phone lines, while respecting and promoting the autonomy and gender-sensitive approach of these organisations.

Article 9 – Non-governmental organisations and civil society

Croatia has a long history of a very strong women's movement, beginning in 1970s. The first shelter for abused women in Eastern Europe was opened in Zagreb in 1990, the first SOS phone line for women and children in Eastern Europe was also opened in Zagreb in 1988, and both are still operational. This was before there was any legislation, protocols or even official acknowledgement of the issue of DV and VAW. Women's movement developed further in the 1990s, with many strong women's NGOs founded, ranging from those working on the issues of VA,W both during peace and war time to those working on advocacy for women's human rights, gender equality, women's studies, political and economic participation and so on.

Women's NGOs were at the forefront of the struggle to ensure protection of women survivors and accountability of the perpetrators of DV and VAW, for which they often faced backlash, threats and prosecution of women's human rights defenders. The first services for women and children were

²¹ Slobodna Dalmacija, Civil society associations against money cuts for the National Foundation for Development of Civil Society, April 19th 2016, <https://www.slobodnadalmacija.hr/novosti/hrvatska/clanak/id/309702/civilne-udruge-protiv-smanjenja-novca-za-nacionalnu-zakladu-za-razvoj-civilnog-drustva>

opened by women's NGOs, without any funding. The first laws against VAW and DV were proposed by women's NGOs and these organisations have consistently lobbied for ratification and implementation of international instruments, particularly the Istanbul Convention. Despite pioneering work in preventing and combatting VAW and DV, women's NGOs are not sufficiently recognised, supported and funded, nor is there sufficient cooperation between them and the state bodies.

In the last decade, the problems that women's NGOs were already facing in their work, such as uncertain funding, have been further heightened by measures and initiatives aiming at or resulting in the creation of an unfavourable and hostile environment. A research on the conservative backlash to women's rights in the region found the following consequences to women's NGOs in Croatia in the past five years²²:

- Financial resources have been reduced,
- Personal safety of activists is endangered,
- Large part of capacity is spent on fight for the preservation of acquired women's rights, instead of working on primary activities,
- Competitive organizations are being created that have neither the expertise nor the knowledge of women's rights and their involvement in working groups on women's rights issues while advocating for the reduction/abolition of women's rights,
- Transfer of specialized services for women victims of violence from women's organizations with many years of experience to the state or some other sector with non-competent service providers.

While women's NGOs are widely involved in service provision and receive some funding from the State, this funding is insufficient, and it is provided under conditions that impede the autonomy of work of women's organisations. For example, as a generally positive development, the government approached women's NGOs for cooperation to open six new shelters and published a tender for SOS phone lines and counselling centres, providing some financial support for women's NGOs. However, the conditions for running the shelters proved to be a strain for women's NGOs, and the funds for SOS phone lines were given also to other organisations that do not provide specialised counselling services to women (more information about this under articles 22, 23 and 24).

Generally, while women's organizations are for the most part accepted and respected, most women's organizations feel that the cooperation was better before, especially during the EU accession process from 2003 till 2013. Women's organizations are invited to participate in decision making processes, for example, in the e-consultations, which is an application where the government publishes all laws, policies, strategies, protocols etc. that they are working on. Then all the citizens can send their comments and proposals, including NGOs and institutions. While women's groups send their comments regularly, they claim that this is just a cosmetic measure, and that the government doesn't accept their proposals.

²² 'The Conservative Movement's Attack on Women's Rights - Consequences, Resistance Strategies, Successes and Losses', Centre for Women War Victims ROSA, 2021.

During 2017, a new and somewhat alarming practice started where the government started to include right-wing, church-allied NGOs in formal consultation processes and working groups for different laws. The government even included two of these groups, Ordo Iuris and “In the name of the family”, into the working group for drafting the Law on ratification of the Istanbul Convention. When questioned why they included persons who opposed the ratification in the working group on the Law on ratification (which by definition will work on the ratification, and not against it), the Minister responded they wanted to ensure the inclusion of pluralist viewpoints and to include the NGOs that promote family values.

Therefore, while women’s NGOs are generally included in cooperation and partially funded in the area of service provision, they are not treated with due consideration as partners in the process of implementation of the Istanbul Convention.

Recommendations:

- Recognise women’s civil society organisations as equal partners in policy development and implementation and include women’s civil society experts in the work of various government bodies/committees dealing with violence against women and domestic violence.
- Include women’s NGOs working for many years with a feminist approach in all working groups to draft/change the laws, by-laws, strategies and policies.
- Mandate full involvement of women’s NGOs and autonomous women’s shelters in coordinated community responses and greater interagency collaboration to focus efforts on promoting victim safety and holding offenders accountable.

Article 10 – Co-ordinating body

The body responsible for co-ordination, implementation, monitoring and evaluation is the Ministry of Labour, Pension System, Family and Social Policy. There is no separate independent body for monitoring and evaluation. On November 23rd, 2018, the government signed an inter-sectoral agreement on combatting and preventing violence against women and domestic violence.²³ One of the goals of this agreement is to implement the Istanbul Convention. Following the signature of the agreement, the Ministry for demography, family, social policy and youth (now the Ministry of Labour, Pension System, Family and Social Policy) named the members of the National team for preventing and combatting violence in the family and domestic violence. There are 24 members of the team (12 members and 12 deputy members), composed of the representatives of the relevant ministries, judges, public prosecutors. Four out of 24 members are from women’s NGOs. However, not one of the selected NGO representatives are from the 7 autonomous women’s shelters. The previous National team did not have the representatives from the shelters either. Each county, according to this agreement, also founded a county team for preventing and combatting violence against women and

²³ Ministry of Interior, news section, *Intersectoral agreement for preventing and combatting violence against women*, November 23rd 2018, <https://mup.gov.hr/vijesti/medijuresorni-sporazum-za-sprjecavanje-i-borbu-protiv-nasilja-nad-zenama/282351>

domestic violence. There are 21 such teams.²⁴ Autonomous women's shelters are members of these county teams. So far, there hasn't been much reporting on the activities of the teams.

Recommendations:

- Establish a separate sector/unit for co-ordination and implementation of the Istanbul Convention and all measures for preventing and combatting all forms of violence against women and domestic violence.
- Support the establishment of an independent monitoring and evaluation body, such as Observatory for violence against women, with a separate budget and with equal and full participation of experienced feminist women's NGOs, including autonomous women's shelters, other service providers and advocacy experts.

Article 11 – Data collection and research

Administrative data on domestic violence in Croatia is collected primarily by the police and published in monthly and yearly reports. These data provide an incomplete picture of VAW and DV in particular since they are only partially sex-disaggregated and do not cover all forms of GBV against women. Since the LPDV does not provide protection to women who have never lived with their perpetrator and don't have any children in common, the administrative statistics, which are based on the legislation, do not cover the information on all women survivors of IPV. Furthermore, while the data collection has improved, with the police now publishing data on each criminal act when committed against a close person, showing male and female perpetrators and victims, these data still don't show the relationship between the perpetrator and the victim. Also, since they follow the criminal and/or misdemeanour acts rather than different forms of VAW and DV, the data are not conjoined so that it would be clear which perpetrator (age, sex, conditions and so on) has perpetrated which act against whom.

Different institutions collect data in a different and unclear way. For example, when looking at the data provided by the Ministry of Interior (MoI) and the Ministry of Justice (MoJ), the MoI reported implementation of 1470 measures of prohibition of approaching the victim in 2019 and 994 in 2020²⁵, while the MoJ reported 1254 such measures in 2019 and 1162 in 2020²⁶, both based on the LPDV.

There are no surveys on the prevalence of DV and other forms of VAW. The only nation-wide survey is from 2003, and subsequently the one done by FRA in 2012. Not only are there no newer data on the prevalence, but there is also almost no research, other than smaller ones done by women's NGOs with limited resources, that look into the consequences of violence or the needs of the survivors.

Recommendations:

- Provide adequate resources for research, data collection and monitoring of all forms of violence against women.

²⁴ Ministry of Labour, Pension System, Family and Social Policy, <https://mrosp.gov.hr/pristup-informacijama-16/najcesca-pitanja-i-odgovori/obitelj-11807/adresari-zupanijskih-timova-za-spreccavanje-i-borbu-protiv-nasilja-nad-zenama-i-nasilja-u-obitelji/11830>

²⁵ Report submitted by Croatia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 2022. Pg. 79.

²⁶ Ibid, pg. 84-85.

- Ensure regular collection of data on all forms of violence against women and domestic violence covered by the Istanbul Convention, disaggregated by sex and showing clearly the relationship between the perpetrator and the victim, in all stages of investigation, prosecution and punishment.

Chapter III – Prevention

Article 12 – General obligations

While there are several campaigns against DV run by the State and many that are continuously implemented by NGOs, there has been no general preventive action to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. As already described, DV in Croatia is seen and treated primarily as a family issue where any family member can abuse any other family member, without due focus on the roots of DV in gender inequality or a gender-sensitive approach. Violence against women is treated as one of the forms of domestic violence instead of treating domestic violence, at least intimate partner violence, as one of the forms of violence against women. With National Policy for Gender Equality missing for full seven years and its weak implementation before that, there is no plan for addressing harmful attitudes and sexism in society.

Furthermore, despite being a party to the UN Convention on Elimination of all forms of Discrimination against women (CEDAW), Croatia has at the same time signed four special contracts with the Holy See, providing not only financial support to the Catholic Church, but also giving the Church very extensive privilege. Under one of the agreements on cooperation in education and culture, all public elementary and high schools have Catholic religious education and the educational system must take into account the values of Christian ethics, which is contrary to the Croatian Constitution. Women's NGOs, other activist groups and oppositional political parties have been asking for a review and/or recall of the Vatican agreements for years now, but to no avail. CEDAW, in its Concluding Observations on the combined fourth and fifth periodic reports on Croatia noted with concern the influence of the Church on equality between women and man, stating that they are "aware of the various concordats that the State party has signed with the Holy See. The Committee would like to ensure that the supremacy of the Convention prevails in order to prevent setbacks in areas such as access to sexual and reproductive health, including access to safe abortion and contraceptives, age-appropriate sexual education and the placing of primacy on women as individual rights holders rather than on the family unit." The 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."²⁷

The CEDAW Committee was also concerned about the "persistence of stereotypes concerning the roles and responsibilities of women and men in the family and in society that have the effect of perpetuating traditional roles for women as mothers and wives and undermining women's social status and their educational and career prospects." Furthermore, they noted that "the media, in particular in advertisements and television programmes that promote the objectification of women, continue to convey stereotyped and derogatory images of women, the numerous programmes and measures implemented to counter that phenomenon notwithstanding."²⁸

²⁷ 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.

²⁸ Ibid.

Indeed, perpetuating gender stereotypes and sexism in the media is very common in Croatia. The most common are advertising based on gender stereotypes and sensationalist reporting on violence against women, for example, reporting on femicide as domestic disputes ending tragically or as crimes of passion. The Ombudsperson for Gender Equality noted some improvement in the media treatment of cases of femicide where there is less victim-blaming language, however, her report also notes with concern that there is still a tendency to look into “causes” of concrete incident that ended in femicide while neglecting that there is usually a history of violence that lead to femicide. There is also still use of sensationalist words, such as “monster”, “horror”, “brutal”, while calling the victims “unfortunate women” and the incident “family quarrel” or “love woes”. Also, the media often fail to protect the privacy of the victims and her family, publishing names and photos.²⁹

Commenting physical appearance of female politicians and giving public space and validation to sexist remarks by politicians and other public persons are also very common, including in the highest decision-making body, Croatian Parliament. The treatment that female PMs receive when they try to call out this violence, defend themselves and other women, is that they get reprimanded, similar to how women survivors of domestic violence are charged and convicted for DV alongside their abusers.

Example:

Just recently, on June 30 2022, a male PM Ante Prkačin from the right-wing party called Homeland Movement (“Domovinski pokret”) insulted one of the female mayors, calling her “chubby and greasy (as in fat)”. When the Deputy Speaker of the Parliament Reiner didn’t react to this speech, one of the female PMs from the green party Možemo! asked him to react, citing the Rules of procedure. Instead, Deputy Speaker Reiner issued a warning to the female PM because the incident she referred to did not represent a violation of the Rules of procedure because people have the right to free speech. Another female PM also reacted, to which the Deputy Speaker replied that she should not teach him the Rules of procedure because it is only her first mandate. When she pointed out that Art. 240 of the Rules of Procedure states that a PM will be reprimanded if he calls for violence or hatred, or if he insults sexual, gender and other minority groups, he only said that everyone needs to take care of their behaviour in the Parliament.³⁰

Only 6 days later, the same right-wing PM spoke against the refugees from Afghanistan, saying that they were cowards who now lament over their fate. When female PM Urša Raukar reacted by saying “Shame on you”, PM Prkačin started yelling, telling her: “Listen, freak, as much as God has deformed your body, he has also deformed your head!” This time, Deputy Speaker Reiner did react, by reprimanding both.³¹

²⁹ Year report 2021, Office of the Ombudsperson for Gender Equality, 2021,

https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

³⁰ 'Prkačin called the SDP member chubby and greasy in the parliament, Reiner just listened to him'. News, 30.06.2022.

Index, <https://www.index.hr/vijesti/clanak/video-prkacin-sdpovku-u-saboru-nazvao-debeljuskastom-i-masnom-reiner-ga-samo-slusao/2376293.aspx>

³¹ 'Ante Prkačin's new scandalous speech in Parliament: 'Listen, you freak...' Reiner warned Prkačin and the female PM', News, 06.07.2022., Jutarnji List, <https://www.jutarnji.hr/vijesti/hrvatska/novi-skandalozan-istup-ante-prkacina-u-saboru-slusaj-nakazo-jedna-reiner-dao-opomenu-i-prkacinu-i-zastupnici-15219286>

While women are degraded based on their sex publicly in the highest decision-making body without any consequence for the perpetrators, it's impossible that women will be protected from degrading treatment in the privacy of their homes, in the street or their place of work.

Recommendations:

- In line with the CEDAW Concluding observations on the combined 4th and 5th report, ensure adequate measure and their implementation to prevent sociocultural attitudes, including those of a religious origin, from constituting hindrances to the full realization of women's rights.
- Eradicate any degrading treatment of women in the Parliament and any other national or local political body or institution through zero-tolerance policies.
- Enforce existing guidelines for media reporting on cases of domestic violence and provide training to ensure elimination of sexism.

Article 13 – Awareness-raising

There have been very few campaigns that the authorities have conducted or promoted related to violence against women and domestic violence. Most campaigns are carried out by women's NGOs and funded as part of project-based activities. The campaigns carried out by the authorities have also been conducted through EU funding. As described in the State report to GREVIO, there have been several state-wide campaigns related to domestic violence. There have been no campaign concerning other forms of violence against women covered by the Convention. Besides campaign called "Lily", carried out by the Ministry of Interior, which did have reference to women victims of domestic violence, the other two campaigns are for the most part missing any reference to women and focus mostly on children. While children are certainly gravely affected by domestic violence, both as witnesses and direct victims, we know that most cases of domestic violence are intimate partner violence, and most victims are women. Any awareness-raising activities should reflect this reality.

The latest campaign "Empathy Now" uses only children in their visual representation (in video and all the pictures on the website). Although the campaign is called "Empathy Now – Stop the violence against women and violence in the family", on its website³² this campaign, under Tab "What is violence?" gives the definition of domestic violence only and it says that "Domestic violence is a violation of basic human rights and a form of discrimination. It is a social, family and personal problem that has profound health, social and other consequences for the individual, family and community." This definition is completely gender neutral. The three videos from this campaign exclude women survivors of violence entirely visually. They are focused on children, and only in one video a woman appears, again with a child, and a grown man remembering his mother who was murdered. The effect of domestic violence and femicide on children is a very important and grave issue. However, most survivors who need help are women and we need to raise awareness and empathy towards women survivors, to eliminate victim-blaming and holding women responsible when the children witness violence against them, and this campaign doesn't accomplish this.

³² Website of the campaign „Empathy Now“ <https://empatijasada.hr/>

The “Behind the Door” campaign that was conducted during the COVID-19 pandemic was similarly only focused on children, even more directly, as it addressed violence against children and families. There is no mention of women survivors of violence. This is even more concerning when we know that violence against women had increased considerably during the lockdown and the pandemic, while there was at the same time less access to protection and justice for women. As described in the General information section of this report, research has shown an increase in both frequency and severity of intimate partner violence against women, yet no campaign or government measures addressed this seriously.

Regarding the Convention itself, it is important to note that although the government should be commended for ratifying the Convention despite a very strong opposition (which, as we know, has completely prevented the ratification in some other EU countries), still the government did little to dispel the misconceptions about the Convention in the public, but among the institutions as well. There was only one leaflet created which could be found on the website of the Ministry of for Demography, Family, Youth and Social Policy at the time.³³ After the Istanbul Convention came into effect on October 1st 2018, AWHZ president Neva Tölle participated in a daily political TV show *Otvoreno*, together with the then Minister for demography, Family, Youth and Social Policy Nada Murganić, Head of Office for Gender Equality Helena Štimac Radin, judge Branka Žigante Živković and leader of the radical right group Truth about Istanbul Convention Kristina Pavlović. While this was a good moment to explain to the citizens about the Istanbul Convention and its importance, the inclusion of radical right groups representative meant that once again, the focus and time was taken away from violence against women to defending the Istanbul Convention against accusations of its supposedly containing so-called ‘gender ideology’.

The current Ministry of Labour, Pension System, Family and Social Policy (in charge of implementation of the Istanbul Convention) has only one page dedicated to prevention of domestic violence, with brief information on the obligations of Centres for Social Welfare³⁴. There is a link to the same leaflet on the Istanbul Convention in the sidebar and no other mention of the Convention.

Most awareness-raising activities about violence against women and domestic violence in Croatia are actually carried out by women’s NGOs. Sometimes these are conducted as part of project-based activities (through EU funds and other donors) and they include TV videos, websites, leaflets, posters, but often they are ad-hoc street actions which, although done with almost no resources, are still very effective in raising public awareness on VAW and DV. During the campaign against the ratification of the IC in 2017 and 2018, Women’s Network Croatia and Autonomous Women’s House Zagreb organised ad-hoc street actions, using the imagery and costumes of the *Handmade’s Tale*. Since prime minister Plenković announced at the end of 2016 that the IC will be ratified by the end of 2017 and the working group for the Law on ratification was formed and had a couple of meetings, Autonomous Women’s House Zagreb, Women’s Network Croatia, Domine Split and Lesbian group Kontra organised a protest on December 15th 2017 called “Stop Fundamentalist Violence against Women” in front of Croatian government and Parliament (the buildings are across from each other on St. Mark’s square).

³³ Leaflet https://mrosp.gov.hr/UserDocImages//dokumenti/MDOMSP%20dokumenti//Istanbulska_letak_FINAL.pdf

³⁴ Web page of the Ministry of Labour, Pension System, Family and Social Policy, web page dedicated to domestic violence: <https://mrosp.gov.hr/istaknute-teme/obitelji-i-socijalna-politika/obitelji-12037/nasilje-u-obitelji-12046/12046>

December 15th was the last day of the Parliament session, and the ratification was not in the plan. Therefore, this protest was organised to advocate for the ratification, but also to point out the many attacks against women's rights, such as anti-reproductive rights positions of the members of the government, ignoring the vigils against abortion in front of the hospitals, reducing the rights of lesbian and gay people, and appointing religious fundamentalists into the government.

During the protest against the Istanbul Convention in Zagreb on March 24th, 2018, Women's Network Croatia organised a counter protest. They tried to stretch their banner which said "For Gender Equality" when a retired Croatian general Željko Sačić attacked one of the coordinators of Women's Network Croatia Bojana Genov and the police had to intervene.³⁵

Recommendations:

- Organise and fund, in co-operation with feminist women's NGOs and autonomous women's shelters, regular state-wide media campaigns on all forms of violence against women covered by the Istanbul Convention, with a message of zero tolerance.
- Ensure financial and political support for campaigns carried out by women's NGOs and women's specialist service providers.
- Ensure wide dissemination of information to the public and state institutions about the Istanbul Convention, its purpose and its provisions.
- Ensure regular advertisement of all specialised women's services and on the rights of the victims.

Article 15 – Training of professionals

Regular and comprehensive education on all aspects of domestic violence and violence against women is necessary for effective response against VAW and DV. Professionals in Croatia have been trained on the issue of domestic violence for many years and indeed the State report to GREVIO provides a long list of training and education for domestic violence in different sectors. However, the actual response of the institutions (police, Centres for Social Welfare, courts) to victims of domestic violence and other forms of violence against women has actually worsened over the years, specifically increasing in secondary victimization and victim-blaming. This is in part a consequence of the training the professionals receive.

Concretely, most trainings and education are provided from within each sector, meaning that police officers train the police, judges train the judges and often judges train the police. While this may provide for good education in basic legislation and legal procedures, what is missing entirely is victim's perspective which can be best brought by women's NGOs and women's specialist service providers who have a specific gender perspective in their approach. Instead of this gender-sensitive approach, we now have more and more family conflict-based approach to domestic violence, which is gender-neutral. In one multi-disciplinary training where women's NGOs were also present, one judge said that in domestic violence it is not good to talk about violence against women because in practice there is an equal number of women and men victims (even the official statistics disprove this claim), and that,

³⁵ N1, news article 'Video of incident at the protest against the Istanbul Convention', March 24th 2018, <http://hr.n1info.com/Vijesti/a289740/Video-incidenta-na-prosvjedu-protiv-Istanbulske-konvencije.html>

because of aggressive campaigns, violence against women is something that women start to mention when divorce cases don't go in their favour. One of the worst consequences of this approach is dual arrests and dual charges against both victims and perpetrators for domestic violence, and also sending women into perpetrator programmes when they are clearly the victims.

In daily work with women survivors of domestic violence, autonomous women's shelters and other service providers (members of WNC) report that there is regular victim blaming by the CSW workers, who place the responsibility on the woman for "failing to protect the children" from witnessing violence, they blame them for staying with the abuser, but women are also blamed when they leave the abuser because the responsibility is placed on them to secure regular contact with the abusive parent. Despite all the training, the police still don't look at the history of violence but only at the incident that led to current intervention and there is a general lack of sensibility for the situation of the victim. One of the most common problems with all the institutions is failure to understand why the victim would return to the abuser and in those cases, women are blamed the most. This shows that the training the professionals receive is not effective in breaking the stereotypes and providing the basic training on why women stay in abusive relationships or on the effect that trauma has on survivors.

What is especially concerning is that a lot of training for the institutions that was not done within the sector but by outside, NGO experts, was done by the perpetrator programme initiatives and the Polyclinic for abused children of the City of Zagreb. As explained under Article 31, this has had hugely negative consequences for child custody. In these trainings, the concept of family conflict, and especially Parental Alienation Syndrome (PAS) was introduced. It is always much easier to side with the abuser who has all the power than with the victim and these concepts allow the professionals to do that. It became very difficult to talk about domestic violence in courts because abusers, with the help of their lawyers, would claim PAS and manipulation on the side of the mother as soon as a history of violence was mentioned. If an abuser would use this argument, any talk of the violence would stop and the only problem discussed would be the problem of the "manipulative mother", thus undermining the issue of domestic violence.

As a result of this approach, the notion that violence is a result of the dis-functional relationship and that this is something that just happens is more present that it used to be. For example, even the former minister for family, while commenting a case of an abusive politician that had gone public, said that this is what happens in marriage and that they should have resolved their marital issues before, privately. She said that: "This is how it is in marriage. In these marital, personal and family relationships, it's a dynamic I can't get into. The woman probably has her reasons. It's a family, I really wouldn't go into that."³⁶ She later apologized for her statement and said that she condemns any violence against women.³⁷

³⁶ Večernji List, news story, January 11th 2018, <https://www.vecernji.hr/vijesti/kujundzic-milan-nada-murganic-alojz-tomasevic-mara-1219306>

³⁷ Novi List, news story, January 11th 2018, <http://www.novolist.hr/Vijesti/Hrvatska/Ministrica-Murganic-zali-zbog-izjave-o-obitelji-Tomasevic>

Recommendations:

- Provide and fund mandatory and regular gender-sensitive training to judges, police, CSW personnel, prosecutors, health care workers, and psychosocial treatment administrators on the dynamics of domestic violence and coercive control, in collaboration with women's feminist NGOs.
- Train police officers, prosecutors, and judges on identifying the perpetrator and the victim and assessing defensive injuries to reduce the number of dual arrests, charges and convictions of victims of domestic violence.
- Evaluate all current regular and specialised training to ensure gender-sensitive approach and to avoid secondary victimisation and victim-blaming.

Article 16 – Preventive intervention and treatment programmes

Intervention programmes for perpetrators in Croatia are set up as part of misdemeanour and criminal legislation. These treatments can be issued as protection and precautionary measures under four different laws:

1. Security measure under Article 70 of the Criminal law.
2. Obligation based on Art. 206d, item 6. of the Criminal Procedure Act.
3. Protective measure as a misdemeanour sanction based on Article 13. of the Law on Protection from Domestic Violence.
4. Special obligation with conditional sentence based on Article 45 of Misdemeanour law.

The State report to GREVIO describes the limited number of such psychosocial treatments carried out in prison under Art 70 of the Criminal law. These are voluntary programmes in that the measure can be refused, but then the perpetrator may lose an opportunity to leave the prison or have an option of early release. Under such circumstances, perpetrators may decide to undergo this treatment just to gain an early release, without having an intrinsic motivation to change their behaviour.

The Law on Protection from Domestic Violence proscribes mandatory psychosocial treatment for perpetrators of domestic violence as one of protection measures which can be passed for no less than six months. In 2020, 265 persons finished the programme (of whom 78% men, 22% women) and in 2021, 193 persons finished the programme (75% men and 25% women). Under the LPDV, protection measures can be used as punishment so that sometimes perpetrators get only treatment and no other form of punishment. Existing perpetrator programmes follow only the required attendance to completion, of which they have to notify the courts, but there is no longer term assessment of the effectiveness of these programmes.

What is concerning is the fact that more and more women are included in perpetrator programmes, many of them survivors of violence. Two thirds of women in one of the programmes were sent there together with the partner/family member. Some of these were mother/daughter relations, but most of them were intimate partner relationships and most of these women were primarily victims. Of one third of women who were sent into the programme without a partner, some of them were violent towards other family members, and many were long-time victims of domestic violence, but their

partners were never processed before. In cases of intergenerational violence, the causes of violence are different in that they are not gender-based so the programmes should take this into account. Furthermore, in most cases these are actually women survivors of violence, forced to undergo perpetrator treatment alone or alongside their partners instead of receiving protection and support. This is a problem for some of the perpetrator programmes as well since the courts send them victims into treatment.

Regarding the safety of the victim as a priority, the existing perpetrator programmes involve women in a way that is, declaratory, to ensure their safety, such as talking to them about the abuser's behaviour, telling them to let them know if there is any recidivism. The Rules of procedure for implementation of protection measure of mandatory psychosocial treatment do not mention anything about the approach or content of the programmes, it only sets up the technical requirements, such as space and staff, as well as conditions for getting a licence to run such a programme.³⁸ Standards of procedure for implementing the protection measure of mandatory psychosocial treatment, which were drafted by Expert commission for the implementation, monitoring and supervision of the implementation of protective measures of mandatory psychosocial treatment, regulate the implementation of these programmes. Among other requirements, they mention that:

“It is the responsibility of the manager of psychosocial treatment to familiarize the victim of domestic violence with the goal, principles, content and method of implementation of the treatment.

- Treatment managers are obliged to consider all elements of safety of family members with the victim and help create a safety plan for family members, and if necessary, coordinate this with the activities of the centres for social welfare.
- Part of the safety plan should be written information on what to do in crisis situations, such as places to take shelter and phone numbers to call for help.
- Treatment leaders should refer victims of domestic violence to civil society organizations and institutions whose task is to care for survivors of violence.”³⁹

Perpetrator programmes have been found to be most effective when carried out as part of a coordinated community response. In Croatia, they are carried out in isolation as a form of punishment. In case of mandatory psychosocial treatment under LPDV, they are carried out as a protection measure. There is a great focus on rehabilitating the perpetrator despite such programmes being shown by international research to have a limited effect on changing the perpetrator's behaviour. While there is no explicit requirement to take care of not giving false hope to the victim that the perpetrator programme will change the perpetrator, there is a requirement to ensure victim safety. However, in actuality these conversations with the victims are often used to ask the women to support the process by providing help to the abuser and by modifying their own behaviour so the abuser would be less abusive or would not be abusive anymore. Furthermore, the victims are often not referred to independent women's specialist services. In the experience of Women's Counselling Centre, in over 15

³⁸ 'Rules of procedure for implementation of protection measure of mandatory psychosocial treatment', https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_116_2315.html

³⁹ 'Standards of procedure for implementing the protection measure of mandatory psychosocial treatment', Expert commission for the implementation, monitoring and supervision of the implementation of protective measures of mandatory psychosocial treatment, November 2019.

years of perpetrator programmes in Croatia, not a single woman victim has been referred to the Counselling Centre whose partner was in the perpetrator programme.

- **Recommendations:**

- Ensure implementation of psychosocial treatment of perpetrators in the way that victims are always referred to feminist women's specialist services.
- Carry out an evaluation of existing psychosocial treatment of perpetrators in order to assess whether they are based on victim-safety first, as well as to assess the long-term effectiveness of psychosocial treatment of perpetrators in preventing violence against women and domestic violence.
- Ensure that women victims of domestic violence are never referred to psychosocial treatment of perpetrators because they were defending themselves, but rather that they are always referred to women's specialised services.
- Mandate full involvement of women's NGOs and autonomous women's shelters in coordinated community responses and greater interagency collaboration among judges, prosecutors, police, social workers, and the probation system to focus efforts on promoting victim safety and holding offenders accountable.

Chapter IV – Protection and support

Article 18 – General obligations

Under general obligations for protection and support of victims, the Convention importantly notes that in setting up both general and specialised services, a gendered understanding of violence against women and domestic violence needs to be used, with the rights of the victim and her children at the centre of response, with co-operation between all involved agencies, both state ones and NGOs, and that complex relationship between the victim, perpetrator, children and wider environment need to be taken into account. As demonstrated in this shadow report, in the General Information section and under Article 6, the approach that the Croatian state takes is largely gender-neutral. Women's specialist services strive to provide support in a gender-sensitive and holistic manner, but often with too limited resources.

Providing a range of services to the victim in the same premises is not common. This exists partially in women's shelters and counselling centres where both women and children can receive accommodation, counselling, and legal and psychological support. However, an intervention centre type facility, where women would have access to different general support services, such as police and Centres for Social Welfare, as well as specialised services, does not exist.

Contrary to Art. 18 par. 4, most of the services, either directly or indirectly, depend on the victim's willingness to press charges and testify against the perpetrator. According to Croatian legislation, which punishes domestic violence through Criminal Law (as a separate act of violence in the family and aggravated form of several other acts) and as a misdemeanour through the Law on Protection from Domestic Violence, reporting such an act is mandatory for all citizens if committed against children, and if committed against an adult, it is mandatory to report for all state institutions, including health, education and social work, and for all NGOs. This poses quite a problem, especially for women's NGOs who provide specialised women's services because part of providing these services is anonymity and confidentiality. While some women's NGOs provide services in a confidential way, not disclosing the information about the woman without her permission, according to Art 7 the LPDV, they would be obligated to report each case of domestic violence or face a fine of 3.000,00 to 10.000,00 kunas (400 to 1.330 euros). Autonomous Women's House Zagreb, supported by other women's NGOs, has proposed amendments to this law several times to remove this obligation as it refers to women's NGOs, but to no avail. While this provision hasn't been directly implemented in practice against women's NGOs, it still poses a threat to the work of these organizations.

When it comes to general support services, since they are all obliged to report the violence under the LPDV and the Criminal Law, women are not able to receive services if they don't want to report. Regarding specialist services of accommodation, all State and Church Homes for adults and children victims of domestic violence have a requirement that the woman must report violence in order to be placed in such an accommodation. The Centres for Social Welfare otherwise are not able to issue a referral which is necessary for receiving such accommodation. In cases of some of the autonomous women's shelters, there is no requirement to report violence in order to be received. However, if a woman leaves with her children to go to the shelter, it is necessary to inform the police in order to prevent a search warrant for the children. This is to protect the woman from criminal charges of abduction and/or changing the residence of the child without the other parent's permission. However,

as soon as the shelter informs the police of the woman's and children's placement in the shelter, the police is obligated to press charges against the perpetrator. This means that women, despite the best intentions of the shelters to provide support in line with Art. 18 par. 4 of the Convention, cannot receive the service of accommodation at the shelter without reporting violence.

Recommendations:

- Improve Rules of Procedure, guidelines and training to ensure a gendered understanding of violence against women and domestic violence in all institutions, to avoid secondary victimisation and enhance procedures of protection and service provision.
- Amend the LPDV to eliminate the requirement of NGOs for mandatory reporting of each case of domestic violence.
- Ensure that all women victims of violence and their children have access to general and specialised support services regardless of whether they have or are going to press charges.
- Establish measures to enable institutions and women's NGOs to engage in multi-agency cooperation in specific cases, taking into account the rights and interests of victims, placing them at the centre of cooperation and ensuring that they are represented by a specialist women's support services during such cooperation.

Article 20 – General support services

General support services, available to all citizens, should have a gender-sensitive component and take into account the specific needs of women survivors of domestic violence and other forms of violence against women. Thanks to the Rules of procedure in cases of domestic violence, victims in Croatia have rights on paper that involve general service providers. It obliges the police, justice system, social services, health services, educational institutions (schools and kindergartens), victim support services, probation services, the media and NGOs to specific steps and procedures in cases of domestic violence. While this detailed document mentions that most victims of domestic violence are women and most perpetrators men, it doesn't really include a gendered understanding and it still tries to take a family protection point of view. For example, it states that "In the fight against domestic violence, it is important to ensure the provision of professional assistance to families who are in crisis and who have difficulties related to the violent behaviour of a family member."⁴⁰ The focus is not on protecting the victim, but on helping the family which obscures the problem of GBV because the perpetrator is the violent member of that same family, and this violence is a crime, not an internal issue which would require help for the family (such as job loss and poverty would be, for example).

The actual provisions of the Rules of procedure are an improvement for the most part and provide a good basis for response to domestic violence. They are an improvement compared to the Law on Protection from Domestic Violence in that they state that NGOs must report violence, but with victim's permission, which the LPDV doesn't mention. However, since the law is above Rules of Procedure, the LPDV should still be amended to include that the NGOs are not subject to mandatory reporting.

⁴⁰ Rules of procedure in Cases of Violence in the Family, pg 2.

https://mup.gov.hr/UserDocsImages/dokumenti/Protokol_o_postupanju_u_slucaju_nasilja_u_obitelji-usvojila_Vlada_19_6_2019.pdf

The obligations in the Rules of procedure are mostly good on paper but, as already demonstrated in the General Information and under articles 6 and 18, they are not as well implemented in practice. There is a gender-neutral approach to domestic violence and a lot of harmful attitudes and misunderstanding of the situation of the victim. The Centres for Social Welfare are given significant tasks and authority in cases of domestic violence as they are obligated to report the violence to the police, propose protection orders to the court that the victim needs, talk to the victim and do a needs assessment as well as a safety plan for her, assess the situation of the child/ren and propose/issue measures for their protection, find accommodation for the victim, provide legal, psychological and financial aid, secure medical aid for the victim, talk to the abuser, do a needs assessment for him, explain to him the consequences of his behaviour, help him and secure adequate professional help for him, and do case work and write opinions and propose measures to the court.

At least half of these would be better suited for the specialised, not general services. Social services in Croatia serve all citizens with a variety of services and rights. The team for marriage and family, consisting of a social worker, legal assistant and a psychologist work with families, including in cases of domestic violence. In one training, a social worker informed women's NGOs that they have about 7 minutes per client each day because of the number of people and because of heavy administration. It is not possible for social workers to do all that they are required by the Rules of procedure, even if they were completely trained for such service provision. As it is, women often experience victim blaming at the Centres for Social Welfare. The laws and the Rules of procedure task them with protecting the children first, which is often done to the detriment of the abused woman. Also, they are required to help both the victim and the abuser, with abusers often acting either charming and innocent or threatening. Most facilities of CSWs have only one guard and most employees are women, so they are not adequately protected from the abusers.

There is a clear trend of blaming the victim and making her responsible for the violence and the abuser's behaviour. For example, this is very obvious in cases before the Centre for Social Welfare. The women are forced to be in contact with the abuser and are often treated equally as the abuser, where they both receive a measure of oversight (CSW workers oversee their care of the children) because the husband was violent. In seeking help from the institutions, they are thus punished further. The CSW workers even say to the women: "If you do not come to an agreement with him, if you keep bothering us about the child contact, you will receive oversight over the care of your children, and your children can be taken away and placed in a foster care." Women are not given access to their files, and sometimes even their statements disappear from the file, especially in smaller towns or rural areas where the perpetrator may have more influence. In all these cases, women were victims of physical intimate partner violence.

Health professionals are also obligated to report domestic violence, using special form for that, and are very important in legal proceedings because they issue medical documentation regarding injuries which are important in proving physical violence under Croatian Criminal Law. However, it is clear from the State report to GREVIO that in cases of health professionals, there is insufficient knowledge and training about the issue of gender-based violence as health professionals reported 558 cases of domestic violence in 2019, of which 35% were men, and in 2020, they reported 701 cases of domestic violence, of which 33% were men. These are very high percentages of male victims, compared to police

and judicial statistics which include dual arrests where women victims are charged alongside abusers for violence and most often for psychological, not physical violence. The health professionals are not sufficiently trained to screen women victims of domestic violence. Also, in 2019, when health professionals reported 366 female victims, that same number of women victims was referred to a psychiatric treatment. Most victims, and most perpetrators for that matter, do not suffer from mental illness, therefore it's clear that health professionals are not trained to respond appropriately to domestic violence cases where they need to refer the victim to specialised support and other services.

A report on monitoring the implementation of national and local policies for the protection of women from gender-based violence, done by the Centre for Women War Victims in 2014⁴¹, looked at the reasons for not reporting the violence. The women indicated that they didn't report violence because of lack of information about their rights, feeling ashamed, lack of financial resources, feelings of inferiority due to a failed marriage, and distrust in the work of institutions. Most women who participated in this research did contact the police and most of them were more satisfied with the work of the police than with the Centres for Social Welfare. From negative experiences with the police, the respondents cited not receiving information about their rights, failure to provide information about further proceedings, other institutions or organizations that women can turn to for help, reporting and the same treatment of victims and perpetrators, minimizing violence and its consequences, and persuading women to withdraw their complaint.

Recommendations:

- Amend the Rules of Procedure in cases of violence in the family to ensure they are aligned with Art 18 of the Convention and ensure their full implementation, including sanctions for failure to implement them.
- Take measures to eliminate victim blaming and to ensure victim-centred approach and gendered understanding in all institutions.

Article 21 – Assistance in individual/collective complaints

The obligation to provide victim information and access to regional and international appeal mechanisms has been exhausted in the legal framework created that ensures these opportunities.

There is no structured victim assistance under this Article, except through the work of non-governmental organisations.

State co-operation with NGOs partially exists through securing a (insufficient) share of financial resources, as well as through co-operation involving NGO representatives in different working groups. This kind of cooperation is rejected by the state in the field of migration and asylum although various NGOs specialised in assisting women express their desire to assist parties through providing information, legal advice, monitoring the administrative process with the aim of helping some parties and ensuring the accessibility of justice.

⁴¹ Centre for Women War Victims, *Izveštaj o praćenju primjene nacionalnih i lokalnih politika za zaštitu žena od rodno utemeljenog nasilja* („Report on monitoring the implementation of national and local policies for the protection of women from gender-based violence“), 2014., available in Croatian at <http://www.potpisujem.org/doc/769d9e6af693cd4baabb0a1b92bd4bdb.pdf>

Recommendations:

- Take measures aimed at concluding contracts between the Ministry of Interior and the NGO providing assistance to women seeking international protection for access to NGOs and processes
- Provide leaflets in state and public authorities' institutions, providing information on access to rights and relevant NGOs.

Article 22 – Specialist support services

Article 22 covers the obligation to provide or arrange for specialist women's support services to all women victims of violence and their children. Specialised support services in Croatia include women's shelters, women's helplines and women's counselling centres. Specific information on women's shelters, helplines and support services for victims of sexual violence centres is provided under articles 23, 24 and 25.

A strong women's movement in Croatia, beginning in 1980s, has resulted in many women's organisations providing different kinds of support to women survivors of violence, while at the same time doing strong advocacy work. Many organisations in Croatia provide a variety of services, such as helplines and counselling centres combined, and all autonomous women's shelters also have their helplines and counselling centres. The State report to GREVIO says that there are 73 counselling centres in Croatia. These are listed in the Directory of Institutions, Organisations and Other Institutions Providing Assistance, Support and Protection to Victims of Violence.⁴² However, on this list there are quite a few more general service providers. It is difficult to evaluate since there are many organisations providing mixed services for different beneficiaries, but this list includes psycho-trauma centres and centres for victims of criminal and misdemeanour acts which are general and not specialised for domestic violence or violence against women.

Looking at the more specialised services, there are 25 women's centres in Croatia.⁴³ Women's centres provide services mostly to women and children survivors of domestic violence. There are two women's centres providing help to survivors of sexual violence, one of them especially to women survivors of rape and sexual violence during war. The same organisation (Centre ROSA) provides help to women refugees, particularly from Syria and the middle East and from Ukraine. Caritas, as a religious organisation, provides also assistance to the victims through different services. However, they tend to emphasize the importance of keeping the family together and as already mentioned, the Church was against the ratification of the Convention.

A recent report on specialised services in Croatia says: "Almost all NGO women's centres generate income by applying for tenders. The same is not the case for religious organizations and public institutions that provide funds or part of the funds for their work directly from the state, county and/or city budget. More than half of NGOs receive less than 50% of the total funds from the state budget (through public tenders), and a third even less than 30%. Half of NGOs do not receive financial

⁴² Directory of Institutions, Organisations and Other Institutions Providing Assistance, Support and Protection to Victims of Violence, [ADRESAR USTANOVA, ORGANIZACIJA I OSTALIH INSTITUCIJA KOJE PRUZAJU POMOC, PODRSKU I ZASTITU ZRTVAMA NASILJA U OBITELJI.pdf \(gov.hr\)](#)

⁴³ WAVE Country report 2021, pg. 91, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf

resources from the budgets of regional self-government units, and among those that do, they account for less than 20% of the total budget. Slightly more than half of the organizations are financed from local sources, in a percentage less than 20% of the total annual budget. This uncertain and fluctuating way of financing civil society organizations as the primary providers of specialized assistance and support services for victims of violence significantly affects the quality and planning of work, which will not change until a systematic and sufficient source of financing is introduced.”⁴⁴

In 2019, the Ministry for demography, Family, Youth and Social policy for the first time issued a call for proposals for funding counselling centres for victims of violence in the family. The total fund was 3.000.000,00 HRK (400.000,00 EUR), which is more than for the shelters. The controversy regarding this call for proposals was that it excluded organisations who are running women’s shelters, although all shelters also have counselling centres. For this reason, Autonomous Women’s House Zagreb asked the Ministry to cancel the call and change it to allow the shelters to apply.⁴⁵ The complaint was not accepted. 15 counselling centres received funding through this call for proposals⁴⁶, though not all of them were for women survivors of violence but included a phone line for children (“Hrabri telefon”), and support for victims and witnesses of violent crime, as explained before.⁴⁷

Uncertain and insufficient funding means that women’s centres often cannot provide long-term psychological and legal support to women survivors of violence. There is a fluctuation in staff because the cost of staff is mostly covered through project-based funding which means that, after providing training and investing in new staff, they often have to leave when the project ends until new funding is secured.

Recommendations:

- Provide regular and sufficient funding to women’s centres run by feminist NGOs, ensuring both funding for regular counselling work, as well as training and advocacy work.
- Ensure better categorisation of available services in the official directory of the Ministry of Labour, Pension System, Family and Social Policy to distinguish from general services for victims of all crime, children’s services, general support for families, Church based organisations and services that are women only, further segregated by type of violence: DV, sexual violence, refugee women etc.
- Improve information dissemination of different specialised services and what they offer, as per better categorisation.

⁴⁴ Domine – Organisation for Promotion of Women’s Rights: Availability and quality of help and support services for women victims of violence and domestic violence, 2022.

⁴⁵ Autonomous Women’s House Zagreb: *Letter to the Prime minister and Minister for demography, family, youth and social policy*, July 17th 2019, <http://www.azkz.net/dokumenti/47728045577168eada9129c4127a71bc.pdf>

⁴⁶ Ministry for demography, family, youth and social policy, news article *Contract ceremonies awarded to NGOs and project "Stop violence against women and domestic violence - No justification for violence" presented*, November 25th 2019, <https://mdomsp.gov.hr/vijesti-8/svecano-uruceni-ugovori-udrugama-i-predstavljen-projekt-zaustavimo-nasilje-nad-zenama-i-nasilje-u-obitelji-za-nasilje-nema-opravljanja/12394>

⁴⁷ Ministry for demography, family, youth and social policy: Decision to allocate financial resources for the implementation of projects of associations providing counselling services for victims of domestic violence, November 20th, 2019, <https://mdomsp.gov.hr/UserDocImages//udruga/dokumenti%202019//Odluka%20o%20raspodjeli%20sredstava%20-%20savjetovali%C5%A1ta%202019.doc.pdf>

Article 23 – Shelters

The Council of Europe estimates that 428 shelter spaces are necessary for victims of domestic violence in Croatia. The State claims in its report that there are 25 shelters in Croatia with 325 places. These include autonomous women's shelters, state homes, accommodation provided by religious organisations, accommodation founded by cities and counties. These facilities and programmes differ greatly in their approach, principles, level of experience, as well as in available resources and funding.

Croatia has a long history of women's shelters which started with AWHZ opening the first shelter in 1990 in Europe. Following this, 6 additional autonomous women's shelters were founded, most in 2000s. For many years, AWHZ and later other shelters operated without any support from the state or local governments. The first shelter in Zagreb was a squat, opened as an act of civil disobedience when a group of feminist activists volunteers from the first women's SOS phone line changed the locks on one city-owned apartment. The shelter was completely filled in the first week of its operation. Since then, this and other shelters have managed to get legally space and furnishings and to employ staff.

When the Croatian state finally started providing accommodation and support to women survivors of domestic violence, there was already a significant base of knowledge and expertise in already functioning shelters. The AWHZ shelter staff and volunteers, for example, received over two years of training from shelters and counselling centres from Austria, Switzerland and Germany. This was all before there was any legal framework against domestic violence, which was first criminalised only in December 2000. Working without a legal framework meant that the first shelter in Zagreb had to create a lot of practices that didn't exist because, at first, there was resistance from the Centres for Social Welfare to give custody to women who were living at the shelter because the social workers couldn't enter it (the shelter was and still remains at a completely secret address).

Eventually, following a very well publicised nationwide media campaign that was funded by EU, the government did step up to provide regular funding for the then 5 autonomous women's shelters, starting in 2008, along with the cities and counties, but the 90% funding they provided (30% State, 30% city, 30% county) lasted only one year. Since then, the state provides the same amount which has risen from 280,000 euros in 2008 to just 290,000 euros per year for all 7 autonomous women's shelters. For some shelters, this is less than 20% of what they need to function. The full cost of running all the 7 shelters is about 1 million euros, so this is insufficient, and the cost of life has generally risen.

The autonomous women's shelters are now funded based on 3-year contracts following a public tender, and subject to renewal for the subsequent two years. There is no longer any joint agreement signed by the state, city, county and the shelter run by women's NGOs as it existed during the first couple of years of this funding. The shelters, although receiving even less than 30% from the state, are left to raise funds for the remaining costs. Some cities have tenders especially for shelters (City of Zagreb), some are able to reach direct agreements, and some have to raise funds through the projects. As such, this type of funding for the shelters is completely insufficient. It is the obligation of the state to provide this funding, in cooperation with the local governments or not, since the state is responsible for protecting women from violence and for implementation of the Istanbul Convention. The funding received from the state is often delayed. For example, the deadline for the tender for shelter funds 2022 – 2024 was December 31st, 2021. The decision on funding was published on March 2nd, 2022,

already two months into the year for which the funding is provided⁴⁸. This means that shelters, at least in the year when the 3-year tender is published, have to wait for at least 3 months to receive the first payment from the state. During that time, the shelters still have to operate, provide services, pay the increasing costs of utilities and food, and provide salaries for employees, legal fees and psychologists, to name a few. Other funds, such as city and county, often don't provide any funding till May or June, or sometimes even October.

The state report shows that of all the funding provided to all the accommodation facilities, less than half came from the state (7.995.068,37 kn in 2019 and 6.780.530,15 kn in 2020 – 1.066.000,00 and 904.070,00 EUR respectively). The local and regional governments spent 8.446.792,46 kn in 2019 and 10.716.657,85 kn in 2020 (1.126.238,00 and 1.428.887,00 kn EUR respectively). However, just one state home, the one where the founder is City of Zagreb and which is fully funded by the City, receives over 5 million kn each year (675.000,00 EUR), showing that all the remaining shelters and homes receive a lot less.⁴⁹ The state report also mentions that the occupancy rate of the shelters is not exceeding 60%, suggesting that there is no need for additional shelters or additional funding. However, reports from women clients who come to the Counselling centre state that they were discouraged from going to the shelter, especially into AWHZ shelter because of secret address. The politicians have also been saying for years publicly that it is not the victim who should leave the home, it is the abuser. While this is true to an extent, eviction orders are actually still rarely used in Croatia and even when they are used, they are not efficient in preventing further and fatal violence because the perpetrator walks free and the punishment for violation of this order is very low (a fine of 3.000,00 kn (400 EUR) or 10 days in jail)⁵⁰ and is often not enforced. The number of reports for violence have gone down, eviction orders are not being issued enough, there is a high level of secondary victimization, especially during divorce proceedings that involve children and women are being discouraged from going to the shelter. Therefore, the shelters are very much needed, but they need to operate in a gendered way, providing empathy, empowerment and trauma-informed care for women.

The state, church, city and some NGOs founded Homes for children and adult victims of domestic violence, which are run based on the Guidelines for State Homes and funded by the state on a per-bed basis. Victim's access to state and church shelters is conditioned on a referral by CSW, which is conditioned on a requirement that the victim reports any violence to the police. CSW also determines which woman can go to a shelter and how long a woman can stay in the shelter, typically a few months or less. These requirements unfortunately exclude undocumented migrant women, and restrict the access for other women, such as asylum-seekers, to shelter. Autonomous women's shelters have no referral requirements and allow women to stay up to a year or longer. Considering very long legal procedures, both criminal and civil, it is necessary to have longer stay times.

⁴⁸ Ministry of Labour, Pension, Family and Social Policy website

[https://mrosp.gov.hr/?id=12479&pregled=1&datum=Wed%20Dec%202021%2014:09:07%20GMT+0100%20\(srednjo europsko%20standardno%20vrijeme\)](https://mrosp.gov.hr/?id=12479&pregled=1&datum=Wed%20Dec%202021%2014:09:07%20GMT+0100%20(srednjo%20europsko%20standardno%20vrijeme))

⁴⁹ Data from the Report on the Implementation of the National Strategy for Protection against Domestic Violence 2019-2020, [IZVJESJE O PROVEDBI Nacionalne strategije zaštite od nasilja u obitelji 2019-2020 \(2\).pdf \(gov.hr\)](https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji)

⁵⁰ Law on Protection from Domestic Violence, Art 24 <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

However, even among the autonomous women's shelters, only three of them do not ask the woman to report domestic violence to the police, meaning that women are denied the right to receive services unless they report the violence, in violation of Art. 18 par. 4 of the Istanbul Convention. Also, the state homes have to adhere to the principles of the guidelines, which are completely gender-neutral, so that means that they have to accept male victims as well. These cases are rare, but it's clear that a woman who has survived violence and is placed in a shelter will potentially be further traumatised if there are men living there. There have even been cases of abusers being admitted into such state home because they claimed that they were victims of violence.

Although autonomous women's shelters promise greater success in preventing further violence against women and their children, they are funded on a much less secure and sustainable basis than state and church shelters. Additionally, the State is trying to force autonomous shelters to operate more like state and church shelters and has issued new regulations restricting their independence and ability to adequately serve women and children survivors of violence. For example, the CSW decided that child contacts with a violent father should take place at shelters, instead of in one of the state institutions or another neutral location. This means that shelter workers and residents have to cooperate with and accommodate perpetrators, which is not the job of the shelters, and which puts shelter workers, women and their children at risk. This also means that shelter locations are no longer secure when they must comply with these types of decisions. Positively, after years of fighting and advocacy, the government recently finally accepted the proposal AWHZ has been making for many years to change the Social Security Law to ensure that the address of the shelter is treated as a professional secret.

Another problem is the strict licensing system by the Ministry for Labour, Pension System, Family and Social Policy which is usually used for state institutions (children's homes, homes for the elderly) which places a great emphasis on very strict conditions the shelters must satisfy in terms of space (for example, square footage of the rooms per person, the bed must be 10 cm from the walls etc.). The shelters do their best to satisfy all the conditions, but the State doesn't provide any separate funding as a support to the shelters to do construction work or furnish the space. Also, the great problem is that the licensing means that inspectors must come into the shelter, both for licencing and regularly afterward which endangers the confidentiality of the shelter's address. AWHZ has fought for years against licensing in this way, offering the Ministry a 70-page report with photographs of the entire shelter from the inside and full description of everything in it, as well as offering to provide a guide of the shelter through video link in order to keep the safety of the address, but this was all refused for many years. There is hope that with changing of the Social Security Law, the shelters will finally be able to keep their address secret and protect both staff and tenants.

Despite insufficient funding for existing shelters, in 2019 and 2020, the State initiated opening of 6 additional shelters (which are included in 25 the State report mentions). The Ministry of Labour, Pension System, Family and Social Policy had started meetings with regional administrations and initiatives to open shelters and connect regional administrations with possible providers of shelters for victims of domestic violence. As regional administrations were not independent and did not want to accept responsibility for opening the shelters, which was justified by lack of funds and lack of service providers, the Ministry proposed the possibility of opening shelters for victims of domestic violence by

applying for EU funds and cooperation and partnership with service providers from the field of regional administration. This means that civil society organisations, already underfunded, accepted responsibility for opening and running shelters for victims of domestic violence, based on funding from European Social Fund.

Women's organisations who were already providing counselling services in these counties accepted this fast initiative because, if they didn't, the partnership would have been offered to organisations that have no experience in providing specialised services to women survivors of violence, such as Red Cross. However, aligning the newly opened shelters with the state regulations for provision of social services has proven to be very difficult. For example, one women's organisation operating in a less developed and more rural part of Croatia, is having problems employing the required social worker because nobody responded to their employment add. There are simply no social workers in that area, and they even have to consider asking already retired social workers to come work for them. It is important to note that in the history of women's movement and shelter movement, it was never important to have a specific profession, but rather to have specialised training for working in the women's shelters and this training was developed by women's NGOs.

The Ministry created a tender specifically for these 6 shelters. One women's NGO reported that they were not invited to meetings on the opening of the shelter held between the Ministry and local government, even though they are the ones with the expertise and in charge of running the shelter. In the special conditions of the tender, insufficient care and responsibility was taken for the secrecy of the shelter, security, manner of data protection, but the emphasis was placed on the visibility and promotion of the service. Shelter services for victims of domestic violence cannot be developed by applying for public calls from EU funds because this cannot guarantee the continuity of the service. National authorities and regional and local administrations must take responsibility for providing sufficient and quality counselling and shelter services for victims of domestic violence.

Recommendations:

- Provide regular, secure and adequate funding to autonomous women's shelters through multi-year direct contracts in the amount of at least 90% of the yearly budget, while respecting the autonomy of their work.
- Ensure a gendered understanding in provision of accommodation to women victims of domestic violence.
- Create separate guidelines for the work of autonomous women's shelters in co-operation with women's NGOs who run them.
- Provide financial support to women's NGOs for the necessary construction work, equipment, furnishing and general maintenance in order to raise and keep the standard of service provision.
- Provide funding to increase resources of the shelter and ensure the right of all women and children to access women's shelters, including undocumented women, refugee women, women asylum-seekers and women with different abilities.
- Ensure that safety is a priority in all shelters and state homes, including using secret addresses, security doors and windows, panic buttons, cameras, and cooperation with security firms or the police.

- Women’s shelters should also receive core funding to carry out prevention activities, such as awareness-raising, campaigns and training in the communities and regions where they work.

Article 24 – Telephone helplines

The Istanbul Convention sets an obligation to set up state-wide 24/7 telephone helpline or helplines to cover all forms of violence listed in the Convention. Since 1988, women’s NGOs have set up and run several national and local helplines to cover domestic violence and other forms of violence against women. However, a nation-wide 24/7 phone line funded by the state doesn’t exist specifically for the forms of violence listed in the Convention.

The government says it covers the cost of helplines, including adding another telephone line to meet the mandate of the Istanbul Convention to make legal and psychological assistance available for victims in need of services. At the end of 2020, the funding for the national specialised hotline was given to the National Call Centre of the Association for Victim and Witness Support in the amount of 239,000 euros, as mentioned in the State report to GREVIO. However, this is not a specialised hotline for women, or victims of gender-based violence, or even for victims of domestic violence. This is a National Call Centre for Victims of Crime, so it is not specialised nor is it advertised as a line for victims of VAW and DV. This makes it difficult for the women seeking help to even know that this service exists.

The funding for the national helpline was given to this project despite the fact that there are several highly specialised hotlines for women victims of violence operating for over 20 years. SOS phone line of AWHZ for example, has been in place for 30 years, but it doesn’t operate 24/7. However, with additional resources, this service could have been expanded to operate 24/7, with full expertise. One of the WNC members is SOS Helpline for women, founded in 1988, which does operate 24/7, but was not supported by the State to operate and run the specialised helpline. The existing expertise of women’s NGOs was bypassed, and a non-specialised phone line chosen for funding and for this purpose.

The National Call Centre of the Association for Victim and Witness Support doesn’t have a published year report or number of phone calls received on their website, but according to the State report to GREVIO, between November 2020 and August 2021 (9 months), they received 689 calls related to gender-based violence. The gender-neutral statistics (it shows number of women and men, but not further segregated by problem) doesn’t show the number of calls, but only the percentage which is related to each problem. It also shows the number of criminal and misdemeanour acts, as well as youth violence, but not the percentage of GBV or the number of women affected by domestic violence or any other form of violence.⁵¹ In comparison, Autonomous Women’s House Zagreb alone, working 10 to 17 on weekdays (because there are no resources to extend the hours of operation) received 1843 phone calls only from women victims of domestic violence in 2021.⁵²

⁵¹ National Call Centre of the Association for Victim and Witness Support website, Statistical report <https://pzs.hr/nacionalni-pozivni-centar-za-zrtve-kaznenih-djela-i-prekrsaja-2/>

⁵² AWHZ Year report 2021, website https://azkz.hr/wp-content/uploads/2022/03/Kratki-Godisnji_izvjestaj_2021.pdf

However, this helpline as well as all helplines run by autonomous women's shelters did not receive any extra funding on top of the funding for autonomous women's shelters.

Among experienced women's activists and NGOs, there is a concern that, following the ratification of the Istanbul Convention, there is a haste in the government and the ministry in charge to tick all the boxes related to its implementation without effecting real change and sustainability. Therefore, some funds are given to all organisations, but they are insufficient, local smaller women's organisations are offered co-operation to open the new shelters which they feel they must accept so these projects wouldn't go to gender-neutral services. However, the process of opening and running a shelter is complicated, it takes experience, resources, adjustment to local circumstances and so on. In case of the national helpline, this was another example of rushing to establish something to fulfil the requirement of the Convention instead of taking the time to develop a real helpline, in co-operation with women's NGOs who are already running these helplines for 35 years now.

Regarding other forms of violence against women listed in the Convention, there are no specialised helplines since most of women's NGOs work with women victims of intimate partner violence. The National Call Centre covers all forms of violence since they are focused on criminal and misdemeanour acts, but there is no information on additional training that they may have received on working with survivors, for example, of sexual violence. Each form of violence against women requires extensive training, especially to be able to provide both meaningful information on the next steps, as well as at least initial trauma care and support.

Recommendations:

- Open and fund a national helpline, available 24/7 in co-operation with women's NGOs already running such helplines, to cover all forms of violence against women listed in the Istanbul Convention.
- Ensure regular and extensive gender-sensitive training on working with women victims of all forms of violence against women.
- Ensure wide dissemination of the free phone number of the national helpline in all institutions, NGOs and the media along with the services the national helpline provides.

Article 25 – Support for victims of sexual violence

Protection and support of women survivors of sexual violence in Croatia is underdeveloped, both in implementation of legislation, prosecution, punishment and in service provision. There are no sexual violence referral centres or rape crisis centres. There are women's organisations that provide counselling and support to women survivors of sexual violence. This type of violence is much less visible than intimate partner violence. There are no campaigns or regular information provided on this issue. In 2021, the Ministry for Labour, Pension, Family and Social policy published a tender for counselling centres for victims of domestic violence and for counselling centres for victims of sexual violence, in the total amount of 3.000.000,00 kn (400.000,00 EUR). Again, the funds were distributed equally between 20 organisations, most of them not specialised for either issue. When looking at the titles of the projects, only one mentioned sexual violence explicitly. Centre ROSA, which also applied, and which is the oldest organisation in Croatia dealing with sexual violence (started in 1993 in response to

sexual violence during war) was denied the funds from this tender although it's one of the rare organisations working directly with women survivors of sexual violence.

Sexual violence during war

A special issue in Croatia related to sexual violence is sexual violence and rape during the War 1991-1996. A special Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War (Official Gazette 64/15, 98/19) was adopted in 2015 (explained in further detail under Article 36). Centre for Women Victims of War - ROSA is a non-governmental organization that systematically deals with this problem and periodically conducts mini-campaigns with limited funds, through which they inform victims about their rights and the possibility of assistance that they can provide for them. After each campaign, women contact them, with the vast majority of whom have not told anyone that they survived wartime rape. There were no campaigns implemented by the Government.

Psychosocial and legal assistance to victims of sexual violence in war is provided through centres for psychosocial assistance, and the right to medical assistance is exercised in regional centres for psycho-trauma and the National Centre for Psycho-trauma. The Ministry of Croatian War Veterans states that from the adoption of the law until 30 November 2021, 147 victims of sexual violence in the war requested help through centres for psychosocial assistance in the counties. The Ministry also states that psychosocial centres are interdisciplinary professional teams established in county centres whose primary role is to provide psychosocial and legal counselling assistance to Croatian veterans, their family members, and other victims (civilians) of the War. No specialized services adapted for women survivors of sexual violence are mentioned.

From adoption of the law until November 30, 2021, a total of 210,065 interventions through processing and examinations were performed in regional centres for psycho-trauma and the National Centre for Psycho-trauma in Zagreb, of which 39,983 examinations were related to women. This means that total of 19% of all interventions in those centres are related to women, and official data given by the Ministry of War Veterans state that 194 persons gained the status of victims of sexual violence in the war, of which 150 were women and 44 were men. The number of interventions is disproportionate considering that more than three times women have used this right. We conclude that this type of organization of help and support services for victims of sexual violence is not well established by the relevant ministry and that it is necessary to create programs specially adapted to women and to do a better promotion of services for women who survived sexual violence in the war. Women survivors of sexual violence in the war don't have access to support and specially segregated programs must be established in such a way that women do not come in therapy sessions in places where war veterans make the majority of the population. Women survivors of sexual violence do not feel safe in such places, and it is not a stimulating atmosphere for them.

One of the rights of victims of sexual violence in war is accommodation in an institution for providing support and services to the veteran population. This type of institution is called a Veterans Centre. Currently, 4 veteran centres are in process of establishing in Croatia (Šibenik, Sinj, Petrinja and Daruvar). In June 2022, the first Veterans' Center in Šibenik started to work. Centre ROSA was informed⁵³ that war veterans of who were on the list for rehabilitation already are currently using the Centre's services. Furthermore, not a single report of female victims of sexual violence in war has been

⁵³ Telephone conversation with an employee of the Veterans Center in Šibenik, on July 1, 2022.

received. They were also informed that they do not yet have a psychologist employed, so the Centre cannot provide adequate help to women victims of sexual violence in war. As for the placement of women victims of sexual violence in war in the Centre in Šibenik, they would be housed in the same facility as men, which is unacceptable. This kind of accommodation is not adequate for women survivors of sexual violence and those kinds of centres do not have any plan and program for women victims of sexual violence, therefore women cannot use this right.

Recommendations:

- Provide funding to existing women's NGOs providing specialised services to women survivors of sexual violence.
- Provide information in institutions and websites on the rights of the women survivors of sexual violence.
- Open and fund sexual violence rape crisis and sexual violence referral centres, in co-operation with feminist women's NGOs, ensuring especially training of the staff by competent women's NGOs.
- Ensure special procedures in hospitals for women survivors of sexual violence.
- Ensure specialised services for women survivors of sexual violence in war.
- Conduct better promotion of services for women who survived sexual violence in the war.
- Establish special and segregated programs in such a way that women do not come for therapy in places where war veterans make the majority of the population.

Article 26 – Protection and support for child witnesses

Courts and expert associates of the Victims and Witnesses Support Department of County Court reject proposals that all the information crucial for the criminal proceedings be collected from experts who had been in direct contact with children, such as members of the expert team of the CSWs and other psychiatrists and psychologists who were in contact with child witnesses. Also, it is told that it is not possible for children to testify instead of in the premises of the Zagreb County Court, testify from their home which for them is a familiar and safe environment, via an audio video link. Ultimately, as a result, the children have not been examined and neither were the experts who had been in direct contact with children, the state quit investigating and attaining evidence, and the investigation has, without any justified reason, been completely stopped. In this way children are left unprotected and at risk of suffering further violence⁵⁴.

Since children often witness different forms of domestic violence, flexibility is needed in ensuring rights and obligations, as well as awareness of various forms of preventing the victimisation of children in court proceedings.

Cases where there is relevant medical documentation indicating the high traumatisation of children must be an indicator to the court's expert services to draw up a specific assessment of the vulnerability of children.

⁵⁴ Judgment of the European Court of Human Rights in CASE OF H.P. AND OTHERS v. CROATIA Application no. 58282/19

Recommendations:

- Ensure that children can testify in such a way that they do not enter the court's premises, but that children testify from areas where they feel protected to the extent that they agree to testify about the violence they have witnessed.
- Ensure more effective protection of children who have witnessed violence, through systematic imposition of precautionary measures prohibiting the approach of perpetrators of violence
- In case the child cannot testify, ensure continuation of the proceedings by insight into all available relevant medical documentation and testimonies of experts (psychologists; psychiatrists) who work therapeutically with children.

Article 27 – Reporting

Stressing the importance of individuals, friends, neighbours, etc. who can play a crucial role in breaking the silence committed by violence, effectively can be ensured through the realization of general prevention.

Therefore, the purpose of criminal proceedings is special and general prevention. General prevention has an effect not only on sending a message to potential perpetrators of criminal offences that the state will react strictly to the forms of violence covered by the Convention, but also messages to all members of the community that they can feel safe when they help report violence because the state has effective mechanisms for sending a message about the zero tolerance to violence.

This degree of general prevention in Croatia has not been achieved due to the numerous burdens still accompanying criminal proceedings, which are the subject of public interest and which the public is familiar with: attempts at mediation even though it is forbidden, mild criminal justice policies, repeated interrogation in front of various experts about the circumstances of violence.

Recommendations:

- Changing the criminal-legal policy which includes the implementation of the Convention, more efficient criminal proceedings, prompt issuing of precautionary measures for all victims (as well as children who are witnesses of violence, a form of emotional abuse of children) and stricter punishment within legal possibilities.

Article 28 – Reporting by professionals

Within the framework of the obligation for professionals to report information about violence under certain conditions, it should be stressed in particular that judges have no obligation nor is there any practice that judges report the violence that women victims testify about as parties in different kinds of court proceedings.

In particular, in civil parental disputes, if the facts of violence are not determined by a final criminal verdict, civil judges establish facts and receive data on violence officially recorded in court records.

Regardless of the stronger intensities of violence recorded in civil documents, there is no obligation for civil judges to forward this information to the State Attorney's Office.

Since victims are often afraid to file a formal criminal report on violence, but can report on perpetrated violence in civil proceedings, it is a failure of the state if there is no broader cooperation between different judicial bodies aimed at suppressing violence.

Autonomous Women's House Zagreb proposed legislative changes that all professionals, also judges have the responsibility to report, which proposals were not accepted.

Recommendations:

- Create a legal framework that prescribes the mechanism for connecting civil judges with the State Attorney's Office in order to forward the knowledge of live violence.

Chapter V – Substantive law

Article 29 – Civil lawsuits and remedies

Victims are not provided with adequate civil rights against the perpetrator, and in court proceedings for damages compensation the state authorities do not carry out the obligation to take the necessary preventive or protective measures. This is due to the fact that in civil proceedings for damages compensation, even when there is a valid criminal verdict, the range of probative proceedings is wide because the issue of civil law accountability is broad in terms of determining percentages. The hearing of parties is not regulated as in criminal proceedings in such a way that victims have procedural rights aimed at protecting their dignity, preventing revisitation and secondary traumatization of victims.

Civil judges rarely pronounce measures ordering the cessation of certain behaviour harmful to the victim. The provisions of the Family Law on the possibility of adopting temporary measures prohibiting contact with children are narrowly interpreted.

Although the Enforcement Act prescribes the possibility of adopting a wide range of different measures and orders, there is no developed and effective case-law that directly implements the Convention and uses all regulations that provide the basis for the protection of victims.

Recommendations:

- Ensure education of civil judges aimed at the implementation of the Convention and adequate application of national regulations.
- Introduce a civil order for protection and include an order for the offender to provide financial assistance and child support to the victim, and an award of temporary child custody with the physically non-violent parent.

Article 30 – Compensation

There is no efficient means by which victims can seek compensation from the perpetrators without being exposed to re-traumatization and secondary victimisation. Property rights claims by which victims have the right to seek damages in criminal proceedings are regularly rejected and victims are referred to civil proceedings, although the perpetrator's guilt for the criminal offence of violence has been unequivocally established.

To send a victim of a criminal offence involving violence, long-term exploitation and disruption of personal integrity in a civil lawsuit makes no sense – the instruction is unenforceable. Victims do not have the capacity to become a prosecutor in civil cases and actively participate in proceedings aimed at exercising the right to non-property damage.

Just as the end of a specific criminal procedure, apart from the general purpose it fulfils, has a sort of healing effect on the victim, any new potential procedure for concrete victims (and most other victims of more serious interpersonal violence) would mean re-traumatization that does not contribute to the general well-being of the injured party. This is precisely why victims used their rights in this criminal proceeding, considering that a criminal court within the framework of criminal proceedings should decide on a property claim.

The refusal of the Criminal Court to rule on a property claim effectively means the disabling of the right of access to court and the disabling of claims for damages because civil litigation is not factually possible. Victims cannot press charges, their will is not free, it is conditioned by their experience with the perpetrator, and because of that experience they cannot serve as prosecutors today and cannot act proactively in the civil court.

In order not to ensure the right to compensation, several court proceedings are currently under way at the constitutional court. Some of them are L.K., P.C., H.N.E.C.

Courts fail to assess the victims' factors and ability to bring civil proceedings for compensation of non-material damage caused by the crime. With extremely traumatized victims, it is not reasonable to expect them to initiate civil litigation proceedings and actively participate in it as prosecutor, since it would expose themselves to repeated traumas and high costs of proceedings.

By referring to litigation, the courts place a disproportionate burden on the victim to re-demonstrate, for the purpose of producing evidence in litigation, the traumas suffered without previously assessing the personality structure of the applicant in the context of realistic possibilities for bringing legal proceedings, thus giving the applicant secondary, repeated and institutional victimisation and de facto obstructing access to the court in relation to compensation.

Bearing in mind the intention of the legislator to simultaneously decide on a criminal offence and a property claim to achieve economical treatment and thus avoid conducting a double trial, the courts should also take into account the aforementioned circumstance, as this would ensure substantially quicker protection of personal and property rights for victims.

Recommendations:

- Through efficient education of criminal judges, ensure the application of Directive 2012/29/EU of the European Parliament and of the Council of Europe from 25 October 2012, establishing minimum standards for the rights, support and protection of victims of criminal offences and replacing Council Framework Decision 2001/220/JHA; in particular in Item 46 of the preamble which ensures that victims have the right to receive a meritorious solution to their property rights claim under certain conditions.

Article 31 – Custody, visitation rights and safety

The courts use the principle that the child has a right to both parents and insists on preserving contact with both even when the parent is abusive. In practice this translates into upholding father's rights to have contact or even custody of the child (even when he is abusive, and the child is afraid of the father). If the child refuses contact, the mother is blamed by the perpetrator and the Centre.

Fathers often pressure the centres/courts to establish immediate contact, even when the woman and children are at the shelter, using the concept of parental alienation. There have been even cases of the court ordering contact to take place where the father can pick up the child at the shelter, therefore endangering everyone who lives and works there.

Centres for Social Welfare can take away parental rights in case of violence (art 171). They can also deny shared custody and limit contacts and have contacts under supervision. In practice, they almost

never take away the parental rights. They do limit the contacts by having them under supervision, but this happens more if the woman has a good lawyer, not as a norm. The father's right to contact is above the child's right to safety, although not on paper, not in the law, but in practice it is. The Centre for social welfare can issue a measure of protection of children (taking the child away from the family) or suggest the court another measure. They can also report the violence. If there is a restraining order against the father that includes the child – contact is forbidden. If there is a restraining order against the father protecting just the woman – child contact can be carried out under supervision (goal here is to restore the relationship between abusive father and child through supervision).

Women victims of violence are often put into difficult positions in lengthy court divorce proceedings due to the use of so-called „parental alienation syndrome“ by the abusers, their lawyers, CSWs, courts and other institutions. They are even subjected to criminal proceedings where they are accused as "alienating parents" if the child does not want to maintain a personal relationship with the abusive parent. In the past, the mental health care professionals - psychiatrists, psychologists and other experts, have publicly questioned the expertise of the Polyclinic for Child Protection of the City of Zagreb, the main and often the only recognised authority for giving expertise in cases of child custody, because their opinions are based on scientifically and professionally incorrect and unfounded model of "alienation of a child by one parent". This concept is used by the Polyclinic, and consequently by the CSWs and the courts, as a tool to proclaim the authentic statements of children about the violence they experienced as manipulation by one parent (usually the mother) and remove them from the court case. This way not only is the fact of domestic violence not taken into account during divorce proceedings, in line with Art 31 of the IC, the victim is also exposed to further victimisation, blamed by the institutions who place the responsibility on the victim to ensure contact of the violent parent with the children and even press criminal charges against her.

A series of newspaper articles related to the work of the Polyclinic and the concept of child alienation published by the H-alter portal entitled "System for the protection or abuse of children"⁵⁵, exposed this harmful practice of the Polyclinic and other institutions. After numerous negative reactions from the professionals and the public, the director of the Polyclinic resigned, and the Polyclinic's work is under review. The unscientific concept of „parental alienation“ has been the basis for a number of proposals to take away the custody over children from their abused mothers or to prosecute women or order their return to another country from which they fled because of violence.

The Ministry of Labour, Pension System, Family and Social Policy received a number of complaints about the work of various CSWs which uncritically made allegations against women victims of violence, calling them the manipulative, alienating parent, and thus fundamentally jeopardized their positions in court proceedings. In one of these complaints, the Ministry conducted an extraordinary administrative inspection, and identified a number of serious shortcomings of the CSW and issued an instruction not to: "*...provide qualifications on parties that do not have a scientific basis from the existing International Classification of Diseases and Related Health Problems (ICD-10), such as listing a*

⁵⁵ Portal H-alter: "Sustav za zaštitu ili zlostavljanje djece?" (System for the protection or abuse of children), a series of articles, available at <https://h-alter.org/lijudska-prava/sustav-za-zastitu-ili-za-zlostavljanje-djece/>

*specific child alienation syndrome and qualifying a mother as a parent who has emotionally alienated children ...*⁵⁶.

Despite the instructions, the CSWs continue to work in the same way, ignoring this warning, expressing views that this is political pressure and continue to use the concept of alienation, adapted in a way that does not expressly use the word "alienation". Complaints to the State Attorney's Office to suspend criminal proceedings against women based on the concept of 'alienation' are rejected and criminal proceedings against women continue. Through long-term training of the judiciary and CSWs by the Polyclinic, this has now become a serious systemic problem where these institutions continue to use this scientifically unrecognized concept, impacting especially women victims of violence and their rights.

The employees of the CSW misinterpret Article 31 in a manner that is contrary to the preamble of the Convention because they point out it as a guarantee of the violent father's right to see the child despite the fact that the true meaning is to protect the victim of violence and children.

Also, courts determine meetings in an uncontrolled environment (e.g., parking lot of supermarkets) and thus give the perpetrators of violence the opportunity to further victimize victims and violate imposed precautionary measures in criminal proceedings.

Recommendations:

- Ensure effective implementation of Article 31 through effective education of all experts, especially judges and social welfare centres, in such a way that the right of a child to health outweighs the right of a violent parent to exercise personal relationships.
- Ensure that the social welfare centre takes actions within its competence to protect the well-being of the child and initiates court proceedings to deprive parental care and other appropriate procedures when the preconditions are met and in cases of violence.
- Ensure that scientifically non-recognised concept of alienation is stop being used and adaptation of this concept without using word "alienation"
- Ensure the suspension of criminal proceedings against women which are based on the concept of alienation.

Article 32 – Civil consequences of forced marriages

The provisions of the Family Law do not explicitly prescribe forced marriage as a reason for marriage annulment. Therefore, a woman in a forced marriage is obliged to initiate divorce proceedings during which the court hears the parties in the proceedings without measures of protection of the victim. Such proceedings expose the victims of forced marriages to re-traumatization.

⁵⁶ Ministry of Labour, Pension, Social Policy and Family: Instructions after the conducted administrative and inspection supervision, 2021.

Recommendation:

- Ensure changes of the Family Law allowing for annulment, not divorce of forced marriage

Article 33 – Psychological violence

Violence against women is treated mostly as a misdemeanour instead of as a crime and the sanctions issued for both are low. Croatia doesn't have specific legislation nor policy referring to GBV against women. Instead, different forms of violence against women are criminalised, including intimate partner violence, which is treated as one of the forms of violence in the family. Most cases of violence against women that are reported in Croatia are cases of intimate partner violence. Although intimate partner violence is criminalised, both as a separate offence through Art 179a of the Criminal Law and as an aggravated form of several other crimes, most cases of intimate partner violence are treated as misdemeanours through the LPDV.

The previous research and practice of AWHZ indicate that the reason police give for this is that misdemeanour proceedings are faster, allowing for quicker passing and application of protection orders. However, another reason is that violence against women is not treated as a serious crime. Research has shown that under 10% of sanctions issued for such violence are jail or prison, regardless of whether it is tried under the Criminal Law or LPDV. Most sanctions are fines and suspended sentences, even for repeated acts of violence. The failure to treat violence against women as a serious offence has repeatedly resulted in more aggravated forms of violence, as well as in femicide.

Moreover, the LPDV doesn't protect all victims of violence because it doesn't include women who have never lived with their abuser and have no children in common. Intimate partner violence is treated in both the law and actual implementation as specific incidents of violence and the context of violence and coercive control are usually not taken into account. In Criminal Law procedures, in order to prosecute physical violence resulting in injuries, the victim has to provide medical documentation. Women suffer violence sometimes for years without reporting, so they usually don't have medical documentation of their injuries. This means in practice that the criminal acts for bodily injuries and sometimes grievous bodily injury cannot be prosecuted, so many of the offenders end up being prosecuted for threat, which doesn't accurately describe the crime they committed and carries a lower punishment. All these issues result in minimising the violence women have survived, not issuing protection orders and passing of low sentences.

Verdict of the High misdemeanour Court JŽ-1585/2020

"...while there is against Decision of the Zadar Municipal Court, Permanent Service in Pag, number PP J-564/2020 of October 13th 2020, timely appeal was brought by the legal representative of the minor victim. Appeal of the legal representative of the minor victim is unfounded ... Namely, the provision of Article 192, paragraphs 1 and 4 Of the Act on Misdemeanours, it is stipulated that the injured party is authorised to file an appeal only because of the decision on costs of misdemeanour proceedings, which is not the case with the appeal in question. Taking into account the reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the case-law of the European Court of Human Rights, the appellant refers to the formality of the

infringement appeal procedure, where it is not possible to directly apply the provisions of the Convention, as well as the practice of the European Court of Human Rights, until they have been implemented into the provisions of the relevant Act on Misdemeanours. "

Dual arrests and convictions of perpetrators and survivors are common. The situations where the police arrest and charge survivors along with the perpetrator are in fact quite common. Courts may issue protection orders to both women and their abusers, prohibiting them from approaching each other in the same living space, as well as sanction both under the misdemeanour law. Courts have ordered women survivors to undergo psychosocial treatment, even alongside the perpetrator.

In recent years, the police have changed their approach to previous criticism – they had earlier at least nominally accepted it and said they would investigate and remove irregularities. Today, however, the police do not accept the complaint, retorts that these are individual cases and that there are no double arrests or accusations.

Recommendations:

- Ensure that the definitions of psychological and economic violence in the LPDV are enforced in a manner that considers the context, severity, use of power and control, repetition, harassment and overall pattern of violence, in accordance with the Istanbul Convention.
- Increase the maximum penalties under Article 179a to recognize the seriousness of domestic violence crimes and deter perpetrators.
- Expand the definition of the LPDV to include women in intimate relationships who have never lived with their partner.

Article 34 – Stalking

Stalking is criminalized through the criminal offense of intrusive behaviour from Article 140 of the Criminal Law. The law prescribes that the intrusive behaviour must be persistent and over a long period of time, and the established practice is that it must last for a minimum of three months. That leaves many victims of stalking and intrusive behaviour that doesn't last three months without proper protection and the perpetrators unpunished which is a structural problem.

Recommendation:

- Ensure protection of victims and prosecution of stalking in case of repeated threatening behaviour as described by the Convention.

Article 35 – Physical violence

Autonomous Women's house Zagreb suggests that gender-based forms of domestic violence should not be processed by the terms of LPDV, but by the terms of Criminal Law.

In this regard, it has put forward its proposals in e-consultations regarding amendments to LPDV: "Autonomous Women's house Zagreb considers that physical violence that is gender-based must be

sanctioned by the application of the Criminal Law, and not by the application of the Law on Protection from Domestic Violence for a number of important reasons:

1. The Council of Europe Convention on the Prevention and fight against violence against Women and domestic violence (hereinafter referred to as the Istanbul Convention/Convention) in Article 35 requires that the necessary measures be taken legislative to ensure the incrimination of deliberate committing acts of physical violence against another person.

When speaking of the need to ensure incrimination, the Convention speaks of criminal and not misdemeanour legislation, since the purpose of the Convention is to protect women from all forms of violence, and to prevent, prosecute and eliminate violence against women and domestic violence, therefore the competence of criminal legislation would also derive from Article 55 of the Convention. The further purpose is to contribute to the suppression of all forms of discrimination against women and to promote the full equality between men and women.

The Council of Europe ("COE") defined the purpose of the Convention cited above after having previously recognised that the achievement of de jure and de facto equality between women and men is a key element in preventing violence against women, that violence against women is a result of historically unequal power relations between women and men that led to the domination of women and discrimination against women by men and to prevent the full progress of women.

The COE recognised the structural nature of violence against women as gender-based violence, and one of the key mechanisms forcing women to be subordinate to men. Also, the CEO recognized that women and girls are at higher risk of gender-based violence than men, and that domestic violence is disproportionately affecting women.

Therefore, the actual implementation of the ratified Convention, and the contribution to the suppression, persecution and elimination of violence, cannot effectively form the Republic of Croatia through the misdemeanour legal framework, if it has a stronger penal legal mechanism with stronger special and general prevention.

A positive obligation dictates that the state uses strong and effective mechanisms of persecution, if it wants to achieve a purpose that has not been achieved at this historical moment, which means that we need to make positive changes. The enormous social danger entailed by this kind of violence should be a notorious fact, as it continuously stems from a series of international documents (see preamble to the Istanbul Convention), national statistics, from reports from NGOs, reports from the competent Ombudsperson's office for Gender Equality.

2. Autonomous Women's house Zagreb highlights the problem of the Republic of Croatia not recognizing the structural nature of violence against women as gender-based violence. The problem of not recognizing the structural nature of this form of violence leads to further problems in incriminators, because the legislator does not distinguish gender-based violence from other forms of domestic violence. At various expert discussions, working groups, very often the problem of gender-based violence is minimised, ignored and placed into the general context of violence as if there were no series of international documents obliging the state to differentiate between treatment and gender-based violence.

However, since gender-based violence is the one that is directed at women because she is a woman or is the one that disproportionately affects a woman (Art. 3 PC), the mechanisms of the state need to be more efficient, and the promotion of full equality is much stronger both through the legal framework and good practices.

Recommendation:

- Any physical gender-based violence should be processed through criminal proceedings, not through misdemeanour proceedings.

Article 36 – Sexual violence, including rape

Given that the fundamental element of the crime of rape is lack of consent, recent changes to the Criminal Law that include this definition are seen as positive. However, raising the minimum punishment from 6 months to 1 year is not enough for the basic form of crime, since the policy of imposing legal minimums and mitigating penalties is strongly present in practice. Pursuant to Article 49 of the Criminal Law, if a minimum sentence of 1 year is prescribed for a criminal offense, it may be reduced to 6 months, and if a minimum of 3 years is prescribed, the sentence may be reduced to 1 year. Bearing in mind the need to strengthen the state's response to gender-based violence and the expressed political will to contribute to better protection of victims and harsher persecution of perpetrators, the punishment should be raised to 3 to 8 years.

Although there are mechanisms for the protection of victims built into Art. 43 and 44 of the Criminal Procedure Law, which enable video-link testimony and minimize hearings, the practice has begun to appear that despite the recorded testimony of the victim in the investigation, the trial judge re-examines and again questions the victim regarding the same circumstances. These repeated statements are painful and can last for several hours. Empathy is expressed towards the victims, but without an essential understanding of the trauma and the effect of that trauma on the victim's life. For example, a judge during one hearing in the rape case said: "Describe to us the event from 2006 (rape) in one to two sentences... you don't have to go into details (?). The victim repeats her statement after sixteen years and breaks down occasionally, saying at one point: "and the fact that images of this keep coming to me now seems to be of no concern to anyone."

Furthermore, the courts do not use the possibility of using a video link to interrogate the victim from another place, so the victim must come and go on her own (travel for several hours) on a day that is extremely traumatic because she survived trauma. Judges often have no understanding at all for this circumstance. Furthermore, there is a practice that judges ask the victim to put headphones and hear the question directly in a separate room, thus bypassing the appointed court expert who formulates the question for the victim's question in an appropriate way and establishes a relationship in the same room where the victim sits. Also, there are no rape crisis or sexual violence referral centres.

Sexual violence during war

A special Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War (Official Gazette 64/15, 98/19) was adopted in 2015. Victims of sexual violence in the war who receive victim status after submitting a request to the Commission established by the Ministry of Croatian Veterans have the following rights:

- The right to monetary compensation (through the Ministry of Croatian Veterans);
- The right to psychosocial assistance (in centres for psychosocial assistance at the Ministry of Veterans Affairs);
- The right to legal aid (in centres for psychosocial assistance and regional units of the Ministry of Croatian Veterans, state administration offices and authorized associations);
- The right to medical assistance (at the National Centre for Psycho-trauma (University Hospital Centre Zagreb) and regional centres (University Hospital Centre Zagreb, Split, Rijeka, Osijek);
- The right to medical rehabilitation (by applying to the selected family medicine doctor);
- The right to a systematic medical examination - realized (by applying to the chosen family medicine doctor);
- The right to compulsory and supplementary health insurance (through the Croatian Health Insurance Fund or the Ministry of Veterans Affairs);
- The right to accommodation in an institution for providing support and services to the veteran population (this right has not been realized);
- Reimbursement of transportation costs for the exercise of rights.

Before the passing of the law, research was conducted, and it was concluded that approximately 2,200 people survived sexual violence/rape during the war in Croatia. Data from the Ministry of Croatian Veterans indicate that until 30 November 2021 283 requests were received (210 women, 73 men) and that 194 requests were positively resolved (150 women and 44 men). Thus, 194 people achieved the status of victim, which is 8.81% of the total estimate of the number of victims, and 283 persons or 12,86% applied for status.

Law has several problems in its content: the definition of sexual violence as well as the forms of acts of sexual violence are not in accordance with the forms of sexual violence incriminated in the Rome Statute, the Statute of the ICTY, the Geneva Conventions of 1949. as well as the Supplementary Protocols from 1977, and other relevant international treaties that are directly applicable in Croatian national legislation, have already been unjustifiably and unjustifiably narrowed. With the aforementioned incrimination, the Republic of Croatia, instead of approaching the international standards of victims' reparative rights, is moving away from it and thereby preventing individual victims of sexual violence from recognizing their status and associated rights, which at the same time reduces their suffering and honourable integration into society. Also, the definition of sexual violence from paragraph 2 of the Law is not nomotechnically or logically written correctly, and at the same time it is unjustifiably and unjustifiably restrictive due to the omission of certain forms of sexual violence. Such wording is in contradiction with Croatian criminal legislation, as well as with recent international practice, international humanitarian law, the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Rome Statute, the Statute of the ICTY, the Geneva Conventions from 1949. as well as the Supplementary Protocols from 1977, and other relevant international agreements.

One of detected problems in process of implementing this Law is that law and its interpretation by members of Commission (body within Ministry of Croatian War Veterans to which women apply for status and that makes decisions) is very restricted. For example, Centre ROSA in their work with women survivors has case in which woman was rejected by Commission because the Commission made a

decision that the rape was not related to the circumstances of war, even though the rape took place in a city that was under constant attacks and air raids, and rapists were soldiers in uniform.

It is important to emphasize that this law doesn't cover rights of children born out of war time rape and that this category is not covered by any other law or other document (Law on Civilian Victims of War adopted in 2021).

Centre ROSA has lot of experiences in implementing this Law and one of crucial problems that was recognized is that in Croatia now there many women that were living and been raped during the war in Bosna and Hercegovina. Those women have no rights according to this Law. One of conditions noted in Law is that person applying for status had to be registered (had address) in Croatia at time of rape. Those women are living now in Croatia, they came as refuges, and many have Croatian citizenship, but this law doesn't apply to them. Also, they cannot get any rights in Bosnia and Herzegovina.

Recommendations:

- Ensure that victims are questioned via video link from their place of residence, regardless of which court the proceedings are pending.
- Ensure the effective application of the law and the non-restrictive interpretation of provisions in a manner that makes it difficult or prevents the exercise of rights.
- Regarding sexual violence during war, a more proactive approach should be implemented by the state so that as many victims as possible are informed and gain their rights.
- Improvement of Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War and its implementation (take in consideration problems detected in different cases).
- Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War should be changed to include rights of children born out of war time rape.
- Problem of the unrealized rights of women who lived and were raped during the war in Bosnia and Herzegovina should be resolved at the state level in order to compensate these women and to acknowledge their suffering.

Article 37 – Forced marriage

Coercion into marriage is a criminal offense under the Criminal Law, but the provisions of the Family Law do not explicitly prescribe forced marriage as a reason for marriage annulment.

Article 38 – Female genital mutilation

The Administrative court still does not recognize female genital mutilation as a reason for granting asylum. The explanation of the court is that it is not a basis for granting asylum because such an act cannot be repeated.

The decision of the Constitutional Court No. U- III- 557/19, quote:

“Neither the Interior Ministry nor the Administrative Courts have taken into account, nowadays generally known facts, that physical and especially sexual violence, or rape represents an extremely traumatic experience that leaves severe, devastating and long-lasting consequences in the life of each victim...A strong sense of shame and fear and still numerous prejudices towards victims of this

type of violence make it impossible for victims to report such violence and seek help. Therefore, in such situations, discussions with victims of domestic violence require, from those who conduct these talks, a great sensitivity and understanding of the complexity of the psychological effects of such abuse. When these facts cumulate with the cultural context of the applicant's situation and the environment from which she comes, in which it treats women differently than men, which, among other things, is indicated by the genital mutilation suffered by the applicant and which makes it a “vulnerable group” referred to in Article 4(1) (14) of the Act on International and temporary Protection, then it is completely unreasonable to consider that there were no reasons why the applicant could not speak openly about her psychological trauma even before, in front of two men. Therefore, the competent courts were obliged to put the assessment of her testimonies into the context of all these facts, using the Institute for the benefit of doubt. In addition, the applicant has proposed a series of evidence on the circumstances of her personal situation, including the credibility of the testimony. However, the Administrative Court in Zagreb rejected all of its evidence proposals which made it completely impossible to prove the merits of its request. In this way, the applicant was deprived of effective guarantees of fair procedure that protect international protection seekers from arbitrary expulsion, which resulted in her rights, as an international protection seeker, being protected by Article 23(1) of the Constitution, that is, Article 3 Of the Convention, has become completely ineffective.”

Recommendations:

- Ensure better integration of all EU member States in such a way that countries which geographically subject to the greatest impact of the refugee wave can endure the number of migrant breakthroughs and/or asylum applications in a manner that implements the general principles of the European Charter and the general convention law of the member States.
- Prevent the penetration of political programmes aimed at dismantling migration routes into basic justice postulates guaranteeing the right to life and prohibiting torture.
- Ensure effective access to international protection for women victims of gender-based violence.

Article 40 – Sexual harassment

The government has persistently rejected the proposal that sexual harassment should not be considered in misdemeanour but in criminal proceedings. Prosecuting sexual harassment through misdemeanour proceedings is a trivialization of this serious form of violence against women. Art. 40 of the Istanbul Convention obliges the Republic of Croatia to take measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction. Sexual harassment according to the LPDV and Art. 156 of the Criminal Law constitutes unlawful acts that disproportionately affect women. Art. 156 of the Criminal Law needs to be harmonized with the Istanbul Convention in such a way that Art. 40 of the Istanbul Convention should be incorporated as

the basic form of the crime, and the current par 1, which speaks about sexual harassment against vulnerable persons becomes a qualifying form of the act, by adding the words: “towards a close person and if the act was committed as a hate crime.” In the proposed way, the Republic of Croatia would more clearly express its criminal law policy aimed at combating gender-based violence.

The verdict of the Municipal Court in Vukovar, number K-540/2017 from October 30th 2019, quote:

“Article 156 paragraph 1 Criminal Law /11 prescribes: “Who sexually harasses another person to whom he is superior or or who is according to him in relation to dependency or who is particularly vulnerable due to age, illness, disability, addiction, pregnancy, grave physical or mental disturbances will be punished by imprisonment of up to one year.”, and for the existence of this criminal offence, it is necessary that sexual harassment be repeated at least once and that it produced fear or hostile, degrading or offensive environment, and that behaviour is unwanted (will not be the same, rejects the same) to the person to whom they are directed and that he considers these behaviours an invasion of his privacy.

Since it was unequivocally established in this particular case that there was only one event that occurred on February 22th/23th 2016, it follows that the behaviour of the defendant of a critical accident did not achieve the elements of the criminal offence referred to in Article 156th paragraph 1. Criminal Law /11, but maybe possible misdemeanour, and consequently it was decided as in the pronouncement.⁵⁷”

In the procedure of damages compensation against the Republic of Croatia due to the judgment quoted above, in the case before the Municipal Court in Varaždin, number Pn-147/2021, by judgment of May 26th 2022, the Court rejected the claim for damages and in essence stated:

“Furthermore, this court considers that the defendant acted in accordance with her obligations assumed by signing the Convention of the Council of Europe on the Prevention and Suppression of violence against Women and domestic violence, primarily through the adoption of appropriate regulations as stipulated by the Anti-discrimination Act, the Gender Equality Act and the Criminal Law, all of which, in their provisions, prescribe that the conduct shown by A.V. towards the prosecutor is unwanted behaviour and that behaviour requires a certain sanction, which in this case is imposed only in a disciplinary proceeding, and not in a criminal offence, due to the legal position taken by the Municipal State Attorney's Office in Vukovar and the Municipal Court in Vukovar...

According to the court, the prosecutor has undoubtedly suffered damage in the form of violations of the right to personality, in the form of violation of the right to dignity, honor, reputation and mental health. However, it is noted that the prosecutor did not sue that damage in this case, but rather the damage suffered by the improper work of the Municipal State Attorney's Office in Vukovar and the Municipal Court in Vukovar.

As has already been said, this court is not authorised to assess the incorrect functioning of these institutions, and as the judge or juror or public prosecutor has already been told, it cannot be held liable due to the legal position.”⁵⁸

⁵⁷ The verdict of the Municipal Court in Vukovar, number K-540/2017 from October 30th 2019

Recommendations:

- Ensure that sexual abuse is not part of the misdemeanour and legal regulations through provisions of the Law on Protection against Domestic Violence.
- Ensure a better and dissuasive definition of criminal offence with penalties.
- Ensure education in the judiciary that will contribute to the implementation of the convention law that is missing.

Article 45 – Sanctions and measures

It is necessary to change criminal legal policy and respond to determined violence with stricter penalties for perpetrators with the purpose of special, but also clear general prevention and deterrent effect that the imposed penalties should have in general.

Criminal law policy in the Republic of Croatia is generally mild, considering the penalties imposed on perpetrators of violence. The positive implementation of the Convention occurred with the last amendments to the Criminal Law when a part of the prescribed penalties at the normative level was tightened.

However, case-law still moves around the legal minimum, which is not good enough response from the state in terms of sending a clear message of zero tolerance to violence.

Recommendation:

- Change criminal law policy in order to punish the perpetrators of gender-based violence more severely.

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

Article 48 of the Istanbul Convention prohibits mandatory alternative dispute resolution. While such processes are not mandatory in Croatia, the way the law is implemented makes it possible to use the existing legislation to coerce women victims of domestic violence to participate in mediation. In cases where there is a claim of domestic violence, Croatian Family law grants CSW the authority to determine whether parties to a divorce must participate in mediation. Victims have the right to decline mediation with a perpetrator of domestic violence, but in practice, Centres for Social Welfare (CSWs) often fail to inform victims of this right and many cases of divorce involving domestic violence are handled through mediation. Additionally, CSW's determination includes an assessment of whether the parties have equal bargaining power. However, in cases of intimate partner violence, which rest on the inequality between women and men, such a finding is impossible given the inherent power of the perpetrator over the victim.

The fact that mediation is not prohibited clearly but left to the discretion of the Centre for Social Welfare workers and a mediator, has serious negative long-term consequences for some women. For example, in cases of women who apply for help to AWHZ, it is common that the CSW workers side with the abuser and coerce the woman into family mediation despite the fact that she has denounced

violence. They also try to persuade her to withdraw her testimony, saying: “these are the things you need to solve with your husband.”⁵⁸

Recommendations:

- Amend the Family Law to exclude mandatory mediation or other alternative dispute resolution mechanisms consistent with the provisions of the Istanbul Convention.

⁵⁸ Source: party from the counseling center of the Autonomous Women's House Zagreb

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

Croatia doesn't have specific legislation nor policy referring to GBV against women. Instead, different forms of violence against women are criminalised, including intimate partner violence, which is treated as one of the forms of violence in the family. Most cases of violence against women that are reported in Croatia are cases of intimate partner violence. Although intimate partner violence is criminalised as domestic violence, both as a separate offence through Art 179a of the Criminal Law and as an aggravated form of several other crimes, most cases of intimate partner violence are treated as misdemeanours through the LPDV. The previous research and practice of AWHZ indicate that the reason police give for this is that misdemeanour proceedings are faster, allowing for quicker passing and application of protection orders.⁵⁹ However, another reason is that violence against women is not treated as a serious crime. Research has shown that under 10% of sanctions issued for such violence are jail or prison, regardless of whether it is tried under the Criminal Law or LPDV.⁶⁰ Most sanctions are fines and suspended sentences, even for repeated acts of violence. The failure to treat violence against women as a serious offence has repeatedly resulted in more aggravated forms of violence, as well as in femicide.

Moreover, the LPDV doesn't protect all victims of violence because it doesn't include women who have never lived with their abuser and have no children in common. Gender-based physical violence must be sanctioned by the application of the Criminal Law, not the LPDV. Article 35 of the Istanbul Convention requires that that intentional acts of physical violence against another person are criminalized, which refers to criminal rather than misdemeanour legislation. Despite intensive advocacy work by women's organizations in Croatia, the addition of Article 179a to Croatia's Criminal Law does not adequately address this significant gap in the criminal law. Moreover, the maximum punishment is still only three years no matter how serious the crime.

There were 623 reported cases under 179a in 2018, 1.134 in 2019 and 1.578 in 2020, but these numbers indicate the number of victims. The number of perpetrators charged is actually just 101 in 2018, 140 in 2019, and 203 in 2020.⁶¹ Despite the fact that the purpose of Article 179a is to punish repeated acts of violence that are treated as misdemeanours under the LPDV, in practice, perpetrators are still repeatedly charged with misdemeanours under the LPDV. AWHZ reports that there are cases in their Counselling Centre of women whose perpetrator had been convicted 7 or 8 times under the LPDV without the prosecutor charging them with a criminal violation under 179a. The sentences imposed under the LPDV are mostly suspended sentences or very light.

⁵⁹ Advocates for Human Rights and Autonomous Women's House Zagreb, Implementation of Croatia's Domestic Violence Legislation: Follow-up (Minneapolis, 2016). <https://www.theadvocatesforhumanrights.org/Publications/Index?id=29>

⁶⁰ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih prekršajnih presuda o nasilju prema ženama 2012. – 2016.* ("Quantitative results of the expert analysis of final misdemeanour verdicts on violence against women 2012-2016"), Office of the Ombudsperson for Gender Equality, 2019., available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_prekršajnih_presuda-4861.pdf

⁶¹ The source for these data is official statistical reports of the Ministry of Interior: <https://mup.gov.hr/statistika-228/228>

Dual arrests – charging the perpetrator and the victim

The situations where the police arrest and charge survivors along with the perpetrator are in fact quite common. Courts may issue protection orders to both women and their abusers, prohibiting them from approaching each other in the same living space, as well as sanction both under the misdemeanour law. Courts have ordered women survivors to undergo psychosocial treatment, even alongside the perpetrator. This practice used to be very wide-spread, with up to 20% of the cases being charged in this way.

This extremely harmful practice of the police and the courts is something AWHZ has already reported in 2014-2015 to the UN Committee on Human Rights (UN HRC), UN Committee against Torture (UN CAT), CEDAW Committee and Universal Periodic Review (UPR). All the committees gave recommendations to the state to resolve this issue and to make sure that victims are not being charged with domestic violence themselves. Specifically, these were some of the conclusions and recommendations given to Croatia:

CEDAW: 19.c. “Abolish the practice of dual arrests in cases of domestic violence.”

UN CAT: 16. “While the Committee welcomes the adoption of the Law on Protection against Domestic Violence and the measures taken for the protection of victims, it is concerned over reports that when police respond to domestic violence, they at times arrest and even charge the victim along with the perpetrator, that police officers are not adequately trained to respond to domestic violence calls, and that misdemeanor judges who preside over these charges are also poorly equipped to identify the predominant aggressor and have found domestic violence victims guilty of offences under the above-mentioned law.”

UN HRC: 15.d. “Eliminate the practice of arresting and convicting both the perpetrator and the victim in cases of domestic violence.”

After Croatia received recommendations in 2014-2015 from UN HRC, UN CAT, CEDAW Committee and UPR to immediately stop this practice, the number of dual arrests is believed to be smaller, but it still happens very often in practice of women’s civil society organisations providing direct support to women survivors of domestic violence. The official statistics are unclear since they don’t show the relationship between the victim and the perpetrator, nor the number of cases where dual arrests/charges took place. No victim should be charged with domestic violence because she defended herself or verbally insulted the perpetrator who physically attacked her (which is what happens in most of these cases). It is necessary to urgently provide to the public clear number/percentage of cases where this happens and to analyse the procedures to make sure that no victim is further victimised by the state by being charged with domestic violence herself.

Cases of women who have applied for help to the AWHZ Counselling Centre, who have survived intimate partner violence and were arrested along with the perpetrator:

Case 1

Her former husband physically attacked her (pushing, slapping, and strangling her), she called the police. The former husband told the police officer that he "snapped" because she was verbally

abusing him, and he named her insults. Both were arrested, he for physical violence, she for psychological. Both were convicted of domestic violence and fined.

Case 2

After her partner pushed her around and threw her out of the house, the woman called the police. The police officers took them both in, where they spent the night in custody. Then both were released with the warning that they have to resolve their "family disputes".

Case 3

Her ex-boyfriend physically attacked her, she tried to defend herself, resulting in her scratching him on the neck. Both were arrested, and they received a 1 month suspended sentence and a fine.

Case 4

After a physical attack on her (strangulation, blows to the back of her head) her husband reported her for physical violence. She was arrested, questioned and released due to lack of evidence. No further investigation or action was taken against him.

Case 5

Her extramarital partner was physically violent, she insulted him. Upon arrival of the police, both were taken into custody and detained in the police. He received a 1 month suspended sentence, and she received a fine and a warning "not to provoke him again".

Recommendations:

- Abolish entirely the practice of arresting, charging and/or convicting both the perpetrator and the victim in cases of domestic violence.
- Provide a clear number/percentage of cases where dual arrests happen and analyse the procedures to make sure that no victim is further victimised by the state by being charged with domestic violence herself.
- Train police officers, prosecutors, and judges on identifying who is the victim and who is the perpetrator, circumstances of self-defence and defensive injuries to eliminate dual arrests, charges and convictions of victims of domestic violence.

Article 50 – Immediate response, prevention and protection

Too narrow incriminations or incriminations that do not cover all juvenile children who, directly or indirectly, have been exposed to violence by a parent, place victims (including juvenile children, but also non-violent parents) in a wide range of impossible situations, contrary to the Council of Europe Convention on the Prevention and Suppression of violence against Women and domestic violence, the Convention on the Rights of the child, and generally all positive standards according to which victims have the right to protection and life without violence.

In this way victims are not provided with comprehensive protection and civil courts in proceedings in which it is decided to exercise personal relationships between parents and children in relation to whom no measures of prohibition have been imposed, such as prohibition of convergence or establishment of contact, the system forces personal relations with a violent parent. At the same time, the system puts non-violent mother an impossible burden on preparing deeply traumatized children for personal

relations with the father of the perpetrator of violence, and “blames” her for their resistance as the children victims of direct and indirect violence, towards which no protective measures were imposed due to too narrow incriminations.

Therefore, there is no prompt and appropriate reaction for the purpose of adequate and immediate protection of victims, as well as prevention and protection against all forms of violence, especially considering that frequent in civil proceedings parents' contacts with children are determined in uncontrolled conditions without protecting victims who are exposed to violations of the protective measures imposed on the perpetrator of violence.

Recommendation:

- Ensure that all children victims of direct or indirect violence are listed as victims in criminal proceedings and promptly determine protection measures in relation to all victims of such violence in order to comprehensively protect non-violent parents and all children.

Article 52 – Emergency barring orders

There is no emergency barring order specifically for domestic violence in Croatia. Instead, precautionary orders from the Misdemeanour Law can be issued as emergency barring orders. Article 130 of the Misdemeanour Law lists 6 precautionary measures, including a ban on visiting a certain place or area and a prohibition of approaching a certain person and prohibition of establishing or maintaining contact with a certain person. In cases of domestic violence, the police may issue these precautionary measures for up to 8 days and the perpetrator must leave the home immediately. Once they order the measure, they have eight days to file an indictment asking the court to extend the duration of the precautionary measure, otherwise the measure will cease to be in effect after eight days. The appeal process does not delay the execution of precautionary measures.

Monitoring the compliance with the precautionary measures issued according to the Misdemeanour Law is done by the police. The court may at any time request a review of the execution of the precautionary measure and a report from the police or another body executing the precautionary measure. **The violation of the precautionary measure may be sanctioned with a fine of up to 10,000 HRK (€1,300).**

The state report to GREVIO claims that there were 29 bans on visiting a place and 444 prohibitions on approaching a person and establishing contact in 2019 and 21 bans on visiting a place and 477 prohibitions on approaching a person and establishing contact in 2020. Of these 971 total precautionary measures, only 68 (7%) were issued ex officio and the rest on the proposal of the authorised prosecutor. The report doesn't list the number of precautionary measures issued by the police (emergency barring order) and indeed, there have been no cases in the practice of AWHZ Shelter and Counselling Centre where the police have indeed used this option to protect the victim.

Recommendations:

- Amend the LPDV to include an emergency barring order specifically for cases of domestic violence, to be issued by the police for at least 14 days.

- Ensure that the barring order applies not just to the home of the victim, but also to the workplace, school and/or kindergarten for the children and that it includes a prohibition of approaching and harassing the victim.
- The violation of an EBO should constitute a crime punished by prison.

Article 53 – Restraining or protection orders

Protection orders in Croatia are regulated through both criminal and misdemeanour laws. The intent was to secure protection of victims of violent crime in all procedures since both domestic violence and other forms of violence are prosecuted, depending on gravity and other factors, through either the Criminal Law, the Criminal Procedure Law, Misdemeanour Law or the specialised Law on Protection from Domestic Violence.

The Criminal Law prescribes safety measures for perpetrators of criminal offenses who have been found guilty, with the purpose of eliminating the circumstances that enable or encourage the commission of a new criminal offense. The Criminal Procedure Law prescribes precautionary measures as a substitute for pre-trial detention. The Misdemeanour Law prescribes precautionary measures during the proceedings and protection measures as a type of sanction. In cases of domestic violence, protection measures are further regulated through a specific law, the Law on Protection from Domestic Violence, which prescribes protection measures as a type of sanction.

If GBV against women is prosecuted as a crime through the Criminal Law, then the victim has a right to be protected before and during the trial with precautionary measures prescribed by the Criminal Procedure Law and after the final court ruling by safety measures prescribed by the Criminal Law. On the other hand, where GBV and domestic violence are prosecuted as misdemeanours through the LPDV, the victims have the right to be protected before or during the proceedings by precautionary measures prescribed in the Misdemeanour Law and after the court ruling by protection measures prescribed by the LPDV. Each of these laws has specifically defined procedures for requesting and issuing protection orders, but generally, protection orders can be requested by the victim, the prosecutor or they can be issued by the court ex officio.

The Criminal Law – Safety Measures

The Criminal Law⁶² prescribes a total of nine safety measures that can be applied to any defendant in a criminal procedure. Safety measures take effect from the enforceability of the judgment.

Prohibition of approaching, harassing or stalking the victim (Art. 73), a person or group of persons, or a ban on approaching a certain place to the perpetrator will be imposed by the court when there is a danger that the perpetrator may commit a criminal offense against those persons or in those places. This measure can be imposed for a period of 1 to 5 years.

Removal from a joint household (Art. 74) may be imposed by the court on the perpetrator of violence against a person living in a joint household if there is a high degree of danger that without

⁶² The Criminal Law, Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, available in Croatian at <https://www.zakon.hr/z/98/Kazneni-zakon>

implementing this measure the perpetrator could repeat violence against a member of the joint household. This measure can be imposed for a period of 3 months to 3 years.

The remaining three measures that can be imposed on the perpetrator of GBV are: compulsory psychiatric treatment (Art. 68), compulsory treatment for addiction (Art. 69) and compulsory psychosocial treatment (Art. 70). All three may be carried out during the prison sentence or while on probation.

For the two safety measures directed at protection of the victim, there are specific procedures for monitoring outlined in the Ordinance on implementation of safety measures of restraining order and removal from the joint household⁶³. For either of these two safety measures, one police officer who is in charge of implementation should draft, together with the victim, a safety plan and should check once a week with the victim whether the perpetrator is complying with the measure. While the language of the Ordinance is somewhat vague, it is clear that monitoring the compliance of the measure is done primarily through communication with the victim and based on reports of violation from the victim or other people close to her.

The perpetrator who is found violating one of these safety measures will be arrested and criminal proceedings will be instigated. **The sanction for violating the safety measure is up to two years in prison.**

The Criminal Procedure Law – Precautionary Measures

The Criminal Procedure Law⁶⁴ prescribes precautionary measures when there are reasons for ordering pre-trial detention or it has already been ordered. Then the court and the State Attorney, if the same purpose can be achieved by a precautionary measure, may determine the application of one or more such measures. In case of non-compliance with the imposed measure, it will be replaced by pre-trial detention. Article 98 Par 2 states that precautionary measures are:

- 1) ban on leaving the place of residence,
- 2) ban on visiting a certain place or area,
- 3) the obligation to report regularly to a certain person or state body,
- 4) ban on approaching a certain person,
- 5) prohibition to establish or maintain contact with a certain person,
- 6) ban on performing certain business activities,
- 7) temporary confiscation of travel and other documents for crossing the state border,
- 8) temporary revocation of the license for driving a motor vehicle,
- 9) prohibition of stalking or harassing the victim or other person,
- 10) removal from home,
- 11) ban on internet access.

⁶³ Ordinance on implementation of safety measures of restraining order and removal from joint household, Official Gazette 76/13, available in Croatian at <http://www.propisi.hr/print.php?id=12406>

⁶⁴ The Criminal Procedure Law, Official Gazette 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, available in Croatian at <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

Precautionary measures can be imposed pre-trial or during the trial and may last until the final judgement is passed. These measures can be imposed on all persons accused of a crime against whom criminal procedure has been instigated. There are some limitations so, for example, the precautionary measures may not restrict the defendant's right to his own home and the right to unhindered relations with family members, spouses, parents, or children, unless the proceedings are conducted for a criminal offense committed to the detriment of one of these persons. Therefore, this limitation does not hold in cases of GBV and domestic violence. The general objection to the Criminal Procedure Law is that there is no possibility of independently imposing a precautionary measure due to the fear that the victim feels. Thus, a precautionary measure is imposed as a substitute for pre-trial detention if the conditions for pre-trial detention are met. If the conditions for pre-trial detention are not met and the victim is afraid, the measure cannot be imposed. Despite this, there are isolated cases of good practice where some judges do issue those measures for the purpose of protecting the victim who is afraid of the perpetrator, even when the preconditions described by the law are not strictly met.

Pursuant to the Criminal Procedure Law, **in case of non-compliance with the precautionary measures, they are replaced by pre-trial detention.**

The Misdemeanour Law – Precautionary Measures and Protection Measures

The Misdemeanour Law⁶⁵ prescribes precautionary measures. After the indictment has been filed, the court may ex officio or at the request of the plaintiff issue a decision to apply one or more precautionary measures against the defendant if necessary to ensure the defendant's presence in the proceedings, prevent the defendant from committing new offense or from preventing or complicating evidence in the proceedings. Art. 130 lists the following precautionary measures:

1. ban on leaving the place of residence, without a court permit,
2. ban on visiting a certain place or area,
3. prohibition of approaching a certain person and prohibition of establishing or maintaining contact with a certain person,
4. ban on undertaking certain business activities,
5. temporary confiscation of travel and other documents for crossing the state border, with a ban,
6. temporary revocation of a driver's license for driving a vehicle or a license for operating a vessel, aircraft or other means of transport.

These measures can be applied throughout duration of the misdemeanour procedure to any defendant if deemed necessary. Similar to the Criminal Procedure Law precautionary measures, there are limitations in that the measures may not restrict the defendant's right to his own apartment, and the right to unhindered relations with family members, spouses, extramarital or former spouses, with the children of each of them, parents, adoptive parent, person with whom he has children, with a same-sex partner and with a former same-sex partner, unless the proceedings are conducted for offenses related to domestic violence. Article 50 of the same law prescribes protection measures for misdemeanour acts, which include a restraining order, with a duration of 1 month to 2 years. However, since there is specialised legislation with protection measures in cases of domestic violence, this article

⁶⁵ The Misdemeanour Law, Official Gazette 107/07, 39/13, 157/13, 110/15, 70/17, 118/18, available in Croatian at <https://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon>

is rarely used in these cases. **The violation of the precautionary measure may be sanctioned with a fine of up to 10,000 HRK (€1,300).**

The Law on Protection from Domestic Violence – Protection Measures

The main legislation dealing with cases of domestic violence is the Law on Protection from Domestic Violence.⁶⁶ According to this law, protection measures are defined as a type of sanction and can be issued with or without other types of sanctions (jail or a fine). Article 12 of the same law states that the purpose of protection measures is to prevent domestic violence, ensure the protection of the health and safety of victims of domestic violence and eliminate circumstances that favour or encourage the commission of a new offense. The law prescribes the following protection measures:

1. Mandatory psychosocial treatment for the perpetrator,
2. Prohibition of approaching, harassing or stalking a victim of domestic violence,
3. Removal from a joint household,
4. Compulsory treatment for addiction.

Protection measures of removal from a joint household and prohibition of approaching, harassing or stalking a victim (eviction and restraining order) can be passed for a period of 1 month to 2 years. Psychosocial treatment can be ordered for no less than 6 months and addiction treatment for up to 1 year. Violation of a protection measure can be punished by a fine of at least 3,000 HRK (€400) or by at least 10 days in jail.

The LPDV in Art. 12 states that protection measures may be imposed ex officio, at the proposal of the authorised prosecutor, the victim or the Centre for Social Welfare. The authorised prosecutor in cases tried under the LPDV is usually the police, or sometimes the public prosecutor. In accordance with Art. 14 of the same law, the court may impose protection measures prohibiting the approach, harassment or stalking of a victim of domestic violence and removal from a joint household before initiating misdemeanour proceedings at the proposal of the victim or another authorized prosecutor if there is a direct threat to the safety of the victim or their family member. That decision has to be rendered by the court without delay, and no later than twenty-four hours after the submission of the motion. The court makes the decision after hearing the victim and the person against whom protection is sought. The appeal does not delay the execution of the decision. The decision will be revoked if the victim or other authorized prosecutor does not file an indictment within eight days from the day the decision was made, of which the court is obliged to warn the victim.

Data on Protection Orders

Administrative data on crime in Croatia is collected primarily by the police and published in the yearly statistical reports of the Ministry of Interior. Other institutions sporadically collect data, but often these are not publicly available. The data are collected based on the specific law, not on the general type of crime. Therefore, the data on violence against women and GBV is not available collectively, but rather broken down according to different acts and often not sufficiently sex disaggregated.

⁶⁶ The Law on Protection from Domestic Violence, Official Gazette 70/17, 126/19, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

Most protection orders for women survivors of GBV are issued according to the LPDV. In 2018, there were 10.272 reported perpetrators under the LPDV. The police requested a total of 6.741 protection measures, of which 2.657 were granted. In 2019, there were 9.623 reported perpetrators. The police requested 5.900 protection measures, of which 2.521 were granted.

Protection measures according to the LPDV in 2018⁶⁷ and 2019⁶⁸:

Measures	Prohibition of approaching, harassing and stalking		Eviction order		Psychosocial treatment of perpetrator		Substance abuse treatment of perpetrator	
	2018	2019	2018	2019	2018	2019	2018	2019
Requested	2584	2537	447	437	2263	1963	1447	963
Granted	1336	1470	163	249	505	385	653	417

From 6741 measures the police requested in 2018 according to LPDV, only 2657 or 39% were granted. Of those, the most granted was the order of prohibition of approaching, harassing and stalking the victim (52%), and the least the psychosocial treatment of perpetrator (22%). However, only the eviction order was implemented in all the granted cases. While substance abuse treatment is the second most favoured measure by the courts, only 10 of 653 granted were implemented, or 0.02%.⁶⁹

The numbers for 2019 are slightly higher, with 42% of the requested orders granted. The most favoured was again substance abuse treatment of perpetrator and the least favoured was psychosocial treatment. Furthermore, of 385 granted orders for psychosocial treatment, only 285 (74%) were implemented, which is more than in 2018, when 302 out of 505 such granted order were implemented (60%). Positively, there was an increase in granting both restraining and eviction orders.

The data for safety measures issued under the Criminal Law are generally less available. According to the report of the State Attorney Office, there were a total of 635 safety measures issued in 2018, 677 in 2019, 886 in 2020 and 1174 in 2021, so we can see that there is a significant increase.

Safety measures issued in 2018, 2019, 2020 and 2021 under the Criminal Law⁷⁰:

⁶⁷ Report on the activities of the Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Procedure and Execution of Sanctions Related to Protection from Domestic Violence for 2018, available in Croatian at <https://pravosudje.gov.hr/UserDocImages/dokumenti/Pravo%20na%20pristup%20informacijama/Izvj%C5%A1%C4%87a/Izvj%C5%A1%C4%87e%20o%20radu%20Povjerenstva%20za%20pra%C4%87enje%20i%20unaprje%C4%91enje%20rada%20tijela.pdf>

⁶⁸ Report on the activities of the Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Procedure and Execution of Sanctions Related to Protection from Domestic Violence for 2019, available in Croatian at <https://pravosudje.gov.hr/UserDocImages/dokumenti/Strategije,%20planovi,%20izvj%C5%A1%C4%87a/Izvjescje%20o%20Radu%20Povjerenstva%20za%202019.pdf>

⁶⁹ Ombudsperson for Gender Equality, *Work report 2018*, page 92.

⁷⁰ Report of the State Attorney for 2021 available in Croatian at <https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2021-godini>

Year	Compulsory addiction treatment	Compulsory psychiatric treatment	Prohibition to perform a certain duty or activity	Prohibition of driving a motor vehicle	Other
2018	289	143	17	107	79
2019	320	155	12	111	79
2020	321	220	7	71	267
2021	427	295	15	128	309

The data is not segregated further, but most safety measures for compulsory addiction treatment were issued related to violence against close persons, threats and attacking an officer of the law. The most relevant safety measures for GBV, mainly eviction, restraining order and psycho-social treatment of perpetrators can be found under the category of Other. The Year report from the Ombudsperson for Gender Equality states that there were 28 safety measures for psycho-social treatment in 2019, which means that 49 were eviction and restraining orders, all related to GBV. In 2018, there were 32 safety measures of psycho-social treatment, but only 13 were related to GBV. Therefore, it is likely that there were up to 43 eviction and restraining orders issued. In 2021, there 199 measures out of 309 are psycho-social treatment of perpetrators.⁷¹ Positively, there has been an increase in issued safety measures along with an increased number of charges for domestic violence under the Criminal Law, instead of misdemeanour LPDV.

Research on Protection Orders

The Ombudsperson for Gender Equality Office conducted two research analyses of court cases, both misdemeanour and criminal in 2012-2016. The research “Expert analysis of final criminal convictions on violence against women in the period 2012-2016”⁷² analysed 655 court rulings, while the research “Quantitative results of the expert analysis of final misdemeanour verdicts on violence against women 2012-2016”⁷³ analysed 470 court cases. All cases concerned only GBV committed against a close person. They both showed that courts tend to issue low sanctions for domestic violence, with only about 10% of cases being prison or jail sentences. There is a general lack of understanding of the gendered aspect of GBV, as well as of its continuity, resulting in the police, prosecutors and the courts treating GBV as isolated incidents.

Looking specifically at protection orders, the research showed that in 655 analysed rulings according to the Criminal Law, in only 6% of the cases (40 cases out of 655) the court issued any precautionary measures through Criminal Procedure Law. In these 40 cases, 71 precautionary measures were issued, including 30 bans on approaching a certain person, 23 prohibitions to establish or maintain contact with a certain person, 3 prohibitions of stalking or harassing the victim or other person, and 4 removals

⁷¹ Ombudsperson for Gender Equality Year Report 2021, at [Godišnje izvješće pravobraniteljica 2021 FINAL.pdf](#)

⁷² Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih kaznenih presuda o nasilju prema ženama 2012. – 2016.* (“Expert analysis of final criminal convictions on violence against women in the period 2012-2016”), Office of the Ombudsperson for Gender Equality, 2019., available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_kaznenih_presuda-3c09.pdf

⁷³ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih prekršajnih presuda o nasilju prema ženama 2012. – 2016.* (“Quantitative results of the expert analysis of final misdemeanour verdicts on violence against women 2012-2016”), Office of the Ombudsperson for Gender Equality, 2019., available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_prekršajnih_presuda-4861.pdf

from home.⁷⁴ A total of 90 safety measures were issued according to the Criminal Law in 85 cases (13%). There were 44 measures for treatment of addiction, 22 measures for psychiatric treatment, 9 psycho-social treatments, 9 restraining orders and 2 eviction orders.⁷⁵

Looking at the other research on the rulings in misdemeanour cases, from 470 court cases, precautionary measures were issued in only 5% of the cases (22). Of those, 17 were restraining orders.⁷⁶ Protection orders were issued in 22% of the cases (105). There was a total of 123 protection measures issued, of which 12 were issued for mandatory substance abuse treatment according to the Misdemeanour Law, while the rest were issued according to the LPDV: 37 prohibitions of approaching a victim, 28 compulsory addiction treatments, 20 compulsory psycho-social treatments, 9 evictions and 9 prohibitions of harassing and stalking the victim.⁷⁷

According to one research, 56% of legal experts felt the protection orders in Croatia are generally not effective, and most NGOs (73%) said that the protection orders in Croatia are not adequately available to survivors and over half (56%) think that they are not adequately enforced.⁷⁸ Such high numbers across all surveyed target groups that think that protection orders are not available, effective or adequately enforced indicate that urgent changes on the level of legislation and implementation need to be made to ensure protection of women survivors of GBV. The same research showed that only about a third of women asked for protection orders. The reasons that they didn't request any protection measures were mostly that they were afraid (36,04%), they didn't feel they needed one (21,83%), or they didn't know that they could apply for one (14,72%). What is especially concerning about the results is that over half of the respondents who have received the protection order (52,46%) didn't feel that it was effective in ensuring protection.⁷⁹

Additionally, women survivors of violence shared their opinions and experiences related to the violence they survived and protection they received. Several women expressed an opinion that the institutions are not doing enough to protect the victims and that Croatia still has a long way to go. The system of co-operation between the police, CSWs and the courts is not good, and outcomes depend too much on the individuals. The courts are too slow, and it takes too long to get protection. Women feel that victim blaming is still present and that the victims are left to themselves.

One respondent shared in this research:

⁷⁴ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih kaznenih presuda o nasilju prema ženama 2016. 2012.* ("Expert analysis of final criminal convictions on violence against women in the period 2012-2016"), page 21., Office of the Ombudsperson for Gender Equality, 2019.

⁷⁵ Ibid, page 60.

⁷⁶ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih prekršajnih presuda o nasilju prema ženama 2012. – 2016.* ("Quantitative results of the expert analysis of final misdemeanour verdicts on violence against women 2012-2016"), Office of the Ombudsperson for Gender Equality, 2019., page 33.

⁷⁷ Ibid, page 54. These measures were issued prior to amendment to the LPDV, when there was a separate protection measure for prohibition of harassment and stalking of the victim. This prohibition is now contained within the prohibition of roaching, harassing or stalking a victim of domestic violence.

⁷⁸ 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. <https://www.artemis-europa.eu/wp-content/uploads/2020/09/Artemis-national-report-Croatia.pdf>

⁷⁹ Ibid, pg.32.

In our country, the victim is punished, not the perpetrator. The victim is questioned, not the abuser. If the police do react, they return the perpetrator home later and the victim then has even bigger problems. Punishments for the perpetrator arrive too late, if at all.⁸⁰

Recommendations:

- Train criminal judges on the application of and promote their use of eviction and restraining order safety measures under the Criminal Law and precautionary measures under the Criminal Procedure Law in domestic violence cases.
- Train judges to on the application of and promote their use of eviction and restraining orders under LPDV in cases of domestic violence in order to increase the number of issued orders.
- Ensure monitoring of the implementation of protection orders through use of electronic devices (electronic bracelets).
- Amend the LPDV to ensure that the breach of protection measures constitutes a crime under Art 179a of the Criminal Law.
- Amend the Misdemeanour Law to ensure that the breach of precautionary measures constitutes a crime under Art 179a of the Criminal Law.
- Ensure regular centralised data collection, segregated by age and gender, on GBV against women, including type of violence, sanctions, number and type of issued protection orders.

Article 54 – Investigations and evidence

In criminal proceedings for criminal offences against sexual freedom, courts allow and accept evidence related to the sexual history and behaviour of the victim, so they even accept and read private correspondents of the victim, and therefore invite the victim to re-examine that causes secondary victimisation and re-traumatization in victims, as well as they allow questions related to the victim's strict personal life - sexual history and behaviour.

Recommendations:

- Ensure that prior sexual history and/or behaviour of the victim are not questioned and taken into account during criminal proceedings related to rape and other forms of sexual violence, in line with the provisions of Istanbul Convention.

Article 55 – Ex parte and ex officio proceedings

When the victim of violence uses the privilege of not testifying, the state attorney's office stops prosecuting and collecting other evidence.

In addition, the Croatian Criminal procedure Act knows the term “the benefit of non-testifying”, which can be used in situations stipulated by law. The term confuses victims, they are often misinterpreted so that victims feel it would be good to refer to the benefit even though they really don't want it. The

⁸⁰ Ibid, pg. 34.

term “benefit” in the Croatian language can still be said as valuables, mercy, convenience, power ... and is completely inappropriate for giving up testimony in cases of perpetrated violence.

Recommendation:

- In criminal legislation, change the term “benefit of non-testifying” in a manner that does not confuse the victim and reflects the actual use of rights that is not beneficial to the victims. The possible suitable alternative term is “right of non-testification”.

Article 57 – Legal aid

Victims in criminal proceedings are provided with legal aid and free legal aid in accordance with the Criminal Procedure Law. However, free legal aid under the Free legal aid law is completely ineffective. Legislative changes are necessary so that victims could easily exercise their right to free legal aid.

Despite the improvements to the Free Legal Aid Act, the process to request free legal assistance remains complicated. This operates as a bar to victims of domestic violence who would otherwise qualify for free legal representation to initiate their own criminal or misdemeanour action that is not otherwise prosecuted or is part of divorce proceedings. Victims could also use free legal aid to request protective measures under the LPDV.

Recommendations:

- Clarify and simplify the process to apply for free legal aid.

Article 58 – Statute of limitation

The Autonomous Women's House Zagreb has proposed to seriously examine the issue of statute of limitations in relation to crimes of sexual abuse and exploitation of children, considering the devastating consequences on children's lives and their subsequent ability to file criminal charges within the given outdated deadlines.

The rest of the statute of limitations until the onset of adulthood for the offences referred to in Article 154th paragraph 1.t.2., 158., 159. and Article 166. of the Criminal Law, it is not good enough from the aspect of protecting the rights of victims who suffered violence as children. The statute of limitations exists for the sake of finality and legal certainty, and it is based on the determination that the application of a criminal sanction becomes unpurposeful after a longer period of time.

However, victims of sexual violence who predated violence as children have been delayed their ability to initiate proceedings, given the number of consequences they suffer. Since children under the Constitution of the Republic of Croatia are under special state protection (Article 64), it is necessary to strengthen the legal framework that will enable abused children to initiate criminal proceedings at a later stage of their life when they will be able to report and thereby remove the limiting factor of outdated period.

In this respect, amendments to Article 81st paragraph 2nd, Article 82nd paragraph 3rd and Article 83rd paragraph 2nd, of the Criminal Law by prescribing that criminal prosecution and execution of the sentence is not obsolete for the offences of 154th paragraph 1st and 2nd and the paragraph 2nd-serious

criminal offence against sexual freedom in relation to victims particularly vulnerable due to their age, Article 158th - sexual abuse of children under fifteen years of age; Article 159th - sexual abuse of a child over fifteen years of age; Article 166th - serious criminal offences of sexual abuse and exploitation of a child.

Reasons: Croatia ratified the European Convention on the Protection of Human Rights and the COE's Convention on the Prevention and Suppression of violence against Women and domestic violence, and therefore the Convention is a part of the internal legal order and a source of law which is, by its legal force, above the law.

The Sttubings and others vs. Great Britain ruling is relevant to the proposal, as it has been considered in the case of a woman who was abused as a child and could not report abuse because of the statute of limitations.

The protection of this victim was attempted before the Constitutional Court and before the European Court, but was unable to obtain it, as changes to the legal framework concerning statute of limitations must be made in relation to sexual abuse of children.

The applicant in Sttubings vs. Great Britain is a woman who was sexually abused as a child by her adoptive and his son.

That is why during her youth and as an adult woman she suffered serious psychological problems. She couldn't function in relationships. She tried suicide. Only as an adult, in psychiatrist treatment, did she realize for the first time that there was a connection between sexual abuse she suffered as a child and her mental problems that disable her in the normal life.

She filed a lawsuit against the perpetrators of violence seeking compensation for torture. Her lawsuit was dropped due to the outbreak of the statute of limitations.

The second prosecutor (in the same case) J.L., as a child, was abused by her father. As a woman, she was suffering from depression, insomnia, sudden mood swings, couldn't achieve a normal emotional connection and relationship. When she sought psychiatrist's help at one point because of the inability to balance her life, she realized during therapy that her problems stem from the fact that she was sexually abused as a child. She tried suicide.

She initiated proceedings for damages, and her lawsuit was dismissed due to the outbreak of the statute of limitations.

The third prosecutor (in the same case) J.P. was abused in her early childhood by her schoolteacher. She was suffering from depression and nightmares, she felt different because she couldn't make a partnership. Only when she was thirty-year-old, hard to withstand her father's death, did she seek psychiatrist's help, did she regain a portion of her suppressed memories and realized during therapy that the cause of her problems was sexual abuse that she experienced as a child.

She initiated proceedings for damages, and her lawsuit was dropped due to the statute of limitations.

All prosecutors claimed that their right of access to court had been violated. Also, all of them shared a long period of not understanding that their seriously damaged health was the consequence of sexual

abuse in childhood. Within the framework of the positive obligations of States deriving from ratified conventions, but also from the Constitution of the Republic of Croatia, the legislator should recognise the importance of non-obsolescence of child sexual abuse offences.

The Criminal Law, however, does not prescribe the non-obsolescence of child sexual abuse offences, although it is notorious that these are extremely serious crimes that leave permanent consequences for victims.

The beginning of the statute of limitations since the onset of adulthood is not sufficient in the protection of persons who suffered sexual abuse in childhood, because the consequences of trauma are often such as to prevent the victim from initiating appropriate court proceedings for a longer period. Childhood abuse leads to changes in the brain of victims who, according to the Canadian study, Gallup, can be transmitted to the offspring.

Scientists obtained the results by examining the brain tissue of eighteen persons who committed suicide, who were known to be abused in childhood. In the genome of all eighteen suicide victims, there were changes in one substance affecting the production of proteins in nerve cells.

Changes do not occur in the genes themselves, but in parts of DNA that regulate gene activity. Research has shown that the brain in childhood as it develops is very sensitive, and that experiences from this period can have permanent consequences on the reactions of the brain. Therefore, the Autonomous Women's House Zagreb proposes to change the legal framework in favour of victims.

Such a proposal was not accepted.

Recommendation:

- Ensure that crimes against children, in particular those of sexual abuse, are not obsolete.