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CENTAR ZA ŽENE ŽRTVE RATA - ROSA



Ženska mreža Hrvatske

Croatia's Compliance with the CoE Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention)

Suggested List of Issues Prior to Review

Prepared by Autonomous Women's House Zagreb – Women against Violence against Women and Centre for Women War Victims – ROSA

Endorsed and submitted by Women's Network Croatia on Feb 23, 2022

Women's Network Croatia would like to submit the following List of Issues regarding implementation of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention) as part of the GREVIO monitoring process of the Republic of Croatia's compliance with the provisions of the Istanbul Convention. Following the publication of the official State report, we will also draft and submit a shadow report on the implementation of the Istanbul Convention in Croatia.

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.

List of abbreviations

AWHZ	Autonomous Women's House Zagreb
CSW	Centre for Social Welfare
DV	Domestic violence
EU	European Union
GBV	Gender-based violence
IC	Istanbul Convention
IPV	Intimate partner violence
LPDV	Law on Protection from Domestic Violence
NGO	Non-governmental organisation
UN	United Nations
VAW	Violence against women
WNC	Women's Network Croatia

A. Ratification and Implementation of the Istanbul Convention – General Remarks

1. Violence against women in Croatia is a serious and widespread issue, 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 during her lifetime.ⁱ 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 EU wide survey on violence against womenⁱⁱ 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.
2. Femicide, or murder of women in intimate partner relationships, is a serious issue in Croatia. From 2013 till 2020, 131 women have been murdered in Croatia. Of those, 98 were murdered by a close person, of which 66 by an intimate partner.ⁱⁱⁱ 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.^{iv}
3. Croatia signed the Istanbul Convention on January 22, 2013 but did not ratify it until April 13, 2018. This was partly 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.”
4. In implementing the Istanbul Convention and in its approach to preventing and combatting domestic violence, Croatia is focused exclusively on “family” violence but not the distinct category of gender-based violence (GBV) against women. This focus is contrary to the Convention and leads not only to failing to exercise due diligence, to protect the victims and put victim’s rights at the centre of the response, but it also leads to disastrous outcomes, with victims being arrested and charged with a crime along with perpetrators (dual arrests), among other consequences. Croatia’s National Strategy on Protection from Violence in the Family clearly states that most victims of domestic violence are women; however, the document is gender-neutral, as is the rest of the legislation. This failure to make the connection between gender inequality and violence against women not only fails to protect women, but also in many cases exposes them to secondary victimization.

5. Implementation of the Istanbul Convention – List of issues

- 1. Croatia lacks a strategic document to prevent discrimination against women and ensure gender equality.** 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. For example, 80% of real estate is in the hands of men, almost 55% of the unemployed are women, 75% of the poor or at risk of poverty are women, the pay gap between men and women is 12%, and the pension gap is twice as large. The percentage of women in political decision-making bodies is still on average well below 30% and public space still belongs to men.^v The Gender Equality Act tasks the Office for Gender Equality with developing the National Policy on Gender Equality. This is the main document to protect women from discrimination and violation of their human rights. However, the last National Policy expired in 2015 and the new one still hasn't been passed, 7 years later. 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.
- 2. There are gaps in ensuring due diligence in preventing, investigating and punishing acts of violence.** 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.^{vi} The perpetrators are almost never held in pre-trial detention. Precautionary orders of protection in Criminal Procedure Code 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^{vii}. In the recent years, more cases have been reported through the Criminal Code, 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^{viii}.

- 3. A gender-neutral approach is used to preventing and combatting VAW and DV.** Despite Article 6 of the Istanbul Convention asking for gender-sensitive policies in implementation of the Istanbul Convention, Croatia employs a gender-neutral approach. Croatia has not fully recognized 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 incriminations, including the duality of misdemeanour and criminal regulation of violence because the legislator does not distinguish gender-based violence from other forms of violence that can occur in the family. At various expert discussions, in working groups, the issue of gender-based violence 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. 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. Without a clear understanding of the gendered nature of domestic violence and violence against women, women are treated unfavourably during divorce and custody proceedings, they 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. 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 the Istanbul Convention, and more specifically, to Articles 4 and 6 of the Convention. For this reason, AWHZ proposed an amendment to the Criminal Code, 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 Code. But this article is completely gender-neutral and the Criminal code does not acknowledge the specific, gendered nature of violence against women. Even the European Parliament called for online and offline gender-based violence to be treated as a particularly serious crime, and demanded a targeted legislation to address all forms of violence and discrimination based on gender.

4. **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. This practice used to be very wide-spread, with up to 40% of the cases being charged in this way. After Croatia received recommendations in 2014-2015 from UN Committee on Human Rights, UN Committee against Torture, CEDAW Committee and Universal Periodic Review 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.
5. **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 as domestic violence, both as a separate offence through Art

179a of the Criminal Code 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.^{ix} 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 Code or LPDV.^x 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 Code, 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 Code 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.^{xi} 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.

- 6. Medical certificate requirements in Croatia are preventing prosecution of domestic violence.** In Criminal Code 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.

7. **Inconsistent access to protective measures before, during and after criminal and misdemeanour proceedings exposes survivors to ongoing violence.** Articles 52 and 53 of the Istanbul Convention provide for both emergency and long-term protection measures. While criminal proceedings in cases of GBV against women are not used enough, precautionary and safety measures are used even less. There is no publicly available data for each type of safety measures that are issued. However, available reports from the public prosecutor indicate that less than 50 restraining and eviction orders are issued per year. The research also indicated low portion of cases where protection orders are issued, with the Criminal Procedure Code precautionary measures issued in 6% of the cases and Criminal Code safety measures in 13% of the cases.^{xii} What is further confusing is that in its State report to GREVIO, Croatian police reported a much higher number of these safety measures for each year than are in the State Public prosecutor's yearly reports, a discrepancy that needs to be explained. Violence doesn't stop when the victim reports it or when she leaves the abuser. On the contrary, violence tends to intensify, with perpetrators becoming more dangerous after the victim reports them. Protecting the victim during the criminal proceedings is vitally important, as well as ensuring long-term protection by issuing safety measures with a duration of up to five years. The courts and other institutions in Croatia are not sufficiently trained to recognise that GBV against women, especially intimate partner violence, is not an isolated crime which can be prosecuted and put to rest. It is a pattern of violence, usually lasting for many years, where the perpetrator feels he has the right to abuse his victim. GBV against women is structural violence, rooted in unequal power relations between women and men. In order to prevent repeated acts of violence and femicide, more prison sanctions and safety measures need to be issued and carefully monitored to ensure that the victims are protected. Available data shows that the police request restraining orders on behalf of the victim under the LPDV in only about a quarter of the cases. Even when they do request them, the court grants only about a half of them. Eviction orders are requested and granted even less. Furthermore, the prescribed sanctions for violating the imposed protection measures are extremely low, consisting of a fine of at least €400 or at least 10 days in jail. However, the jail sentence is rarely applied. 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.^{xiii} 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.
8. **Women may be coerced into mediation and forced to cooperate with a violent partner during divorce proceedings.** 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.

9. **Persistent use of the concept of parental alienation as an instrument of non-recognition of gender-based violence.** 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"^{xiv}, 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 specific child alienation syndrome and qualifying a mother as a parent who has emotionally alienated children ..."*^{xv}. 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.

- 10. Shelters are insufficient for victims of domestic violence while existing shelters run by women's NGOs face serious limitations and obstacles.** 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. Croatia has a 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. When the Croatian state finally started providing accommodation and support to women victims of domestic violence, there was already a significant base of knowledge and expertise in already functioning shelters. The Government did step up to provide regular funding, 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 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. 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 how long a woman can stay in the shelter, typically a few months or less. Autonomous shelters have no referral requirements and allow women to stay up to a year or longer. However, even among the shelters, only three 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. Although autonomous 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 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 afterword 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. 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.

11. There is no specialised 24/7 helpline supported by the state. 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 line which 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 they exist. This happened despite 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 1990, which does operate 24/, 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.

12. The treatment of sexual violence in both legislation and practice doesn't show understanding of the nature, gravity and consequences of this form of violence against women. Given that the fundamental element of the crime of rape is lack of consent, recent changes to the Criminal Code 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 Code, 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 Code, 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.

13. **Sexual harassment is treated more as a misdemeanour instead of as a crime and is not treated seriously enough.** 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 Code constitutes unlawful acts that disproportionately affect women. Art. 156 of the Criminal Code 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.

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- ⁱ 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.
- ⁱⁱ 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>
- ⁱⁱⁱ Ombudswoman for Gender Equality Work Report 2018; and State report for GREVIO.
- ^{iv} Ibid.
- ^v <http://www.zenska-mreza.hr/2021/01/28/zajedno-za-zastitu-i-promicanje-prava-zena-u-hrvatskoj/>
- ^{vi} 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
- ^{vii} There were 17.884 cases reported in 2011, compared to 8.539 in 2020, or even less, 7.490 in 2021. The source for these data is official statistical reports of the Ministry of Interior: <https://mup.gov.hr/statistika-228/228>
- ^{viii} FRA: “Violence against Women – An EU-wide Survey”, 2014. <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>
- ^{ix} 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>
- ^x 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
- ^{xi} The source for these data is official statistical reports of the Ministry of Interior: <https://mup.gov.hr/statistika-228/228>
- ^{xii} 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
- ^{xiii} 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>
- ^{xiv} Portal H-alter: “Sustav za zaštitu ili zlostavljanje djece?” (System for the protection or abuse of children), a serious of articles, available at <https://h-alter.org/ljudska-prava/sustav-za-zastitu-ili-za-zlostavljanje-djece/>
- ^{xv} Ministry of Labour, Pension, Social Policy and Family: Instructions after the conducted administrative and inspection supervision, 2021.