

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Croatia
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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REPUBLIC OF CROATIA

**COMMENTS TO THE RECOMMENDATIONS CONTAINED IN THE
GREVIO'S BASELINE EVALAUTION REPORT ON LEGISLATIVE
AND OTHER MEASURES GIVING EFFECT TO THE PROVISIONS OF
THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND
COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC
VIOLENCE (ISTANBUL CONVENTION) FOR THE REPUBLIC OF
CROATIA**

Zagreb, July 2023

INTRODUCTION

By ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Republic of Croatia has demonstrated its intention and commitment to take the necessary measures to combat violence against women and domestic violence.

The Government of the Republic of Croatia strongly supports the implementation of all obligations arising from the Convention and encourages all competent state bodies to take measures systematically.

A positive example is the involvement of local and regional self-government units, i.e. individual municipalities and cities, and all counties in the Republic of Croatia in the implementation of the Convention.

On the activities undertaken before the ratification and entry into force of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in relation to the Republic of Croatia, and especially after the entry into force of the Convention, the Government of the Republic of Croatia, in accordance with the prescribed procedure, submitted in February 2022 a Report on legislative and other measures giving the effect to the provisions of the Convention.

Following the submission of the Report, the Ministry of Labour, Pension System, Family and Social Policy, mandated as the body to co-ordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence covered by the Convention, organised an evaluation visit of the GREVIO members from 17 to 21 October 2022. During the 5 days long evaluation visit, a series of meetings were held with governmental and non-governmental representatives working on procedures in case of domestic violence and violence against women, providing assistance to victims, implementing the policy of combating violence against women and domestic violence, as well as implementing the provisions of the Convention. In addition, visits to the Home for Children and Adults, Victims of Domestic Violence – DUGA Zagreb, the Reception Centre for Asylum Seekers Zagreb, the Social Welfare Centre Rijeka and the Police Administration of Primorje-Gorski Kotar County, i.e. the First Police Station Rijeka were organised and meetings were held with representatives of civil society organisations that provide assistance and support to victims of gender-based violence and run shelters and counselling centres for victims, which submitted their reports to GREVIO (so-called shadow report).

Furthermore, in accordance with the prescribed procedure, the state bodies of the Republic of Croatia are invited to comment on the GREVIO's Draft Baseline Evaluation Report, as a result of which below we emphasise the positions in relation to the recommendations.

COMMENTS TO THE GREVIO'S RECOMMENDATIONS

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

A. General principles of the convention

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

The Republic of Croatia is deeply aware of the need for a comprehensive set of policies to prevent and combat all forms of gender-based violence and violence against women, especially sexual violence.

In relation to the above, we point out that in December 2022, *the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027* was adopted, and in March 2023 the *National Plan for Promotion of Gender Equality for the period until 2027*. Furthermore, due to the expiration of the National Strategy for Protection against Domestic Violence for the period 2017-2022, the drafting of the *National Plan of Protection against Violence against Women and Domestic Violence for the period until 2028*, has started.

For further clarification, see the comment to paragraph 14.

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

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

Regarding the aforementioned paragraph, we consider it necessary to point out that the *National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027*¹ is

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https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/NACIONALNI%20PLAN%20ZA%20SUZBIJANJE%20SEKSUALNOG%20NASILJA%20I%20SEKSUALNOG%20UZNEMIRAVANJA%20do%202027.g_final.pdf

<https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Tabli%C4%8Dni%20prikaz-Nacionalni%20plan%20za%20suzbijanje%20seksualnog%20nasilja%20i%20seksualnog%20uznemiravanja%20o%202027.g.pdf>

<https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/AKCIJSKI%20PLAN%20ZA%20SUZBIJANJE%20SEKSUALNOG%20NASILJA%20I%20SEKSUALNOG%20UZNEMIRAVANJA%20D%20O%202024.g.pdf>

<https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Tabli%C4%8Dni%20prikaz-Akcijski%20plan%20za%20suzbijanje%20seksualnog%20nasilja%20i%20seksualnog%20uznemiravanja%20do%202024.g.pdf>

the first medium-term strategic planning act aimed at protecting victims of sexual violence and sexual harassment. The implementation of this National Plan will make a significant contribution to the implementation of a number of acts of the European Union, the Council of Europe and the United Nations. The National Plan is in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Art. 1 -Purpose of the Convention, 22 - Specialist Support Services, 25 - Support for Victims of Sexual Violence, 36. - Sexual Violence, and Rape, and 40 - Sexual Harassment), the United Nations Convention on the Rights of Persons with Disabilities (Art. 16. – freedom from exploitation, violence and abuse and Closing Remarks of the UN Committee on the Rights of Persons with Disabilities on the 2015 Initial Report for Croatia), the Council of Europe Gender Equality Strategy 2018 - 2023, the Council of Europe's Gender Equality Strategy 2020-2025, the EU Strategy on the Rights of the Child 2021-2024, and the domestic legislative and strategic framework.

The purpose of the National Plan is to achieve a coordinated social response to sexual violence and sexual harassment, to ensure an effective procedure to protect victims, to promote their rights and to raise public awareness of the unacceptability and harmfulness of this behaviour.

Furthermore, due to the expiration of the National Strategy for Protection against Domestic Violence for the period 2017-2022, the drafting of the *National Plan for Protection against Violence against Women and Domestic Violence for the period until 2028* has started. The women victims of violence will be at the centre of the interest of the National Plan. Special attention will be paid to measures aimed at training the competent authorities on recognising risk factors as the earliest signals pointing to potential femicide and effective protection of the victim, quick prosecution and severe punishment of the perpetrator, as key factors in preventing further violence and consequently possible femicide. A swift and effective response by competent authorities is also crucial in creating social awareness of the risk of gender-based violence as a broader social problem.

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

2. Intersectional discrimination

24. GREVIO encourages the Croatian authorities to:

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

specialist associations concerned, and supporting, funding and closely co-operating with women's rights organisations representing them;
d. improve the accessibility to protection and support services for victims belonging to the groups of women mentioned in paragraph b. above.

Concerning what is stated in the paragraph in question, we consider it necessary to point out that, in accordance with Art. 5 of the Act on Protection against Domestic Violence² all bodies dealing with domestic violence are obliged to treat the victim of violence with special consideration and to take due care of the victim's rights when taking action. In criminal proceedings, the court, the State Attorney's Office, the police, and the investigators are obliged to treat each victim with due consideration and make sure that the victim has understood their legal rights³. Furthermore, under the Art. 43a of the Criminal Procedure Act, the individual assessment of the victim was introduced, which includes determining the need for the application of special protection measures in relation to the victim. When carrying out an individual assessment of the victim, the personal characteristics of the victim, the type or nature of the criminal offence and the circumstances of the perpetration of a criminal offence are taken into account. Among others, special attention is paid to the victims of a criminal offence committed because of a personal characteristic of the victim, and to the victims whose relationship with the perpetrator makes them particularly vulnerable. Therefore, in accordance with Art. 43a., the individual assessment of the victim includes also victims of gender-based violence, violence in intimate relationships, sexual violence and sexual exploitation, hate crimes and persons with disabilities as victims of violence.

After the entry into force of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in relation to the Republic of Croatia, the Ministry of Labour, Pension System, Family and Social Policy submitted instructions on the procedure and implementation of the provisions of the Convention to all social welfare centres. In addition, to systematically implement the set provisions, the Ministry of Labour, Pension System, Family and Social Policy organizes annual training programmes for social welfare employees on the protection of victims of violence related to the causes, type, dynamics and consequences of domestic violence, legal regulations – laws, protocols, guidelines and application in practice, specifics of violence against the elderly and persons with disabilities, the role of social welfare centres in the prevention and elimination of violence and the protection of victims of domestic violence, an integrated approach in combating domestic violence, cross-sectoral cooperation and more.

Regarding the collection of data on gender-based violence affecting certain groups of women, we believe it is necessary to point out that the Ministry of Labour, Pension System, Family and Social Policy, in cooperation with the Ombudsperson's Office and the Association for Support to Victims and Witnesses, has prepared a Questionnaire to analyse the incidence of violence against elderly persons. To monitor and analyse the aforementioned incidence, a proposal was sent to

²Official Gazette, No. 70/17, 126/19, 84/21, 114/22

³Criminal Procedure Act, Official Gazette, No. 152/08, 76/19, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 130/20, 80/22 - Art. 43

the Ministry of Justice and Administration to amend the Ordinance on the Method of Collecting, Processing and Submitting Statistical Data and Reports in the Area Covered by the Scope of the Act on Protection against Domestic Violence⁴.

Concerning the stated that there is a need to improve accessibility to protection and support services for victims belonging to certain groups of women, we consider it necessary to point out that the procedure of the competent Regional Offices of the Croatian Institute for Social Work (hereinafter: the Regional Office), former social welfare centres, in cases of domestic violence are prescribed by the Act on Protection against Domestic Violence⁵ and the Protocol on the Procedure in Cases of Domestic Violence (hereinafter: the Protocol). In cases of domestic violence or assessment of the risk of violence, the Regional Offices undertake the actions and activities prescribed by the Protocol. The objective of the Protocol is to improve the protection of victims of violence, the prevention of new violence and take measures to protect the rights and well-being of persons exposed to violence. Under the aforementioned legal provisions, the expert employees of the Regional Offices in cases of domestic violence act in relation to victims - adults and children.

Concerning the procedure in cases of violence in families without children, based on the Protocol, the expert employee of the Regional Office, among the numerous activities related to providing assistance and support to the victim, is obliged to take action related to the placement of the victim in a shelter for victims of violence, if the victims agree with the placement and together with the victim prepare a safety plan. The Protocol prescribes in detail all actions and activities undertaken by the expert employees of the Regional Offices in the procedures related to domestic violence. The competent Regional Offices in cases of domestic violence in which children are present are obliged to carry out an expert individual assessment, which includes the use of instruments for the assessment of the developmental risks to children and an assessment of the child's safety. The family assessment assesses whether and what measures of intervention and protection should be taken in the family (urgent measure of removal and placement of a child outside the family, warning of errors and omissions in the realization of childcare, measures of professional assistance and support in the realization of childcare, measures of intensive professional assistance and supervision of the realization of child care) in order to protect the rights and well-being of the child.

In addition, we believe it is necessary to point out that within the framework of the new *National Plan of Protection against Violence against Women and Domestic Violence*, which will emphasise the need to take measures to protect women victims of violence, special attention will be paid to combating violence against particularly vulnerable groups of victims, for example, women with disabilities or victims exposed to intersectional discrimination. In addition, we note that the working groups for the development of policies and measures against violence against women and domestic violence include representatives of civil society organisations representing victims and professional associations dealing with the mentioned issue of victim protection. We

⁴ Official Gazette, No. 31/18

⁵ Official Gazette, No. 70/17, 126/19, 84/21, 114/22

underline the high level of sensitivity of the state and public bodies involved in implementing women's protection policy and understanding the additional needs of women exposed to intersectional discrimination, and all existing protection and support services are available to them in the same way as to other women victims of violence.

II. Integrated policies and data collection

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

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

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

In relation to the statement in this paragraph, we consider it important to point out that, in order to make the county teams work more efficiently, within the framework of the new National Plan for Protection against Violence against Women and Domestic Violence, special attention will be paid to this issue, and an analysis of the teams' work will be carried out, which will form the basis for undertaking further activities to improve their work. Primarily, this will include training programs for team members on the obligations introduced by the Convention and domestic legal regulations on dealing with cases of violence. Special emphasis will also be placed on the area of mutual networking of competent services and coordinated action aimed at protecting the victim and preventing future violence.

At the same time, we consider it important to point out that the period of implementation of the National Strategy for Protection against Domestic Violence ended on December 31, 2022.

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

See comments to paragraphs 6., 14. and 24.

B. Financial resources (Article 8)

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

37. GREVIO encourages the Croatian authorities to:

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

For many years, the Republic of Croatia has provided financial support to civil society organisations working in the field of protection against violence against women and domestic violence. Funding is provided from the state budget and EU funds. In addition to the funds from the state budget, civil society organisations also receive financial support from the funds of local

and regional self-government units, i.e. cities and counties. Particular attention is paid to the funding of civil society organisations running shelters and counselling centres for victims of violence. In this sense, there are several items in the state budget on which financial resources for this purpose are provided every year. With the aim of further additional assistance to these organisations, in addition to the provided funds of the state budget, the following financial perspective also provides funds within the EU funds, i.e. the European Social Fund Plus (ESF+), the Efficient Human Resources Programme 2021 -2027. The funds are planned for activities aimed at supporting the elimination of domestic violence, sexual violence, and sexual harassment through the implementation of a campaign and multi-sectoral training of professionals working with victims on gender-based violence and sexual violence/harassment, as well as support for strengthening the capacity of shelters to support women victims of violence and activities to empower women so that they could return to community work and life.

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

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

Concerning the statements in question, we believe it is necessary to emphasise the strong involvement of civil society organisations in the development of several national documents in the field of protection against violence and gender equality, for example, the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027 and the associated Action Plan for the period until 2024 (Women's Room – Centre for Sexual Rights, Brave Phone, SOLIDARNA Foundation, the #spasime initiative), the National Plan for Promotion of Gender Equality for the period until 2027 and the associated Action Plan for the period up to 2024 (Croatian Olympic Committee, Status M, B.a.B.e. – Be active, Be emancipated, Women's Room – Centre for Sexual Rights) and the new National Plan of Protection against Violence against Women and Domestic Violence for the period until 2028 and the associated Action Plan (Autonomous Women's House Zagreb, SOS Rijeka – Centre for Nonviolence and Human Rights, B.a.B.e. – Be active. Be emancipated, the #spasime initiative).

In addition to membership in working groups for the drafting of national documents, representatives of women's organisations and initiatives are included in working groups for the drafting of legal regulations, such as laws and by-laws, and can contribute to the drafting of these documents. At the same time, the Republic of Croatia would like to remind that non-governmental organisations are considered important partners in the implementation of several activities and services intended for victims of violence and the RC provides financial support for their work. In addition, representatives of women's non-governmental organisations participate in the implementation of training programmes for employees of several systems, while their expertise and knowledge in the areas of gender-based violence are considered.

In addition, we emphasize that during 2022, representatives of civil society organizations provided training to various bodies responsible for handling cases of domestic violence, for example, on the occasion of the International Day against Violence against Women, in November

2022, a National Conference was held at which a representative of the non-governmental of the sector had a lecture on the subject of forced control as a recognized form of violence. The mentioned topic will be included in the educations that the Ministry of Labour, Pension System, Family and Social Policy will conduct during the next period, which will include, in addition to the social welfare system, other systems that deal with cases of violence and come into contact with victims of domestic violence.

Regarding the above, we emphasise that based on a three-year programme, organisations providing counselling services and shelters for women and children victims of domestic violence in the Republic of Croatia are financed from the national funds, i.e. national budget. The second year of funding is currently underway (until 31 December 2023), and 7 associations are financed annually in the amount of EUR 341,098.00, followed by the third year of financing from 1 January 2024. Through these programmes, the Ministry of Labour, Pension System, Family and Social Policy has been providing financial support continuously since 2012 intending to assist women and children victims of domestic violence, raising knowledge and awareness of women's rights, strengthening professional, analytical and advocacy capacities of civil society organisations in the field of work of counselling centres and shelters for women and children victims of violence. At the same time, the implementation of the programme provides accommodation for women and children victims, counselling services for women victims of domestic violence, psychosocial support to victims of violence, provision of free legal assistance (if the organisation is authorised by the Ministry of Justice), educational and promotional activities, individual and group work with beneficiaries and training of shelter employees on the rights and needs of victims of violence and their children.

To create the preconditions for systematic financing of organisations that run shelters, in September 2021, meetings were held with the representatives of 7 associations in question and they were offered continuous financing through contracting social services for counselling services and shelters for women and children's victims of domestic violence. To fully meet the needs and requirements of the organisations, in cooperation with the representatives of the associations, it was decided that they will continue to be a part of project financing and to ensure continuity in the provision of services, a new three-year call will be issued in the second semester of 2024.

In addition to the state budget, the EU funds aim to provide as much funding as possible for the activities of civil society organisations that provide support and shelter to women victims of violence and victims of domestic violence. Under the 2014-2020 programming period from the European Social Fund (ESF), within the call "Providing support systems for women victims of violence and victims of domestic violence", 6 projects of EUR 7,258,590.04 were contracted, within which activities aimed at improving the system of support, prevention and protection against violence against women and domestic violence are co-financed, i.e. the establishment of shelters in six counties where no such service has been provided so far. Civil society organisations are partners in the implementation of projects in these counties, whereby, in addition to activities of establishing shelters and providing care outside their own families, activities of strengthening the capacity of professionals working with victims of domestic

violence to provide psychosocial support to victims and raise public awareness of the challenges and rights of victims of violence are financed.

Furthermore, within the 2021-2027 programming period, from the European Social Fund Plus an operation is planned within which organisations providing support and shelter to women victims of violence and victims of domestic violence, will carry out activities to strengthen the capacity of shelters in their work with victims, as well as activities to empower women so that they could be active in the labour market and return to life in the community. Considering that the Republic of Croatia provides long-term financial support to the work of civil society organisations in this area, we emphasise the further intention to continue with the same activity within the available budgetary and EU funds.

D. Co-ordinating body (Article 10)

50. GREVIO strongly encourages the Croatian authorities to:

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

Under the Act Ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the body responsible for the coordination, implementation, monitoring and assessment of policies and measures for preventing and combating all forms of violence in accordance with Article 10 of the Convention is the central state administration body responsible for child and family protection, in this case, the Ministry of Labour, Pension System, Family and Social Policy. Furthermore, the responsibility for the implementation of the provisions of the Convention is under the state administration bodies responsible for the protection of children and families, the judiciary, internal affairs, education and health, and state bodies responsible for performing tasks related to gender equality and the protection of human rights in the Republic of Croatia. Upon the entry into force of the Istanbul Convention, one person in each competent body was appointed as the coordinator for the implementation of its provisions.

It should be emphasised that the field of protection of victims of violence is part of the activities of several systems, such as judicial, police, educational, health and social welfare systems, all of which act under the regulations determining their competence and scope of work. In addition, each state body, following its competence and scope of work, has a role in jointly addressing the issue of gender-based violence, i.e. violence against women and domestic violence. The

representatives of civil society organisations, as equal partners, are included in activities undertaken by each of these systems.

In the form of additional force in the coordination of the implementation of the Convention, the National Team for Prevention and Combating Violence against Women and Domestic Violence was established, consisting of competent ministers, representatives of the State Attorney's Office, the Supreme Court of the Republic of Croatia and the High Misdemeanour Court of the Republic of Croatia, as well as civil society organisations that provide assistance and support to victims of domestic violence, violence against women and victims of sexual violence. Participation of representatives of civil society organisations in the National Team enables the direct exchange of necessary information and encourages discussion among the main leaders in the implementation of the policy of protection of victims of violence.

Considering the recommendation of GREVIO, we point out that in the coming period, measures are planned to be taken to strengthen the role of bodies for coordinating the implementation of the provisions of the Convention and appropriate policies and measures. In this regard, we stress that the establishment of additional coordination bodies would not ensure better implementation of the provisions of the Convention or the implementation of policies and given measures but would result in an additional increase in the number of bodies without real impact.

E. Data collection and research (Article 11)

1. Administrative data collection

c. Social services

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

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

Regarding the collection of statistical data from the social welfare system and ensuring their availability, we consider it important to point out that the Annual Statistical Report entitled: *“Annual Statistical Report on Applied Social Welfare Rights, Legal Protection of Children, Youth, Marriage, Families and Persons Deprived of Legal Capacity, and Protection of*

*Physically or Mentally Impaired Persons in the Republic of Croatia*⁶ is published on the website of the Ministry of Labour, Pension System, Family and Social Policy, based on which we emphasise the public availability of data.

In relation to the comment in paragraph 63 that no data on women and girls who contact social services for help with regard to other forms of violence against women appears to be collected, we note that the Ordinance on the Method of Collecting, Processing and Submitting Statistical Data and Reports in the Area Covered by the Scope of the Act on Protection against Domestic Violence⁷ was adopted on the basis of the Act on Protection against Domestic Violence. The said Ordinance prescribes the content and records kept by the Regional Offices of the Croatian Institute for Social Work (former social welfare centres).

Under these obligations, the Ministry of Labour, Pension System, Family and Social Policy collects data related to violence every year through the prescribed form, which includes, among many others, data related to the number, form and duration of domestic violence. These data include the number of recorded cases, data on the number of victims by age, gender, disability, the relationship between the victim and the perpetrator, measures and activities taken by the competent authority, etc.

III. Prevention

A. General obligations (Article 12)

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

The Republic of Croatia is deeply aware of the need to raise awareness of the general public about the rights and needs of victims of domestic violence, as a result of which the Ministry of Labour, Pension System, Family and Social Policy is implementing an EU project entitled "*Stop Violence against Women and Domestic Violence: No Justification for Violence*". One of the activities under the project in question is a *national media campaign under the slogan #empatijasada*⁸ (#empathynow). For its implementation EUR 1,348,175.62 was spent, co-financed by the European Social Fund. The purpose of the media campaign is, among others, to increase awareness among the general public of the harmfulness and unacceptability of violence against women and domestic violence, the importance of preventing violence against women and domestic violence, the obligation to report violence and the promotion of the National Call Centre (116 006 24/7 phone line) as part of the system of prevention of violence and protection of victims of violence. Activities aimed at raising public awareness of combating violence against

⁶ <https://mrosp.gov.hr/strategije-planovi-programi-izvjesca-statistika/4165>
<https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Odluke/Godisnje%20statisti%C4%8Dko%20izvje%C5%A1%C4%87e%20za%202021.%20godinu.pdf>

⁷Official Gazette, No. 31/18

⁸ <https://mrosp.gov.hr/empatijasada-za-nasilje-nema-opravljanje/12348>

women and domestic violence will continue to be supported in the new programming period 2021-2027. The European Social Fund Plus will support a campaign whose focus, in addition to domestic violence and violence against women, will be on combating sexual violence and sexual harassment. Namely, to define the challenges, the development of an analysis of available providers for support to victims of sexual violence will be financed, based on which, to combat gender-based violence, domestic violence, sexual violence and harassment, activities aimed at supporting victims will be carried out as well as campaigns aimed at developing awareness of the unacceptability of violence, its forms and consequences, and the possibilities of protecting victims. The focus will be on the preventive role of campaigns to eliminate violence. A further intention is to establish a website with the necessary information for victims, establish a network of specialised services for working with victims of sexual violence, including counselling services, and conduct multi-sector training of professionals working with victims on gender-based violence and sexual violence/harassment. The training will be intended for professionals who come into contact with victims, employees and trade union commissioners interested in this topic, as well as media professionals on the manner of public broadcasting and reporting in cases of sexual violence and sexual harassment.

In addition to the aforementioned campaign, a number of other activities were carried out, such as the campaign "Behind the door" and preventive projects called Lily, "Living Life Without Violence" and "I Have a Choice", described in more detail in the Report of the Republic of Croatia.

Recognising the need for systematic action to raise awareness among the general public about the need to respect the rights of women as the most common victims of violence, about the harmfulness of violence against women, including sexual violence, sexual harassment, online violence, violence in the workplace, violence in sports, domestic violence, etc., and the rights and needs of victims of any form of violence, a new media campaign is planned in the coming period, to point out that this kind of behaviour is unacceptable, how it manifests and what are the consequences, as well as the rights of victims and the possibilities of their protection.

B. Awareness raising (Article 13)

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

87. GREVIO encourages the Croatian authorities to further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention, and by relying on the expertise and experience of specialist women's

NGOs in implementing activities. Special attention should be paid to reach vulnerable groups of victims, especially when they are at risk of intersectional discrimination.

In relation to the statements in this paragraph, we consider it necessary to point out that within the framework of the Effective Human Resources Program 2021-2027 it is planned to co-finance from the European Social Fund plus a direct grant to the Ministry of Labour, Pension System, Family and Social Policy, which will support a campaign whose emphasis will be on domestic violence, the suppression of sexual violence and sexual harassment. In order to define the challenges, the analysis of available service providers to support victims of sexual violence will be funded. Based on the aforementioned analysis, with the aim of suppressing gender-based violence, domestic violence, sexual violence and harassment, activities aimed at supporting victims will be carried out, as well as campaigns aimed at developing awareness of the unacceptability of violence, its manifestations and consequences, and the possibilities of protecting victims. The emphasis will be on the preventive role of campaigns in order to suppress violence. The website with the information for victims will be established.

C. Education (Article 14)

89. In 2013, the Curriculum of Health Education for primary and secondary schools was introduced in Croatia, which includes modules on the prevention of violent behaviour, sexual and gender equality as well as responsible sexual behaviour. According to the information provided in the National Strategy for Protection against Domestic Violence, these modules cover topics related to the prevention of violence, including domestic violence. Similarly, starting from 2019, an interdisciplinary course on civic education was included in the curriculum of primary and secondary schools, with a view to enabling students to learn about human rights, democratic values, morals and ethics. GREVIO notes that the preventive measures in the National Strategy foresee the implementation of 19 and 8 hours of educational activities on prevention of violence for pupils in primary and secondary schools, respectively. The content of these activities, however, appear to focus mainly on peer violence and not violence against women and domestic violence. Criticising the existing measures in place at the time for being fragmented, incomprehensible and insufficient, the National Strategy stresses the need to increase efforts to educate all stakeholders in the school system to effectively combat domestic violence. Similarly, the Ordinance on Schoolbook Standards and on Members of Professional Commissions for the Assessment of Schoolbooks and other Educational Materials adopted by the Ministry of Science and Education in 2019 state the obligation to promote gender equality in schoolbooks by representing both genders and using both gender pronouns equally in educational material. Furthermore, the Action Plan for the Prevention of Violence in Schools 2019-2024 states that prevention efforts in schools must include gender-based violence and violence in youth relationships. It further highlights the importance of training teacher candidates on gender-based violence.

Following the statements in the relevant paragraph, we point out that within the framework of the Curriculum for the cross-curricular topic Health adopted in 2019⁹ students acquire knowledge and skills on how to recognize and distinguish the types of violence, analyze the types of violence and the possibilities of avoiding conflicts and the ways of their non-violent resolution.

The approach is holistic and includes the prevention of risky and violent behavior as well as taking care and responsibility for reproductive health.

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

In relation to the subject paragraph, we consider it important to point out how the topics of sexual education are represented through the outcomes in the curricula of the teaching subjects of Nature and Society, Nature and Biology and the Curriculums and as educational expectations of the cross-curricular themes of Health and Civic Education, and are realized in addition to the mentioned teaching subjects and through the themes processed as activities in the class teacher's lesson.

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

We consider it important to point out that the experimental program *Elementary school as a whole day school - A balanced, fair, efficient and sustainable system of upbringing and education* envisages the introduction of the optional subject *The world and me*, which is a substitute for students who do not attend religious education. For secondary school students the possibility of studying Ethics instead of religious education is a possibility for many years.

⁹ Official Gazette, 10/2019

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

In relation to the statements in the relevant paragraph, we point out that the competent state body and agencies regularly organizes the training of experts for the implementation of programs aimed at preventing violence, including sexual violence and gender equality.

D. Training of professionals (Article 15)

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

Experts in the social welfare system whose part of the regular activities is to deal with cases of violence acquired during their fundamental education (education in social studies) specific, professional knowledge, skills and techniques related to the issues they encounter in their work daily. During their entire work, these experts can continuously upgrade their competencies and expertise by participating in professional sets of training that focus on the targeted areas.

At the beginning of March 2023, another training of civil servants from the health, defence, justice and social care systems was held within the project “Stop Violence against Women and Domestic Violence: No Justification for Violence”.

Furthermore, during 2023, also within the project "Stop Violence against Women and Domestic Violence: No Justification for Violence", it is planned to conduct the education of members of the County Teams for Prevention and Combating Violence, as well as education related to gender-based violence for all other bodies (health, education system, civil society).

In relation to the allegations surrounding the term "alienation from parents", we consider it necessary to point out that no competent authority supports concepts or notions that are not scientifically based and, in accordance with current legal regulations, provides training programs for employees of competent authorities in order to effectively apply the law.

99. In light of the above, GREVIO notes that some efforts are being made to enable certain groups of professionals, such as law enforcement officers, to benefit from training opportunities on domestic violence. However, these efforts do not include key professionals such as legal professionals, social workers and healthcare professionals. Moreover, little to no effort seems to be made to ensure systematic initial and in-service training on other forms of covered by the Istanbul Convention, including sexual violence as well as equality between women and men. Last, no particular training efforts seem to be made to enable professionals to respond to women victims exposed to intersectional discrimination, such as Roma women, women with disabilities or migrant and asylum-seeking women, and the need to act in co-operation with other professional groups on the basis of agreed protocols. The necessity for the Croatian authorities to step up their efforts to train all relevant professionals in the area of violence against women has also been remarked upon by the Universal Periodic Review, which recommended Croatian authorities to provide training on human rights and on combating discrimination and violence, including based on sexual orientation and gender identity, to health personnel, members of the judiciary, police forces and prison officers.

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

101. GREVIO urges the Croatian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against

women covered by the Istanbul Convention, for all professional groups, in particular the healthcare sector, social workers and legal professionals such as those in prosecution services and the judiciary. Such training should be based on the principles of non-discrimination and equality between women and men, and devised in close cooperation all relevant stakeholders, including independent women's NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields.

Concerning what is stated about the information provided by non-governmental organisations for women's rights that the general problem in the training of professionals involved in combating violence against women is insufficient integration of the victim's perspective into the training initiatives, we emphasise the opinion that the conclusion was made based on unverified information submitted by some civil society organisations and that it does not represent the position of organisations as a whole.

In this regard, we point out that several state bodies implement training programmes that include a perspective on gender equality and the perspective of the victim, which we point out in the examples below.

In the part of the education of educational workers in the field of civic education, in the area of preventive programs, education for expert psychologists and interdisciplinary education, values that support the integration of the gender perspective into education programs in the implementation of United Nations Security Council Resolution 1325 (S/RES/1325), on women, peace and security, and related resolutions, and the introduction of education on the elements of VS Resolution 1325 and related resolutions within the civic education curriculum in schools. Education of educators in the mentioned areas is systematically carried out.

The Ministry of Labour, Pension System, Family and Social Policy, as the body responsible for the conduct and work of employees in the social welfare system, conducts systematic training programmes for professionals in the social welfare system (social workers, lawyers, psychologists, social pedagogues), who come across the issue of violence against women and domestic violence in the course of their work. Programmes are implemented continuously in accordance with the stated needs and the Annual Programme of Professional Training of Professional Workers in Social Welfare Institutions founded by the Republic of Croatia. The education and licensing of professionals in the social welfare system for the implementation of psychosocial treatment services for the prevention of domestic violence is held continuously to raise the competence for the implementation of psychosocial treatment of perpetrators of domestic violence to the level required by the Ordinance on the Implementation of the Protective Measure of Mandatory Psychosocial Treatment¹⁰, and the said education is prescribed by the Annual Professional Training Programme.

In 2022, in cooperation with the UNICEF Office for Croatia, the Ministry of Labour, Pension System, Family and Social Policy organised education for professionals employed in social

¹⁰Official Gazette, No. 116/18

welfare, health, justice and police systems entitled “Working with Children, Adolescents and Women Victims of Gender-Based Violence”.

Also, in order to improve the system of prevention and protection against violence against women and domestic violence, in partnership with the Ministry of Justice and Administration and the Association for Victim and Witness Support, the project “Stop Violence against Women and Domestic Violence: No Justification for Violence” is being implemented with the aim of raising public awareness in combating violence against women and domestic violence and strengthening the capacity of experts and improving interdepartmental cooperation. Within this project, in March 2021, education was held aimed at bodies dealing with cases of domestic violence, as well as representatives of associations that are active in the field of domestic violence. These educations were intended for leaders, deputy leaders and members of county teams for prevention and combating violence against women and domestic violence and were held via an online platform with the administrative support of the State School of Public Administration. Education covered topics related to the concept of violence and the dynamics of violent behaviour, gender-based violence, sexual violence and femicide. The participants also discussed national and international instruments dealing with violence against women and domestic violence, prevention of violence against women and domestic violence during the coronavirus pandemic, protection of children, the elderly and the disabled, persons with disabilities victims of domestic violence, topics related to the conversation with the victim of domestic violence and the victim's right to choose, persons of trust, the development of a safety plan, etc. An important aspect of education is the cross-sectoral cooperation of all systems that act on cases of violence and its improvement.

The project also included training for leaders and members of county teams for prevention and combating violence against women and domestic violence, experts from the social welfare system, police, education, health, justice, and police who deal with cases of domestic violence, as well as representatives of women's NGOs and civil society organisations which are active in the field of violence against women and domestic violence. Also, the education included civil servants who are bearers of measures under the Istanbul Convention with the aim of sensitisation and acting under the provisions of the Convention.

In the upcoming period within the framework of the Programme Efficient Human Resources 2021-2027. it is planned to co-finance from the European Social Fund plus a direct grant to the Ministry of Labour, Pension System, Family and Social Policy which will support the activities of multi-sector training of experts who work with victims of gender-based violence and sexual violence/harassment. The trainings will be planned for experts who come into contact with victims, employees and trade union commissioners, as well as for media workers on how to present and report to the public in cases of sexual violence and sexual harassment.

In April 2019, the Croatian Association of Social Workers, with the financial support of the Ministry of Labour, Pension System, Family and Social Policy, held an education entitled “Domestic Violence with an Emphasis on Violence against the Elderly and Persons with Disabilities”. The purpose of the education was to improve the protection of the elderly and persons with disabilities victims of domestic violence in the social welfare system and to strengthen the capacity of experts of the social welfare centre and social welfare centres for

timely identification, risk assessment, protection and stopping of domestic violence against the elderly and persons with disabilities.

From November 2017 to October 2018, the Croatian Association of Social Workers, with the financial support of the Ministry, implemented the Project entitled “Prevention and Stopping Violent Behaviour through Psychosocial Treatment of the Youth” in the Karlovac and Zagreb area.

In the coming period, long-term cooperation with civil society organisations in the implementation of education will continue, with a tendency to improve it.

Furthermore, as part of the National Recovery and Resilience Plan 2021-2026, the education and licensing of 400 leaders of family and legal protection measures began. The programme shall be implemented in the period from 1 August 2022 to 31 December 2024. Key activities of the programme include the standardisation of professional training for leaders of measures, education of 24 trainers for the implementation of the training programme, and education and licensing of 750 professional workers - leaders of measures (110 newly employed leaders of measures of intensive professional assistance and supervision and 640 existing leaders of family legal protection measures by the end of 2024).

The implementation of the activities began with the education of 24 trainers for the leaders of measures for the protection of the rights and well-being of the child, who will be trained to independently conduct training after the completion of the education. All selected trainers will conclude an agreement with the Ministry of Labour, Pension System, Family and Social Policy, under which they will be obliged to conduct training in cooperation with the Ministry, i.e. the Social Welfare Academy, whose establishment is undergoing and is prescribed by the new Social Welfare Act¹¹, which entered into force on February 14, 2022. The activity of the Academy includes standardisation of compulsory and specialised professional training programmes, organisation and implementation of initial and continuous professional training of professional workers in the field of social welfare, organisation and implementation of professional training of trainees, principals and other professional workers in the field of social welfare, organisation and implementation of organisational, team and methodical supervision in the social welfare system. Furthermore, in accordance with the provisions of the Act and with the aim of introducing a quality system in professional training programmes and aligning the supply and demand in the field of professional training, the Ordinance on the Standards and Procedure of Licensing Professional Training Programmes for Professional Workers and Professional Associates in the Social Welfare System¹² was adopted. Licensing professional training programmes is a procedure that assesses whether a particular programme meets the prescribed standards, thus ensuring the diversity, accessibility, comparability, and competitiveness of the programme. The process of licensing the programme is carried out by the Ministry of Labour, Pension System, Family and Social Policy during the calendar year on the basis of a public call (which can be general or thematic), and the expert assessment on the fulfilment of the licensing standards is carried out by the Committee for the Expert Evaluation of the Programme whose variable members are selected among experts in the field of professional training on the proposal

¹¹Official Gazette, No. 18/22, 46/22, 119/22

¹²Official Gazette, No. 58/22

of higher education institutions and professional organisations. Based on the expert evaluation of the Commission, the Ministry issues a certificate on the fulfilment of the standards for the licensing of programmes (licenses), for four years, after which it is needed to submit a proposal for the renewal of the license to the Ministry.

The establishment of the Academy and the licensing of professional training programmes will ensure quality and continuous professional training of employees in the social welfare area (initial and in-service professional development), which will affect the provision of better support and strengthening of competencies of the professionals to cope with increasingly complex everyday situations in practice, which will contribute to providing better support to victims of all acts of violence.

At the same time, we would like to point out that in the Training Centre of the Administration for the Prison System and Probation, professional training programs for prison system officials are continuously implemented, and human rights lecturers are, in addition to lecturers from the prison system, also representatives of the Office of the Ombudsman, the Office of the Ombudsman for Persons with Disabilities, Office of the Ombudsperson for Gender Equality and Office of the Ombudsperson for Children. Likewise, representatives of the Office of the Ombudsperson for Gender Equality, with the aim of raising the level of professional competence in the framework of human rights protection, organize lectures for prison system officials, including health workers and judicial police officers, on the topics of human rights and the fight against discrimination and violence, including on the basis of sexual orientation and gender identity. The Office of the Ombudsman holds a lecture for civil servants of the prison system with a special focus on human rights, discrimination on the basis of age, ethnicity, religion and health conditions, as well as social status and the application of the Law on Suppression of Discrimination.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

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

Varaždin, Zadar and Zagreb and in correctional institutions in Požega and Turopolje and aim at changing attitudes and beliefs that permeate violent behaviour.

In accordance with the above, we would like to point out that trainings are being carried out so that the program is applicable in other criminal bodies besides the ones mentioned above.

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

In relation to the statements in this paragraph, we consider it important to point out that when refusing to participate in treatment for perpetrators of violence, criminal authorities usually submit a negative opinion to the court about the prisoner's proposal for parole, but they have the option of proposing additional measures in addition to parole (for example, electronic monitoring, inclusion in treatment for the duration of parole, etc.). Deciding on parole is within the jurisdiction of the court, and the prisoner's refusal to participate in treatment does not exclude the possibility of granting parole.

108. GREVIO encourages the Croatian authorities to:

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

We consider it important to point out that, within the framework of the social welfare system, based on the Social Welfare Act¹³, one of the available social services is psychosocial treatment for the prevention of violent behaviour. This type of service is an advisory/therapeutic and psychoeducational service aimed at stopping and preventing violent behaviour in the family, by involving the user in a structured treatment aimed at stopping violence between partners and/or in the family. The service of psychosocial treatment for the prevention of violent behaviour is provided by an expert worker of the Family Centre, associations, religious communities, and other legal entities, as well as a physical person who has additional training to provide the service.

¹³ Official Gazette, No. 18/22, 46/22, 119/22

In relation to point b. of this recommendation, which encourages the implementation of an external evaluation of existing programs for offenders, we point out that the external evaluation of the NAS (psychosocial treatment) and PRIKIP (treatment of sexual delinquents) programs was carried out by external experts in 2022 and 2023, however, the results are not yet available.

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

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

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

In accordance with the goals of the National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027, the competent state bodies in cooperation with the media, more precisely the public media service, will carry out a number of activities to broadcast shows on the harmfulness of gender-based violence, in particular sexual violence and sexual harassment, and preventive action to reduce the occurrence of these unacceptable behaviours.

Furthermore, within the framework of the campaign to be carried out in the coming period (see commentary on paragraphs 84 and 87), which will include awareness-raising among the general public of the harms of sexual violence and sexual harassment in the workplace, special attention will be paid to the involvement of employers. At the same time, to strengthen the competencies of employees of different systems providing assistance and support to victims of sexual violence and sexual harassment within the National Plan for the Suppression of Sexual Violence and Sexual Harassment, educative programmes and specialised lectures and workshops for persons for the protection of employee dignity, interested employees, trade union commissioners on the recognition and procedure in case of sexual violence and sexual harassment will be implemented.

IV. Protection and support

A. General obligations (Article 18)

120. Since the ratification of the Istanbul Convention in 2018, several initiatives have been taken in Croatia to institutionalise co-operation around domestic violence cases. Examples include the Agreement on Cross-Sectoral Collaboration in the Field of Prevention and

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

Regarding the aforementioned paragraph, we believe it is necessary to clarify that the reasons for which certain County Teams meetings are not held in certain areas of the Republic of Croatia, or are held irregularly, are reflected in their annual activity reports to the Ministry of Labour, Pension System, Family and Social Policy. The most frequently described difficulties are reflected in the irregular holding of joint meetings of members, the absence of participation of a large number of members in joint meetings, the convening and holding of meetings depends solely on the efforts of the team leaders, the financing of teams - there is no possibility to finance the activities of members, such as the member going to education, meeting or conference in another city, county, etc., the absence of coordination of the work of teams, vaguely defined roles and powers of the team leaders, the problem of space for the work of members and team members, etc. The activities to be undertaken in the forthcoming period are described within paragraph 31.

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

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

The purpose of the Protocol on the Procedure in Case of Domestic Violence from 2019 is to ensure the timely and effective implementation of the existing regulations on the protection of victims of domestic violence in accordance with the powers of the competent authorities, to improve cooperation and to influence the reduction of violent behaviour in the long term. The prevention of domestic violence and the protection of victims can only be carried out through mutual cooperation and the inter-connection of competent authorities dealing with the protection of victims of violence. Procedures regarding domestic violence should be carried out urgently, without delay, while respecting the rights of all victims.

The Protocol lays down an obligation for all bodies dealing with domestic violence to act urgently; to ensure individual approach to the victim of domestic violence and the application of regulations on the protection of personal data; an obligation to treat victims of violence in a particularly considerate, impartial and professional manner, respecting their dignity, in particular women, children, persons with disabilities and the elderly as victims of domestic violence; a duty to protect the best interests of the child in accordance with the provisions of the Convention on the Rights of the Child and the European Convention on the Exercise of Children's Rights; the duty to protect the interests of women exposed to gender-based violence and domestic violence in accordance with the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations of the UN Committee responsible for monitoring the application of this Convention, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the monitoring mechanism under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence or the recommendation of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and other international documents; the duty to respect the provisions of the Convention on the Rights of Persons with Disabilities when the victim of violence is a person with disabilities; the need to identify risk factors for the development of violent behaviour and timely intervention in the family, etc.

On these tasks, the plan is to implement a training programme for employees of all bodies responsible for handling cases of violence against women, including sexual and domestic violence. Training programmes will be implemented in close cooperation and partnership with civil society organisations active in the field of protection of victims of violence. These training programmes will place particular emphasis on gender-based violence, its causes and possible consequences, as well as obligations and methods of action to protect the victim in a timely and effective manner.

B. Information (Article 19)

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

In relation to the statements in the paragraph in question, please note that the website of the Ministry of Justice and Administration¹⁴ contains information on available support services, information on rights as well as the ways in which rights can be exercised, contact information of all departments for supporting victims and witnesses in courts as and contact information of organizations and support services in all counties.

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

Experts from all competent bodies, who are in direct contact and work with victims of violence on a daily basis, inform them about their rights, and possible and available services related to the existence of violence and victimisation.

Additionally, we consider it important to point out that the Ministry of Justice and Administration regularly celebrates the European Day of Victims of Criminal Offenses on February 22 by organizing round tables and thereby ensuring the participation of experts, which is an opportunity to exchange information and examples of good practices. Also, the Ministry of Justice and Administration organizes lectures for officials of the social welfare system on the topic of support and rights of victims, and the plan is to organize a new cycle of lectures for officials of social welfare centres, as well as an additional activity of securing lectures in cooperation with the Diplomatic Academy for foreign and domestic representatives embassies, as well as lectures for representatives of Family Centres and Mental Health Centres within the Croatian Institute of Public Health. At the same time, officers of the Victim and Witness Support Service participate in trainings organized by the Judicial Academy and the Police Academy.

C. General support services (Article 20)

1. Social services

133. Victims of violence against women generally seek help from the social welfare system as a first point of contact. In Croatia Social Welfare Centres provide a range of services including counselling and psychosocial support as well as social welfare benefits that are set out by the Social Welfare act. This include the granting of one-time benefits which may be up to maximum HRK 2,500 per person in one calendar year and in exceptional cases up to HRK 10,000.

¹⁴

<https://mpu.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

Concerning the comment in the paragraph in question, we would additionally like to emphasise that within the framework of the social welfare system, under the Social Welfare Act¹⁵, an advisory/therapeutic and psychoeducational service is available, aimed at stopping and preventing domestic violence, by involving the beneficiary in a structured treatment aimed at stopping violence between partners and/or domestic violence.

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

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

In relation to the paragraph in question, we would like to emphasize that housing provision is carried out in state-owned housing units that are part of the housing fund under the jurisdiction of the Ministry of Spatial Planning, Construction and State Property, and there is also the possibility of housing provision in privately owned housing units, if in a certain area there are no available state-owned habitable housing units. Financial resources for the accommodation costs of the beneficiaries are provided in the state budget of the Republic of Croatia if the beneficiary cannot bear them on her own, and which are determined by the competent administrative bodies in the counties, i.e. the competent administrative body of the City of Zagreb, in the process of resolving the request.

The competent Ministry of Spatial Planning, Construction and State Property covers overhead costs and monthly rent costs in housing units owned by private persons, and in housing units owned by the state, the beneficiary is exempted from paying monthly rent, while overhead costs are covered by the Ministry.

In the period from 2019 to 2022, a total of 67 valid/positive decisions were received, of which a total of 60 decisions were implemented and the beneficiaries were moved into residential units.

¹⁵Official Gazette, No. 18/22, 46/22, 119/22

42 beneficiaries moved into state-owned housing units, and 18 beneficiaries moved into privately owned housing units. Seven solutions have been implemented since 4 beneficiaries gave up the procedure (they returned to their primary family or found permanent accommodation), and for the other beneficiaries, provision of a suitable housing unit is in progress.

In 2022, a total of 20 positive/valid decisions were received according to the geographical distribution as follows: Vukovar-Srijem County (5), Osijek-Baranja County (3), Primorje-Gorski County (2), Karlovac County (2), Sisak-Moslavina County (1), City of Zagreb (4), Sibenik-Knin County (2) and Međimurje County (1). 18 solutions were executed, while one beneficiary gave up housing assistance during the execution process itself, and one beneficiary is in the process of securing an adequate housing unit. In 2022, a total of EUR 96,854.28 was spent from the state budget to provide housing for victims of domestic violence.

The possibility of permanent housing provision exists exclusively in the area of application of the Law on Housing Care in Assisted Areas¹⁶. For beneficiaries who have the status of victims of violence, the same conditions apply as for other categories of beneficiaries who can exercise the right to housing care from that Act. On the basis of the status of a victim of domestic violence, beneficiaries receive an additional 40 points based on the Regulation on scoring criteria for applications for housing care¹⁷. So far, 6 beneficiaries with families who, before the expiry of the two-year period, have obtained the right to housing by renting out a state-owned housing unit via the regular List, have been permanently provided with housing in this way, thus resolving their housing existence (2 in Knin, 1 in White Monastery, 1 in Sarvaš, 1 in Vukovar and 1 in Slatina). Additionally, we note that the latest amendments to the Law on Housing Care in Assisted Areas, which is currently in the process of adoption, provide for the possibility of extending housing for victims of violence for an additional two years. The aforementioned provisions provide the possibility of temporary housing for the victims for four years.

D. Specialist support services (Article 22)

146. GREVIO notes with grave concern that specialist support services in Croatia focus almost exclusively on the provision of counselling and assistance to victims of domestic violence. Support to victims experiencing other forms of violence against women such as sexual violence, sexual harassment, stalking, digital forms of violence against women, FGM, violence committed in the name of so-called “honour” and forced marriage is almost inexistent and thus requires significant and immediate attention by the authorities. According to existing research, 95.7% of the victims who sought specialist services were victims of domestic violence and 21.7% experiences sexual violence either in conjunction with domestic violence or separately. The absence of victims approaching the service providers for other forms of violence should not be regarded as an indication that such forms of violence do not exist in Croatia. GREVIO recalls the importance of conducting prevalence studies on all forms of violence to provide an accurate picture of violence against women situation in the country. In addition, services do not always cater towards

¹⁶ Official Gazette, No. 106/18, 98/19

¹⁷ Official Gazette, No. 14/19

women with specific needs, who are at risk of or subject to intersectional discrimination, such as women with disabilities, women in prostitution, migrant and asylum-seeking women, women with addiction issues, and others.

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

We further emphasise the multi-annual support to civil society organisations providing support to victims of violence. The Ministry of Labour, Pension System, Family and Social Policy has financed associations providing counselling services for victims of domestic violence and victims of sexual violence in the Republic of Croatia through project funding since 2019. During 2023, 20 civil society organizations will be financed in the annual amount of EUR 447,000.00. The aim is, in addition to providing counselling to victims, to carry out activities aimed at raising knowledge and awareness of the rights of victims of violence, training the employees of the counselling centre on the rights and needs of victims of violence and their children and victims of sexual violence, training of members of county teams in the field of gender-based violence, improving the protection of victims, i.e. areas where the end user is the focus of interest.

E. Shelters (Article 23)

154. GREVIO urges the Croatian authorities to:

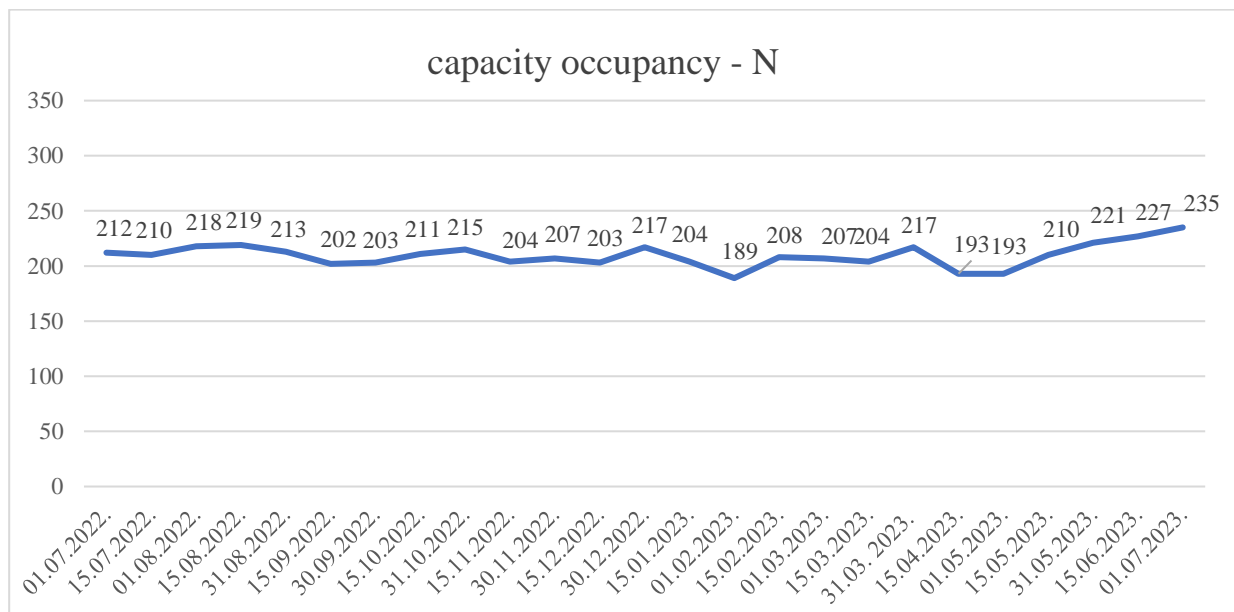
- a. increase the number and capacity of appropriate and easily accessible shelters providing safe accommodation, based on a gendered-understanding of violence against women and in relation to all forms of violence covered by the Istanbul Convention;**
- b. ensure that shelters are available in an adequate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

For many years, the Republic of Croatia has provided financial support to shelters for victims of violence. There are currently 25 shelters in the Republic of Croatia, with a currently available

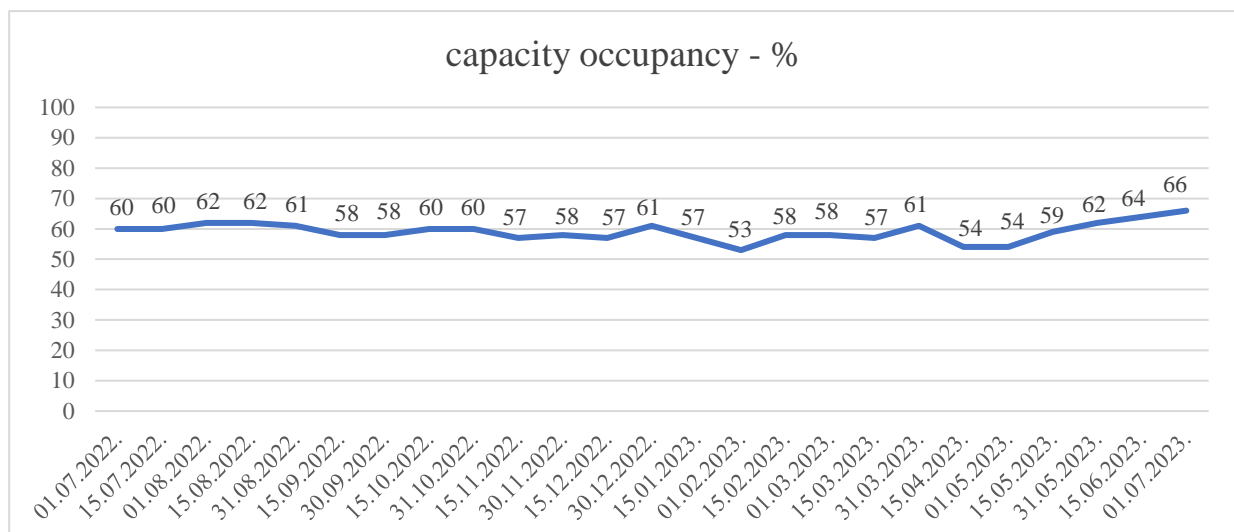
capacity of 357 beds available in all counties of the Republic of Croatia. The shelters are run by women's NGOs at 8 locations, civil society organisations at 6 locations, religious institutions at 5 locations, other accommodation providers, i.e. the Red Cross and homes/institutions at 6 locations.

Regarding accommodation capacities, we point out that the Ministry of Labour, Pension System, Family and Social Policy monitors the capacity occupancy every two weeks and according to the data collected directly from the shelter, the occupancy does not exceed 66%. The latest data as of July 1, 2023, indicate a total occupancy of 66%. The figures below indicate the state and movement of occupancy of shelter capacities in the last year (from July 1, 2022, to July 1, 2023) in relative numbers and percentages:

a) capacity occupancy (relative numbers)



b) capacity occupancy (percentage)



Based on the above, we estimate that the existing capacities correspond to the actual needs of the victims' accommodation. If in the future there is a need to develop a housing system for victims of violence due to insufficient accommodation capacities, we emphasise the readiness of the Republic of Croatia to take all necessary measures.

Shelters for victims of violence are available to users every day, and accommodation can be obtained through the mediation of the social welfare centre, the police, or upon the direct request of beneficiaries. Any victim of violence, if needed, can grant accommodation, and the services provided for beneficiaries are free of charge, and the addresses of all shelters are secret. In accordance with the provisions of the Social Welfare Act,¹⁸ temporary accommodation in crisis is approved, among others, to children and adults - victims of domestic violence, for no longer than one year¹⁹. It is especially emphasised that within the shelter for victims of violence, in addition to accommodation services, services of psychosocial support, counselling services, legal aid, assistance in employment, assistance in enrolling a child in kindergarten or school, learning assistance and others are available.

Financial support for their work is provided by 23 shelters for victims of violence from the funds of the Ministry of Labour, Pension System, Family and Social Policy (based on several items in the state budget where funds for this purpose are provided, or from the EU funds). The remaining two shelters have secured other sources of funding, that is, one shelter is fully financed from the budget of the City of Zagreb as the founder, while one shelter is an integral part of an institution that is financed directly from the state budget of the Republic of Croatia. With the aim of further additional assistance to shelters, in addition to the state budget, additional funds within the EU funds were provided in the next financial perspective. In addition, shelters receive financial support from the budget of cities and counties.

In no case do the competent state authorities of the Republic of Croatia impose any conditions related to the accommodation of beneficiaries (age, disability, decision on reporting the perpetrator or any other condition, including the type or form of violence). Instead, the shelters, especially autonomous women's shelters, where the beneficiaries are placed exclusively based on personal decision and not under a decision of the social welfare centre on covering the costs of accommodation, independently decide on which victim will grant accommodation. Regarding the development of minimum quality standards that shelters need to meet, we point out that pursuant to the provisions of the Social Welfare Act, the Ordinance on the Criteria for the Provision of Social Services²⁰, which prescribes the criteria of the facility, equipment, necessary professional and other workers, content, scope and manner of providing social services is in force. These criteria represent a minimum of quality standards in terms of premises, equipment and professional workers required for the operation of the shelter and to enable the safe stay of victims. To inspect the premises and equipment of the shelter, and for the purpose of issuing a license for the provision of accommodation services, it is necessary to ensure the entry of authorised persons from the Ministry of Labour, Pension System, Family and Social Policy into

¹⁸Official Gazette, No. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20, 138/20

¹⁹Social Welfare Act - Article 89.

²⁰Official Gazette, No. 110/22

the facility where the shelter is located. 24 out of a total of 25 shelters in the Republic of Croatia, enabled access to the facilities by authorised persons of the Ministry to inspect the premises and issue licenses/approvals. The confidentiality of the address of the shelter was in no case called into question by authorised persons of the Ministry who acted with due diligence in full compliance with the provisions on confidentiality. In addition, we emphasise the immense importance of the relationship of trust between the representatives of the state body and the employees of the shelter in providing much-needed assistance to victims of all forms of violence.

At the same time, we consider it necessary to point out that within the framework of the Program Effective Human Resources 2021-2027 it is planned to co-finance from the European Social Fund plus an operation within which organizations that provide support and shelter to victims of domestic violence will carry out activities to strengthen the capacity of shelters to work with victims of violence, as well as activities to empower women with the aim of their activation on the labour market and return to life in the community.

Furthermore, concerning the stated that there are no specialised shelters for victims of any other forms of violence against women, we believe it is necessary to emphasise that in the Republic of Croatia, there are two shelters for victims of trafficking in human beings, as described in the Report of the Republic of Croatia submitted in February 2022. In addition, we emphasise that adequate assistance and protection to victims of trafficking in human beings, is provided by, among others, two national shelters, for adult victims of trafficking in human beings and children, and the Ministry of Labour, Pension System, Family and Social Policy continuously provides funds for the work of these shelters.

In addition, as part of the Programme of Support and Protection of Victims of Trafficking in Human Beings, the Croatian Red Cross continuously and in cooperation with all relevant stakeholders, primarily competent social welfare centres, works on the development and supplementation of the Individual Plan for Victims of Trafficking in Human Beings, under the existing and emerging needs of victims located outside and in national shelters for victims of trafficking in human beings. Also, with all relevant stakeholders involved in the implementation of the assistance and protection programme, measures are taken to adapt all services to the needs of the beneficiaries (e.g. gender of the person performing psychotherapy).

It is also pointed out that on February 4, 2022, the Ministry of Labour, Pension System, Family and Social Policy concluded an agreement on the provision of social services of organised housing with comprehensive support for children victims of trafficking in human beings with the Croatian Red Cross – City Red Cross Society.

F. Telephone helplines (Article 24)

155. In 2013 the National Call Centre for Victims of Crime (NCC) was established and since 2020 it operates 24/7. The helpline is free of charge and anonymous and is available in Croatian and English. The services provided by the NCC include providing information on the rights of victims and witnesses of crime and misdemeanours, emotional support,

referral to relevant civil society organisations and institutions and assistance in completing the cash benefit claim form. GREVIO welcomes that both the employees and volunteers receive an extensive 3-month initial training and continue to benefit from in-service training on gender-based violence. On the other hand, GREVIO notes with concern that the NCC caters to all victims of crimes and misdemeanours, and thus represents a generic helpline, rather than the one dedicated to providing crisis counselling, referral to other services and support to victims of all forms of violence covered by the convention, even though the majority of the callers are victims of gender-based violence against women. GREVIO also notes with concern that the helpline isn't available in all languages spoken by the migrant and minority populations in Croatia, nor it is accessible to women with hearing impairments.

156. Helplines providing services exclusively to victims of violence against women, specifically domestic violence are operated by a number of NGOs and shelters, some of which are available 24/7. However, the lack of state funding endangers their sustainability.
157. **GREVIO strongly encourages the Croatian authorities to ensure the functioning of a state-wide, free-of-charge, anonymous and round-the-clock telephone helpline dedicated to women victims of all the forms of violence against women covered by the Istanbul Convention, and in a wider variety of languages. This helpline should be accessible to all women, including women with hearing impairments, and operated by qualified staff trained in all forms of violence. GREVIO further strongly encourages the Croatian authorities to provide long-term and sustainable funding to the civil society organisations operating national telephone helplines, in order to ensure their continuous operation.**

Helplines for women victims of violence are financed through three-year programmes for shelters and counselling centres (a total of 7 women's NGOs) and through one-year programmes of counselling centres (a total of 20 associations). During 2023, 20 civil society organizations that run counselling centres will be financed in the annual amount of EUR 447,000.00. The Ministry of Labour, Pension System, Family and Social Policy intends to continue financing projects of the counselling centre within which the service of the helpline for victims of violence is provided.

Regarding the comment on the provision of a free, anonymous and 24/7 helpline across the country, we point out that the operation of the National Call Centre (116 006) has been ensured in the Republic of Croatia since 2013, and it is available to all victims 24/7/365 since November 25, 2022.

That telephone line was established based on a COMMISSION DECISION (2007/116/EC) of 15 February 2007 on the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value, and in this case, it is 116 006 call centre for victims of crime. The service enables victims of crime to receive emotional support, information about their rights and ways of exercising their rights, and to be referred to relevant organisations. It is

necessary to provide specific information on local police and criminal justice procedures; compensation options and insurance issues, as well as support in finding other sources of assistance relevant to victims of crime.

Special conditions related to the right to use this number refer to the obligation of public availability of information if the service is not continuously available (ie 24 hours a day, 7 days a week, throughout the country), while during periods of unavailability, service callers should be informed when the service will next time become available.

The Decision does not explicitly commit to the availability of services in languages, and it was therefore decided that this service would be available in Croatian and English.

With regard to the recommendation that qualified staff trained for all forms of violence work on the phone, we would point out that there are 5 employees at the 24/7 service who are trained to consult with victims of all forms of violence on the basis of their primary university education, as well as through additional trainings.

At the same time, we consider it important to point out that the Republic of Croatia is in the process of establishing a telephone line to help women victims of violence (116 016), which is fully supported by the Ministry of Labour, Pension System, Family and Social Policy.

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

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

In relation to the statements in point c. of this paragraph we consider it necessary to point out that the Ministry of Labour, Pension System, Family and Social Policy is currently financing 3 associations that provide counselling services to victims of sexual violence (SOS Rijeka - Centre for Nonviolence and Human Rights and Women's Room - Centre for Sexual Rights and Association Children first). Services provided to help victims of sexual violence include counselling services, psychosocial assistance and support, legal assistance, empowerment of victims of sexual violence, information assistance on available support services and legal measures, ensuring access to appropriate health, social and legal services, educational and promotional activities, individual and group work with beneficiaries, various workshops,

supervision for experts of counselling for victims of sexual violence and training and professional training of experts employed in counselling on the rights and needs of victims of sexual violence.

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

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

As the most sensitive and vulnerable group, children when faced with violence and need to give testimony in court regarding the experience, have special protection in terms of appointing a person of trust who, depending on the child's age accompanies the child to the court, stays with him/her during the entire procedure²¹. This starts from the very beginning of the procedure - from the moment of the first knowledge, which includes interviews with the police, medical examination, the conduct of the Regional Office/former social welfare centre, etc.

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

169. GREVIO notes with interest that a free helpline for children called “Brave Phone” is available on workdays from 9:00 to 20:00, which the children are invited to call when they have a problem they want to talk about, when a person puts them at risk, or in any way makes them feel uncomfortable or unsafe or if they are afraid for their safety and/or life. Apart from this, GREVIO did not receive detailed information on the specific efforts to provide specialist care to children who witnessed domestic violence. However, the behaviours and attitudes of social welfare personnel in custody and visitation proceedings maybe regarded as an indication of their lack of understanding of the harmful effects of witnessing violence on children and dynamics of post-separation violence, as they are often reported to favour the child’s contact with the abusive father over the safety of the

²¹Act on Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21, 114/22 – Article 8)

women victim and the child. GREVIO has previously emphasised that the safety of children is strongly linked to the safety of adults and that by helping women victims of domestic violence to secure protection, children are also helped.

Regarding the comments in the paragraphs in question, we consider it necessary to point out that the sources of comments that the social welfare centres favour the child's contact with the abusive father over the safety of the women victim and the child are not known. In particular, we emphasise that the safety of the child is one of the foundations, and it serves as a starting point for the social welfare centre when giving opinions and proposals to the court regarding personal contact of the child and the parent who does not live with the child.

Under the Protocol on the Procedure in Cases of Domestic Violence, and under the Family Act, the centres are guided by the principle of the best interests of the child in the context of the protection of the interests and rights of the child and will otherwise appoint a special guardian for the proceeding needs. Victims are provided with assistance and support to shelters for victims of violence if they cannot obtain such assistance from their families or close persons.

Under the provisions of the Social Welfare Act and the Family Act, and in particular, the measures for the protection of the rights and well-being of the child, taking into account the best interests of the child, the Regional Office (former social welfare centre) is obliged to, to protect the welfare of the child, in the case of domestic violence committed by a parent who does not live with the child, very carefully consider whether it is necessary to make a decision prohibiting a parent who does not live with the child from meeting and socializing to protect the health and other important interests of the child, or whether it is necessary to make a restraining order prohibiting that family member from approaching the child unauthorisedly in certain places or at a certain distance and harassing the child. It will inform the parent who does not abuse the child and the child and obtain their opinion and take it into account appropriately and attentively unless it is contrary to the child's interest, whereby the need for protection from further violence will be particularly appreciated and the opinion and recommendation of the appropriate expert will be obtained. The child's opinion is considered in accordance with his/her age and maturity.

Furthermore, if the child has become a victim of domestic violence by being directly exposed to violence or by witnessing violence, the Regional Office (former social welfare centre) will urgently impose appropriate measures to protect the rights and well-being of the child taking into account all the circumstances of the case, regularly (at least 2 times a month) and closely monitor the implementation of the measures and the results achieved, whereby it is obliged to prepare an appropriate report or official note. The evaluation of the results of the imposed measure will in particular consider the child's position on the circumstances in which he/she lives, whereby the assistance of appropriate professional services and institutions will be sought. If necessary, if the imposed measure does not produce results, the Regional Office will replace the measure in question with another measure, and when choosing a new measure, it will take particular account of concrete circumstances and needs.

In addition, we consider it important to point out that in addition to Brave Phone, a free telephone line to help children is also run by the association Blue Phone.

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

Testimony or exposure of a child to violence is certainly one of the riskiest predictors that negatively affect his/her overall psychosocial development. Specialised services to which a child with the said traumas is referred are treatments of psychologists and/or other health or psychosocial treatments.

Additionally, we point out that on October 20, 2022, the Republic of Croatia submitted to the European Commission a request for technical support with the aim of securing financial resources for the establishment of the Barnahus model in the Republic of Croatia. The Barnahus model is recognized as an example of good practice by the Council of Europe. It represents a comprehensive framework for treating child victims of criminal acts of sexual abuse and exploitation in a safe and child-friendly environment. The model is aimed at a coordinated, inter-institutional response that gathers all relevant stakeholders in one place in order to prevent secondary victimization of the child victim before and after the initiation of criminal proceedings.

After creating the Detailed Project Description, an online meeting was held at the beginning of May 2023 with representatives of the Ministry of Justice of the Roc, European Commission and the Council of Europe, where a kick-off meeting at the technical level was agreed upon at the beginning of September 2023.

I. Reporting by professionals (Article 28)

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

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

Professional workers of the Croatian Social Work Institute, competent regional offices, as well as other competent bodies that found out about domestic violence in the course of their work are obliged to act under the Act on Protection against Domestic Violence and the Protocol on the

Procedure in Cases of Domestic Violence. Reports of cases of violence by experts of civil society organisations are also prescribed by the Law. The obligation to report knowledge of violence is prescribed by the Law on Medicine²² and the Law on Dental Medicine²³. Concerning the stated about “tempered”, in the sense of informing the victim so that she can make a decision and maintain autonomy, we note that an expert in a body that comes into contact with the victim in his work cannot determine the severity level of the committed violence and take responsibility for non-reporting which can end in the most serious consequence for the victim. The severity of violence is defined by the competent authorities (State Attorney's Office, police, court). In practice, there are cases of an autonomous decision of the victim not to report violence, however, by the legal provisions, the experts do not have the opportunity to agree with the same decision, because of the danger of further possible development of events. We assess the high value of working with the victim by experts, which includes the necessary work on empowering the victim and understanding the responsibility of the perpetrator of violence.

V. Substantive law

A. Civil law

2. Compensation (Article 30)

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

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

In relation to the mentioned paragraphs, we consider it important to point out that it is necessary to declare a reservation again in relation to article 30, paragraph 2 of the Convention of the Council of Europe on preventing and combating violence against women and violence in the family.

Pursuant to Article 78, Paragraph 2 of the Convention, the Republic of Croatia reserves the right to apply the provisions of Article 30, Paragraph 2 only in relation to victims who exercise the right to compensation in accordance with national legislation governing the issue of compensation for victims of criminal acts.

²² Official Gazette, No. 121/03 and 117/08

²³ Official Gazette, No. 121/03, 117/08, 120/09, 46/21

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

We consider it important to point out the reasons for the low reported number of compensatory measures submitted under the Act on monetary compensation to victims of criminal acts of violence, which could be that some victims did not meet the assumptions or conditions, or that the victims obtained compensation in another way, for example from the perpetrator before the court or on another way. In any case, it is difficult to determine the reasons for not submitting a request based on this Act.

On the basis of the Law on monetary compensation for victims of criminal acts, where female victims were killed in 2021, requests were submitted in relation to 3 criminal acts of domestic violence, of which 2 were processed and 1 was rejected; 7 criminal offenses related to criminal offenses of rape, murder or serious bodily injury, of which 2 requests were accepted (EUR 4,645 and EUR 526), and 5 were rejected or rejected. In 2022, requests were submitted for 10 criminal offenses related to the criminal offenses of murder, rape or attempted rape, and serious bodily injury.

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

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

Concerning what is stated in the relevant paragraph, we consider it necessary to emphasise that in cases of domestic violence for which the Regional Offices (former social welfare centres) are obliged to submit expert opinions at the request of the court regarding the decision on which parent the child will live with and in what manner will the parent who will not live with the child make personal contact with the child, the overall knowledge about the family is taken into account and the requested opinions are given accordingly. In doing so, special attention is paid to the knowledge of violence between partners (if there were any during the partnership) both in relation to the other partner-parent and in relation to the child.

193. According to Article 171 of the Croatian Family Act, the courts may limit parental rights if the child is exposed to violence among adult family members. In 2021 the Ministry of Labour, Pension System, Family and Social Policy issued an instruction to social welfare

centres on the protection of victims of domestic violence, which clarifies the interpretation of “exposure of to violence” by Croatian authorities. Accordingly, in cases of domestic violence, the instructions explicitly recognises that the child's exposure to domestic violence, even if himself/herself is not a direct victim, is a form of psychological violence with significant impact on their psychosocial development, which GREVIO welcomes.

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

Concerning the paragraphs in question, we consider it necessary to emphasise that experts within the social welfare system who work on cases related to the submission of proposals to the courts for making decisions on the establishment of personal contact between a parent who does not live with the child and the child, issue their opinions after comprehensive analyses, conversations with children (depending on their age), and parents and based on the overall data available on the family in question, which is of great importance in making such proposals. The opinions and proposals of the Regional Offices (former social welfare centres) may or may not be considered by the courts.

195. The period between parental separation and the court decision ruling on custody/visitation rights appears to be particularly problematic in Croatia. During that lengthy period, both parents have their parental rights completely intact unless the court issues a temporary measure. Such measures include the prohibition of approaching the child under Article 154 of the Family Act and maintaining personal relations with the child under supervision under Article 124 of the Family Act and can be issued upon the request of the parties, the Social Welfare Centre or *ex officio*. Reports from civil society however indicate that temporary measures are rarely proposed by the Social Welfare Centres or issued *ex officio* and, when they are, it is often not within a reasonable amount of time. Social Welfare Centres can ban contact between the father and the child if a restraining order is issued against the father that includes the child. In cases where the scope of a restraining order only extends to the woman, contact is carried out under the supervision of the Social Welfare Centre.

Information provided to GREVIO indicates that while possible in theory, supervised contacts are rarely imposed on abusive fathers.

In relation to the allegations in the recommendation in question, we point out that although it is considered that the regional offices of the Croatian Institute for Social Work rarely propose temporary measures, it is considered that depending on each individual case, the competent regional office assesses whether it is necessary to propose to the competent court to adopt a temporary court measure on personal relationships with the child under supervision. In this sense, we point out that the decision on a temporary measure prohibiting personal relations with the child, i.e. determining personal relations with the child under supervision, is made by the court, in accordance with all established relevant circumstances and in accordance with the best interests of the child, regardless of the gender of the parents. The institute does not have the authority to prohibit personal relations with the child, as stated in the report, nor to decide to maintain personal relations with the child under the supervision of a professional. When the court decides to maintain personal relations with the child under supervision, the supervision of contacts is carried out by a person appointed by the Office. In some cases, before the adoption of a temporary court measure, it is necessary to carry out the procedure of a combined psychological and psychiatric examination in order to determine the parental competences in relation to the child, i.e. whether the parent is a danger to the child.

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

In relation to the statements in this paragraph, we consider it necessary to emphasize that the Ministry of Labour, Pension System, Family and Social Policy regularly conducts inspections with the aim of standardizing the treatment of all beneficiaries and the proper application of current regulations. Additionally, respecting the circumstances of each individual case, if the procedure is not harmonized with the accepted practice and regulations, measures are ordered to eliminate the established irregularity and ensure legal and proper treatment.

- 197. GREVIO urges the Croatian authorities to take the necessary measures to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights, and to assess whether such violence would warrant restricting custody and visitation rights. To this end, without prejudice to the court system structure in Croatia, the Croatian authorities should:**
- a. take measures to incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported;**
 - b. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including, but not limited to, law-enforcement agencies, health and education authorities and specialist women’s support services;**
 - c. incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interests of the child;**
 - d. ensure that only those professionals, particularly psychologists and child psychiatrists, who are trained on violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;**
 - e. ensure that all professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation of the so-called “parental alienation syndrome”, as well as any other approach or principle which tend to consider mothers who invoke the violence as “unco-operative” and “unfit” as a parent, and to blame them for the poor relationship between a violent parent and his children;**
 - f. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator, and to prevent the risk of revictimization;**
 - g. ensure an appropriate use of the legal provisions which allow reducing, lifting and/or subjecting to safeguards the perpetrator’s custody and visitation rights whenever a situation of violence is ascertained, and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed;**
 - h. accompany such measures with the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, and resort to unfounded concepts such as “parental alienation” which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they justify their decisions on custody and visitation rights.**

Regarding the comments in this paragraph, we consider it necessary to emphasise that custody in the Republic of Croatia is defined by the Family Act²⁴ and as such can be shared and independent. Decisions on which parent will the child live with after the divorce and how will the personal connection between a parent and children will be realised, in the event that parents cannot agree on the above, shall be made by the court.

Any knowledge of violence is reported to the police by the experts of the Regional Offices (former social welfare centres), and the Regional Office continues its work in this regard in the direction of determining the risk to the victim of violence - an adult or a child and, under the established, takes appropriate measures to protect the rights and well-being of the child, as well as an adult. Furthermore, in all situations where professionals assess the need to impose appropriate measures for the protection of the rights and well-being of the child for a particular family, they are obliged to draw up Child Safety Assessment Lists and Developmental Lists of the Developmental Risks for the Child. In their work, social welfare professionals are obliged to apply professional knowledge and skills related to the issues they encounter and apply the highest standards of ethics in working with families. Furthermore, it is important to point out that the social welfare system applies standards related to risk assessments, and thus ensures that separate interviews are held with partner-parents, due to the imbalance of power between the victim and the perpetrator and for the prevention of new victimisation of the victim. At the same time, experts in the social welfare system in cases of violence, for parties - parents in divorce proceedings, to decide with which parent the child will live and how custody will be regulated, closely monitor all court decisions regarding possible protective measures and act under them. In the expert and professional conduct of social welfare professionals, violence is considered a serious and risky form of behaviour by a person who did not consider the interest of the child, whereas there are frequent cases that the parent has the interest to take revenge on a partner/another parent. Therefore, the behaviour of a parent who has committed violence is a serious risk factor that is taken into account in the course of protecting the rights and well-being of children.

Following on from the above in relation to the concept of "alienation from parents", we consider it necessary to point out that no competent authority supports concepts or terms that are not scientifically based and, in accordance with current legal regulations, provides training programs for employees of competent authorities in order to effectively apply the law.

4. Civil consequences of forced marriages (Article 32)

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

²⁴Official Gazette, No. 103/15, 98/19, 47/20

200. GREVIO urges the Croatian authorities to take the necessary measures, including legislative amendments, to ensure the annulment of marriages concluded under force without causing any undue burdens to the victims.

In relation to allegations about forced marriages, we consider it necessary to emphasize that the Family Law does not recognize the concept of forced marriage, but Article 23 of the Family Law, which regulates the prerequisites for entering into a marriage, states that for the marriage to exist, it is necessary that the bride and the groom have declared their consent to getting married.

Any marriages concluded under coercion are subject to annulment by the court, although the Family Law does not explicitly state it as a legal basis for annulment. However, in such situations, a lawsuit for annulment of marriage can be submitted to the competent court by the spouse who entered into the marriage under duress.

B. Criminal law

1. Psychological violence (Article 33)

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

Regarding the allegations in the paragraph in question, we consider it important to point out that isolated cases of psychological violence can also be prosecuted as a criminal offence of domestic violence referred to in Article 179a of the Criminal Code, if it is a serious case of violation of regulations on protection against domestic violence, which cause a prescribed consequence.

In relation to the same paragraph, regarding the collection of statistical data, we point out that the competent authorities (Ministry of Justice and Administration, Ministry of Internal Affairs,

Ministry of Labour, Pension System, Family and Social Policy, Ministry of Health, Ministry of Science and Education and the State Attorney's Office of the Republic of Croatia) collect data in accordance with the Ordinance on the method of collection, processing and delivery of statistical data and reports from the area of application of the Act on Protection from Domestic Violence²⁵ via the Form for the collection of statistical data from the area of application of the Act on Protection from Violence in families. The forms are individual for each competent authority and are an integral part of the Rulebook.

The Ministry of Justice and Administration, in accordance with the form of Table 6 of the aforementioned Ordinance, presents data on the number and type of illegal acts according to Article 10 of the Act on Protection from Domestic Violence according to the age of the perpetrator. Article 10 of the aforementioned Act prescribes the forms of domestic violence in Misdemeanour Law. In addition to others, the table contains data on psychological violence that caused the victim a violation of dignity or distress.

The Ministry of Justice and Administration collects data from competent courts.

In 2021, there were a total of 2,340 perpetrators (of mental violence that is caused a violation of the victim's dignity or distress), of which 1,935 were men and 405 were women. Under the age of 18, 30 men and 6 women, between the ages of 18 and 30, 376 men and 84 women, between the ages of 31 and 50, 940 men and 199 women, between the ages of 51 and 64, 406 men and 74 women, aged 65 and older, 183 men and 42 women.

In 2022, there were a total of 2,600 perpetrators (of mental violence that is caused a violation of the victim's dignity or distress), of whom 2,110 were men and 490 were women. Under the age of 18, 26 men and 2 women, between the ages of 18 and 30, 381 men and 104 women, between the ages of 31 and 50, 1,066 men and 243 women, between the ages of 51 and 64, 449 men and 89 women, aged 65 and older, 188 men and 52 women.

203. Psychological violence outside close relationships is not criminalised as a dedicated criminal offence, although there are some provisions of the Criminal Code that may cover certain aspects of this form of violence, such as coercion (Article 138) and threat (Article 139). According to the authorities, causing bodily injury (Article 117), serious bodily injury (Article 118) and particularly serious bodily injury (Article 119) could also be invoked in cases of psychological violence based on the World Health Organisation's definition of health as physical, mental, social and economic well-being. Although the lack of data disaggregated by the relationship between the victim and perpetrator makes it impossible for GREVIO to assess to what extent these provisions are used in cases of violence against women, it nonetheless wishes to stress that such general offences set a very high threshold to be considered criminal behaviour and are designed mainly to punish single acts carried out in isolation, rather than a pattern of prolonged abuse committed through acts which do not, per se, necessarily reach the threshold of criminalisation. GREVIO thus concluded that such general offences are often not adapted and do not capture the harm experienced by victims of psychological violence, and without a criminal offence adequately covering psychological violence, law enforcement agencies are ill-equipped to respond to this type

²⁵ Official Gazette, No. 31/18

of violence. GREVIO is further concerned that these offences do not capture the conduct set out in Article 33 of the Istanbul Convention, which consists of any intentional conduct that seriously impairs another person's psychological integrity. This can be done by various means or methods, such as isolation, control, coercion, and intimidation. Article 33 is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time, both within and outside the family.

In relation to the paragraph in question, we point out that there are other criminal offences than the criminal offences of coercion (Art. 138) and threats (Art. 139) under the Criminal Code, under which the forms of violence prescribed in Article 33 of the Istanbul Convention, which consists of any deliberate serious damage to the psychological integrity of a person, which can be achieved by various methods, except coercion and intimidation, isolation and control, and which behaviours can also be considered a criminal offence of unlawful deprivation of liberty (Art. 136) by whoever unlawfully detains a person, keeps him or her detained, or otherwise deprives him or her of his or her freedom of movement.

We also point out that criminal offences of bodily injury (Article 117 of the Criminal Code), serious bodily injury (Article 118 of the Criminal Code), particularly serious bodily injury (Article 119 of the Criminal Code) also include harm to health, which according to the definition of the World Health Organization includes mental health, we consider it important to point out that the mentioned criminal offences also prescribe a qualified form of commission "out of hatred", for which form a stricter punishment is prescribed. Hate can be conditioned by a person's sex or gender identity, which results from the definition of a hate crime (Article 87, paragraph 21 of the Criminal Code: A hate crime is a crime committed because of race, skin colour, religion, national or ethnic origin, language, disability, sex, sexual orientation, or gender identity of another person).

The qualified form of the criminal offense committed "out of hatred" is also prescribed in the criminal offense of threat (Article 139, paragraph 3 of the Criminal Code), where a harsher punishment than for the basic form of the offense (from six months to five years in prison) is prescribed.

In the case of all other criminal offences, where the commission of a criminal offense "out of hatred" is not expressly prescribed as a qualified form of criminal offence, the conduct "out of hatred" will be taken as an aggravating circumstance.

2. Stalking (Article 34)

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

In relation to the paragraph in question, we point to the provision of Article 55 of the Council of Europe Convention on preventing and combating violence against women and domestic

violence, which does not introduce the obligation to provide ex officio criminal prosecution of the criminal offense of stalking from Article 34 of the Convention. We also point out that the statement in the Report according to which, in the case of commission of the criminal offense of intrusive behaviour under Article 140 of the Criminal Code by a person who is not a close person, the prosecution is undertaken by the victim in the capacity of a private person without the involvement of the state attorney's office. Namely, in those cases where prosecution for the criminal offense referred to in Article 140 of the Criminal Code is not prescribed ex officio, prosecution is prescribed by motion. Prosecution by motion differs from "private prosecution" based on a private lawsuit. Prosecution by motion means that the precondition for the prosecution is that the victim submits a criminal complaint or a motion for prosecution to the state attorney's office (Article 47 of the Criminal Procedure Act), after which the prosecution is fully taken over and conducted by the state attorney's office, and the prosecution does not require the victim's private involvement.

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

In relation to the statements in the subject recommendation, we consider it important to point out that intimidation, as a modality of commission of the criminal act of intrusive behaviour from Article 140 of the Criminal Code, can take the most different forms: from physical monitoring and stalking to stalking in the virtual world (chat rooms, social networks), from establishing direct communication to establishing communication through third parties or any modern means of communication, and it can also consist of vandalizing a person's property, leaving traces on a person's personal belongings or pets, spreading untrue information about a person via the Internet etc.. We also state that the Act on Amendments to the Criminal Code²⁶ introduced a new criminal offense of Misuse of a recording of sexually explicit content (Article 144a), which criminalizes the abuse of a relationship of trust and making a sexually explicit recording available to a third party without the consent of the person being recorded that was recorded with the consent of that person for personal use, which violates that person's privacy (punishable by imprisonment for up to one year). If the criminal offense was committed through a computer system or network or in another way due to which the recording became available to a large number of people, the perpetrator will be sentenced to imprisonment for up to three years.

3. Physical violence (Article 35)

210. In Croatia physical abuse as a form of domestic violence is criminalised as both a misdemeanour and an offence under Article 15 of the Act on Protection against Domestic Violence and Article 179a of the Penal Code respectively. The Penal Code also contains a wide range of general offences encompassing different forms of physical violence, including Article 112 on manslaughter, Article 110 on murder, Article 117 on causing

²⁶ Official Gazette, No. 84/21

bodily injuries, Article 113 on causing death by negligence and Article 121 on causing serious bodily injury by negligence. Additionally, several articles in the Criminal Code carry an aggravated sentence if committed against a close person.

In relation to the paragraph in question we point out that misdemeanours in the sphere of domestic violence are not prescribed by Article 15 of the Act on Protection from Domestic Violence, as stated in the Report, but by Article 22 in relation to Article 10 of the Act on Protection from Domestic Violence. Following the last sentence of this paragraph, we consider it important to add that the commission of a criminal offence "out of hatred" (which may be conditioned by a person's sex or gender identity) also in a series of criminal offences leads to punishment for a qualified form of criminal offence, and is always taken into account as an aggravating circumstance (Article 87, paragraph 21 of the Criminal Code) where a more severe punishment is not expressly prescribed.

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

In relation to the paragraph in question we point out that the commission of a criminal offence "out of hatred" (which may be conditioned by a person's sex or gender identity) in the criminal offence of bodily injury (Article 117 of the Criminal Code), serious bodily injury (Article 118 of the Criminal Code), especially serious bodily injury (Article 119 of the Criminal Code) also leads to punishment for a qualified form of committing a criminal act. Murder committed out of hatred is considered a crime of aggravated murder (Article 11, point 4 of the Criminal Code). The commission of a crime "out of hatred" is considered an aggravating circumstance (Article 87, paragraph 21 of the Criminal Code) if a more severe punishment is not expressly prescribed.

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

Regarding the statements in the above paragraph, we point out that within the Ministry of Justice and Administration, the work of the Working Group for the improvement of the legislative framework for protection against violence against women and domestic violence, which aims to analyse the entire legislative framework in this area and propose possible changes to regulations, in which experts from judicial bodies, academia and civil society organizations also participate.

4. Sexual violence and rape (Article 36)

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

Regarding the statements in the above paragraph, we point out that a prison sentence of one to five years of imprisonment is prescribed for the perpetrator who was in a correctable delusion regarding the existence of consent, if it is a rape committed with the use of force or threats to directly attack the life or body of the victim or other person.

8. Sexual harassment (Article 40)

228. Croatia has transposed the EU Directive 2006/54/EC, which prohibits sexual harassment in the workplace. In line with the directive, sexual harassment in the workplace is considered a form of discrimination for which penalties must be established. Gender Equality Act and the Anti-Discrimination Act further define sexual harassment as a form of gender-based discrimination which can be subject to civil proceedings. Outside of the workplace, Article 10 of the Protection from Domestic Violence Act criminalises sexual harassment within a domestic violence context as a misdemeanour whereas Article 156 of the Criminal Code sets out the offence of sexually harassment of a subordinate, a person in a situation of dependence with respect to the perpetrator, or an especially vulnerable person due to age, illness, disability, addiction, or pregnancy. Article 156 defines sexual harassment as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person and creates an intimidating, hostile, degrading, or offensive environment. In this respect GREVIO commends the criminal amendments enacted in 2021 to address the concerns voiced by civil society organisations within the scope a public debate triggered by a large number of reported sexual violence cases in universities. These amendments introduced the *ex officio* prosecution of sexual violence offences which were previously prosecuted upon the request of the victim and consequently lifted the three-month time limitation to pursue a prosecution. While GREVIO welcomes this comprehensive legal framework and the positive legislative developments, it notes with concern that the criminal code excludes sexual harassment cases committed outside of close relationships or relationships of subordination and dependency. Sexual harassment committed against persons who are not among the categories of victims mentioned above is qualified as a misdemeanour under the Anti-Discrimination Act and the Gender Equality Act.

In relation to the paragraph in question we point out that sexual harassment in Croatian legislation is punishable, depending on the circumstances, as a criminal offense or as a misdemeanour, which is in accordance with Article 40 of the Istanbul Convention, which requires that sexual harassment be subject to criminal or other legal sanctions. The criminal offense of sexual harassment referred to in Article 156 of the Criminal Code includes a relationship of superiority, dependence or the act of committing a crime against a particularly vulnerable victim. The criminal offence of domestic violence from Article 179a of the Criminal Code, sanctions the one who sexually harasses a close person or family member in serious violation of the Act on Protection from Domestic Violence.

233. GREVIO encourages the Croatian authorities to:

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

Regarding the comments in this paragraph, we point out that the basic provisions of the Criminal Code and the Code of Misdemeanours show the relationship, that is, the difference in the nature of criminal offenses and misdemeanours, because criminal offenses and criminal sanctions are prescribed only for those behaviours that violate or threaten personal freedoms and human rights and other rights and social values guaranteed and protected by the Constitution of the Republic of Croatia and international law that their protection could not be achieved without criminal coercion. Criminal law and the sanctions of criminal law must be the ultima ratio. Violations and misdemeanour sanctions are prescribed only for those behaviours that violate or endanger public order, social discipline and social values guaranteed and protected by the Constitution of the Republic of Croatia, international law, and laws whose protection is not possible without misdemeanour sanctions, and their protection is not achieved by criminal law by force. Therefore, actions that represent sexual harassment, and which the legislator decided to sanction through the misdemeanour legislation (Article 22 in relation to Article 10, point 4 of the Act on protection against domestic violence) cannot, according to the prohibited sanction, be equated with the prohibited sanction for the criminal offense of sexual harassment (Article 156 of the Criminal Code), which results from the nature of the misdemeanour, as a form of punishable behaviour that is milder than a criminal offense in terms of its characteristics and amount of wrongdoing, therefore it deserves a milder sanction than the sanction for a criminal offense.

11. Aggravating circumstances (Article 46)

241. GREVIO strongly encourages the Croatian authorities to adopt legislative measures to expressly include all aggravating circumstances listed in Article 46 of the Istanbul Convention in all relevant provisions applicable to violence against women, and take

appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are applied as aggravating circumstances by the judiciary in practice.

Regarding the comments in this paragraph, we point out that Article 47 of the Criminal Code, as a general institution of criminal law, in accordance with Article 6 of the Criminal Code, applicable to all criminal offenses prescribed in the Criminal Code and other regulations. The provision of Article 47 of the Criminal Code represents the basis for determining the choice of type and measure of punishment, and they are determined by the degree of guilt of the perpetrator and the purpose of punishment. When determining the sentence, the court takes into account all mitigating and aggravating circumstances. Therefore, this provision guarantees the individualization of the application of criminal coercion because the court is obliged, based on the overall investigation of the personality, forecasting the future behaviour of the offender, to impose a sentence that will provide the possibility of achieving the purpose of punishment. If the law has already taken a circumstance into account when prescribing the criminal framework for a specific criminal offense, the court cannot take such circumstance into account once more when determining the punishment. Otherwise, the same circumstance would be evaluated twice, once when prescribing the legal framework of punishments, and the second time when determining the punishment within that same framework. As a result of the above, we are of the opinion that the legal arrangement accepted in the Criminal Code is harmonized with Article 46 of the Convention because it enables judges to take into account the circumstances from Article 46, subparagraphs a)-i) of the Convention as aggravating circumstances for criminal offenses prescribed by the Convention.

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

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

243. The mandatory counselling service is provided by expert teams at the social welfare centres and aims to ensure the parents' agreement on a Shared Parental Care Plan. It requires the expert team to perform an initial screening of the relationship between the partners, paying due attention to indications of domestic violence. The mandatory counselling involves the personal participation of the family members in the meeting with the expert team; however, partners may attend separately. The Family Act provides measures which can be undertaken in the mandatory counselling procedure to ensure the best interest of the child, including recommending the partners to undergo marital therapy, providing spouses with assistance in reaching an agreement on parental responsibility, referring spouses to family mediation, referring spouses to court proceedings in cases of high conflict separation, undertaking measures the child's or the domestic violence victim partner's protection. If the parties cannot agree on a parental responsibility scheme during the counselling, attendance at a family mediation meeting is required before initiating divorce proceedings.

Article 332, paragraph 1, of the Family Act provides an exception to participating in family mediation where there is a claim of domestic violence; however, the determination is made by the social welfare centre.

Regarding the statements in the paragraphs in question, we point out that the Family Act (Article 332, Paragraph 1, Point 1) prescribes that family mediation is not carried out where, according to the assessment of the expert team of the social welfare centre or the family mediator, equal participation of the spouses in the mediation is not possible due to domestic violence. In accordance with the aforementioned legal provision, we consider it necessary to emphasise that in the case when the spouses in the mandatory counselling procedure before the divorce state that there was violence in the partnership, they are not referred to the family mediation procedure. Professionals do not make arbitrary decisions, but decisions in accordance with the provisions of the applicable laws. Through amendments to the Family Law the aforementioned provision will be additionally regulated in a way that family mediation is not carried out in the case of domestic violence.

Additionally, we point out that the ability of spouses/common-law partners to participate equally in the family mediation process is an assessment by the expert team of the Croatian Institute for Social Work or the family mediator. We emphasize that the Institute's expert team consists of a psychologist, a social worker, and a lawyer, and that during the assessment, the opinion of the person involved in the procedure is seriously taken into account and respected.

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

Further to the comment on the previous paragraph, we additionally emphasise that the competent authorities are obliged to act in accordance with the provisions of the applicable laws, and one of them emphasises that interviews with partners in the process of mandatory counselling, in cases where there is knowledge of domestic violence, are held separately and that their separate minute statements are taken.

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

We emphasise that in situations where professionals fail to act in accordance with the provisions of the applicable legal regulations, the Ministry of Labour, Pension System, Family and Social Policy informs the Independent Sector for Administrative and Inspectional Supervision in Social Welfare, which carries out its supervision, and orders the competent authority to take measures and the deadlines within to perform them via a Finding.

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

We consider it necessary to point out that the Family Act (Article 332, Paragraph 1, Point 1) stipulates that family mediation is not carried out in cases where, according to the assessment of the expert team of the social welfare centre or the family mediator, the equal participation of spouses in the mediation is not possible due to domestic violence. In cases where there was violence in the relationship, they are not referred to family mediation. Concerning what is stated in these paragraphs, we consider it necessary to point out that it seems that the source that provided this information does not understand the essential difference and the legal description of the expressions of mandatory counselling (before divorce) and family mediation prescribed by the Family Act, nor the conditions and method of conducting these procedures. Therefore, we provide comments based on applicable legal provisions.

In addition, we consider it important to point out that Article 263, paragraph 1 of the Social Welfare Act²⁷ prescribes the right, duty, and obligation of permanent professional training for professional workers in the field of social welfare according to the annual education plan adopted by the Academy of Social Welfare. Furthermore, we point out that in the field of violence prevention, a series of educations and campaigns were carried out with the aim of sensitizing the public on the prevention and suppression of violence against women and violence in the family, of which the EU Project "Stop violence against women and violence in the family - for violence there is no justification" which is held by the Ministry of Labour, Pension System, Family and Social Policy and is implemented in partnership with the Ministry of Justice and Administration and the Association for Support of Victims and Witnesses. Within the framework of the project

²⁷ Official Gazette, No. 182/22, 46/22, 119/22

element Strengthening the capacity of experts and improving interdepartmental cooperation in the field of prevention and protection from of violence against women and domestic violence, trainings were held for experts who are representatives of county teams, trainings for civil servants with the aim of sensitizing and acting according to the provisions of the Istanbul Convention, trainings for experts from the social welfare system to provide psychosocial treatment services for the prevention of violent behaviour and trainings experts of all relevant stakeholders in the field of protection against violence against women and domestic violence, who are not representatives of county teams. A total of 1,137 participants took part in all educations held within the project.

VI. Investigation, prosecution, procedural law, and protective measures

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

2. Effective investigation and prosecution

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

In relation to the allegations that point out that "Upon the request of the prosecutor, the investigative judge can order the detention on remand of the perpetrator for up to a month, which has to be reviewed every three months until an indictment is issued", we point out that the text should be corrected. Namely, the Law on Criminal Procedure stipulates that the duration of pre-

trial detention can last a maximum of one month, while for a justified reason, the investigating judge can extend the pre-trial detention for another two months the first time, and then for criminal offenses under the jurisdiction of the county court for a maximum of three more months. When it comes to criminal offenses under the jurisdiction of the Office for the Suppression of Corruption and Organized Crime, if the investigation has been prolonged, the judge of the investigation can extend the pre-trial detention for another three months and then for another three months, while total duration of the pre-trial detention until the indictment is filed can last 12 months.

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

In relation to the statements in this paragraph, we consider it necessary to point out again that the State Attorney's Office is an autonomous and independent judicial body authorized and obliged to act against perpetrators of criminal offenses and other punishable acts (misdemeanours) and that it exercises its powers pursuant to the Constitution of the Republic of Croatia, international treaties that are part of the legal order of the Republic of Croatia, the *acquis communautaire* of the European Union, laws and other sources of law (Article 3, paragraph 1 and 2 of the Act on the State Attorney's Office "Official Gazette", number 21/2022).

We also note that at the end of 2022, the State Attorney's Office of the Republic of Croatia, with the aim of harmonizing the procedures of all municipal state attorney's offices, conducted an analysis of the procedures in criminal and misdemeanour cases against perpetrators of criminal offence of domestic violence referred to in Article 179a of the Criminal Code committed independently or in concurrence with some of the criminal offenses from Chapter X (Criminal offenses against life and limb) and Chapter XIII (Criminal Offenses Against Personal Freedom) of the Criminal Code, and rendered binding conclusions for the actions taken in accordance with the legal provisions that prescribe the procedure for conducting enquiries and investigations, the application of precautionary measures, individual assessment of victim, filing an indictment and participation in hearings, (the Criminal Procedure Act, the Ordinance on the implementation of the individual assessment of victim), that is, in the case of dismissal of the criminal report against the perpetrator of the criminal offense from Article 179a of the Criminal Code, the consideration of the existence of features of the offense from Article 10 of the Act on Protection from Domestic Violence (submission of the indictment proposal and the proposal to impose protective measures).

3. Conviction rates

B. Risk assessment and risk management (Article 51)

270. While no information was provided on any initiatives to formalise the risk assessment duties of social welfare centres, GREVIO welcomes that, in September 2022, the Director General of the Police issued a binding instruction which obliges all police officers to carry out an individual assessment of the victims' need for protection and support, based on the risk of repetition or escalation of the violent behaviour. . In this respect, GREVIO wishes to point out that the European Court of Human Rights has recently rendered a judgment in the case of *Kurt v. Austria* in which it specified the obligations relating to risk assessments and risk management under Article 2 of the European Convention on Human Rights. Notably, the Court held that authorities had to respond immediately to allegations of domestic violence. They must establish "whether there exists a real and immediate risk to the life of one or more identified victims of domestic violence by carrying out an autonomous, proactive and comprehensive risk assessment. The reality and immediacy of the risk must be assessed taking due account of the particular context of domestic violence cases. If the outcome of the risk assessment is that there is a real and immediate risk to life, the authorities' obligation to take preventive operational measures is triggered. Such measures must be adequate and proportionate to the level of the risk assessed." The Court found that once a risk has been established, rapid sharing of information among and co-ordination of relevant stakeholders is part of a comprehensive response to domestic violence, including information from child protection agencies, schools and other childcare facilities, should children be involved. GREVIO fully endorses these findings and their importance in ensuring the effectiveness of risk assessments .

We emphasise that the actions of the competent Regional Offices of the Croatian Institute for Social Work (hereinafter: Regional Office: former social welfare centres) in cases of domestic violence are prescribed by the Act on Protection Domestic Violence²⁸ and the Protocol on the Procedure in Cases of Domestic Violence (hereinafter: the Protocol). In cases of domestic violence or assessment of the risk of violence, the Regional Offices undertake the actions and activities prescribed by the Protocol. The objective of the Protocol is to improve the protection of victims of violence, the prevention of new violence and take measures to protect the rights and well-being of persons exposed to violence. In accordance with the aforementioned legal provisions, the experts of the Regional Offices in cases of domestic violence act in relation to victims - adults and children.

Concerning the treatment of cases of domestic violence in which there are no children, under the Protocol, the expert of the Regional Office, among the numerous activities related to the provision of assistance and support to the victim, is obliged to take actions related to the placement of the victim in a shelter for victims of domestic violence, if the victims agree with the placement and together with the victim prepare a safety plan. The Protocol prescribes in

²⁸ Official Gazette, No. 70/17, 126/19, 84/21, 114/22

detail all actions and activities undertaken by the expert employees of the Regional Offices in the procedures related to domestic violence.

The competent Regional Offices in cases of domestic violence in which children are present are obliged to carry out an expert assessment, which includes the use of instruments for the assessment of the developmental risks to children and an assessment of the child's safety. The family assessment assesses whether and what measures of intervention and protection should be taken in the family (urgent measure of removal and placement of a child outside the family, warning of errors and omissions in the realization of childcare, measures of professional assistance and support in the realization of child care, measures of intensive professional assistance and supervision of the realization of child care) in order to protect the rights and well-being of the child.

271. GREVIO strongly encourages the Croatian authorities to:

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

In relation to the aforementioned paragraph, we consider it important to clarify that the Regional Office (former social welfare centre), in accordance with the provisions of the Family Act, is obliged to assess the family situation before the expiration of one year from the date of termination of the measure of professional assistance and support in the realisation of childcare and to prepare a report thereon²⁹. In the event of changed circumstances during the implementation of measures for the protection of the rights and well-being of the child, the Regional Office is obliged to make a reassessment of the risk and safety of the child in the family.

C. Emergency barring orders (Article 52)

274. In order to eliminate an immediate danger and ensure the protection of the victim, Article 130 the Misdemeanour Code provides the police officers with the authority to issue one or more precautionary measures against the perpetrator at the scene of the incident for up to 8 days and regardless of the consent of the victim. These measures include among others

²⁹ Official Gazette, No. 103/115, 98/19, 47/20 – Art. 144 Monitoring of family circumstances after termination of the measure

banning visits to a certain location or area or banning approaching or establishing and/or maintaining connections with a certain person. The provision, however, explicitly states that these measures cannot limit the defendant's right to access to his own residence, and the right to undisturbed relations with intimate partners and children.

In relation to the aforementioned paragraph, we consider it important to repeatedly emphasized and pointed out that according to the provision of Article 130, paragraph 3 of the Misdemeanour Code³⁰, it is prescribed that precautionary measures can limit the defendant's right to his own apartment, as well as the right to unhindered relations with household members, marital, extramarital or former spouse, with the children of each of them and other family members if the proceedings are being conducted as regards to misdemeanours related to domestic violence. Therefore, it is still legally possible to limit the right of the defendant to his own apartment, as well as to limit the unhindered relationship with household members and family members when it comes to offenses related to domestic violence.

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

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

Concerning what is stated in the paragraph in question, we point out that the Act on protection against domestic violence³¹, which is applied as a special law (*lex specialis*) in misdemeanour proceedings, prescribes protective measures, the implementation of which is within the responsibility of the police, namely the protective measure of the prohibition of approaching a victim of domestic violence and the protective measure of removal from the joint household. These measures can be applied even before the initiation of misdemeanour proceedings, at the

³⁰ Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18, 114/22

³¹ Official Gazette, No. 70/17, 126/19, 84/21, 114/22

proposal of the victim or another authorized prosecutor if there is a direct danger to the safety of the victim or members of his/her family or a member of the joint household. These measures are applied independently and without the imposition of a penalty or other misdemeanour sanction, while the court decides on the imposition of a protective measure immediately or within 24 hours. The court will cancel such a decision if the victim or another authorized prosecutor, within eight days from rendering a decision, does not file an indictment. By this solution, the emphasis is being put on ensuring the urgency of the procedure.

279. As for the offenses set out in the Criminal Code, Article 65 provide a set of security measures such as mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psychosocial treatment, prohibition to approach a certain person, harass and stalk, removal from a shared household and protective supervision after a fully served imprisonment. These however cannot be regarded as emergency barring orders for the purposes of Article 52 of the convention as these measures, including eviction and restraining orders, may be issued by the criminal courts only at the very end of the proceedings, i.e. upon conviction. For the duration of the proceedings and in the event of an acquittal no protection orders may be granted. The only actions that can be taken by investigative authorities is investigative detention (for the prosecutor to prevent the obstruction of evidence or the flight risk of the perpetrator) and arrest (for police officers in cases where there are reasonable grounds for investigative detention).

In relation to the statements in this paragraph, we point out that the Criminal Code prescribes types of security measures whose purpose is to eliminate circumstances that enable or stimulate the commission of a new criminal offense. These security measures are being executed from the moment of the execution of the judgment. However, Articles 98 and 98a of the Criminal Procedure Act prescribe temporary measures whose purpose is direct protection, so they can be ordered in the previous procedure, as well as during the criminal procedure until the court decision is rendered.

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

281. The above information leads GREVIO to conclude that emergency barring orders as defined under Article 52 of the Istanbul Convention are currently not available in Croatia. This is of great concern to GREVIO, as currently there is no authority that would be authorised to evict a perpetrator of violence from his home on the spot. GREVIO thus considers that the authorities will have to take legislative or other measures in order to ensure that Article 52 of the Istanbul Convention is duly implemented. In doing so, attention must be paid to ensure that no gap in the protection of the victim arises because

of the expiry of any emergency barring, restraining or protection order by making available successive protection measures that can be applied immediately afterwards.

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

In relation to the statements in this paragraph, we additionally emphasize that emergency orders for removal are available in the Croatian criminal justice system. Articles 98 and 98a of the Criminal Procedure Act stipulate precautionary measures, in line with the requirement of Article 52 of the Istanbul Convention. Namely, precautionary measures are being imposed when there are grounds for pre-trial detention or that detention has already been imposed, if the same purpose can be achieved by a precautionary measure, as a milder measure, whereby the defendant will be warned that in case of non-compliance with imposed measures, they should be replaced by pre-trial detention. It is important to point out that precautionary measures can be ordered before, i.e. in the previous procedure, as well as during the criminal procedure until the court decision is rendered (until the finality or enforceability of the verdict, while these measures can last as long as there is a need for it, the longest until the verdict is enforceable, that is, the longest until the verdict becomes final, depending on the legal basis on which they were initially determined). Also, rendering a decision, the court can impose precautionary measures as independent precautionary measures, and in doing so, the court will warn the defendant that non-compliance with the imposed independent precautionary measure is a criminal offence.

Therefore, such temporary measures, which are time-limited and applied to a specific case, with the possibility of extension and with long-term protection before the start and throughout the entire criminal procedure until the decision is made, should be considered as urgent removal orders.

D. Restraining or protection orders (Article 53)

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

See comments to paragraph 279.

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

See comments to paragraphs 280., 281. and 282.

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

1. Ex parte and ex officio proceedings

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

We consider it necessary to emphasize that all criminal offenses covered by Art. 55, paragraph 1 of the Convention, in accordance with the Criminal Code, shall be prosecuted *ex officio* (bodily injury - Article 117, paragraph 2 of the Criminal Code (committed to a close person or out of hatred)), serious bodily injury (Article 118 of the Criminal Code), especially serious bodily injury (Article 119 of the Criminal Code), bodily injury resulting in death (Article 120 of the Criminal Code), murder (Article 110 of the Criminal Code), aggravated murder (Article 111 of the Criminal Code), manslaughter (Article 112 of the Criminal Code), domestic violence (Article 179a of the Criminal Code), all criminal offenses from Chapter XVI of the Criminal Code (criminal offenses against sexual freedom) and Chapter XVII. of the Criminal Code (criminal acts of sexual abuse and child exploitation), female genital mutilation (Article 116 of the Criminal Code), illegal termination of pregnancy (Article 115 of the Criminal Code), forced marriage (Article 169 of the Criminal Code).

F. Measures of protection (Article 56)

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

contact with the perpetrator before and during the proceedings as well as to testify via the use of audio-visual technologies

We consider it necessary to repeat that the Criminal Procedure Act (Articles 43, 43a and 44) as well as the Act on Protection from Domestic Violence (Article 6) prescribe the fundamental rights that belong to every victim of criminal proceedings. Therefore, these Articles are not, as it is stated in the text, about protection measures.

G. Legal aid (Article 57)

In relation to the paragraphs in which the recommendations related to legal aid are mentioned, it would be necessary to further clarify and better structure individual paragraphs to make it clearer which notes and recommendations refer to legal aid regulated by the Legal Aid Act, and which recommendations and notes refer to legal aid regulated by the Criminal Procedure Act. Namely, the Law on Free Legal Aid is focused on the provision of legal aid in civil and administrative matters, which can be provided as primary or secondary legal aid, while the Law on Criminal Procedure does not use the terms primary and secondary legal aid and regulates the provision of legal aid in criminal proceedings.

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

In the paragraph in question, we consider it necessary to provide a clarification related to the last sentence, since the Law on Free Legal Aid does not prescribe such a condition (a criminal offense punishable by a prison sentence of more than five years) for the approval of secondary legal aid to victims of criminal acts of violence. Namely, secondary legal aid in accordance with the Legal Aid Act will be granted to victims of criminal offences of violence regardless of the suspended sentence for the criminal act in question. On the other hand, the Criminal Procedure Act, when prescribing the rights of victims in criminal proceedings, in Article 43 paragraph 2 prescribes that a victim of a criminal offense for which a prison sentence of more than five years is prescribed, if he suffers more severe consequences of the criminal offense, has the right to the professional assistance of an advisor at the expense of budget funds when submitting a property claim, while Article 153 of the Criminal Procedure Act stipulates that a property claim arising from the commission of a criminal offense shall be discussed at the proposal of the injured party in the criminal proceedings, if this would not significantly delayed that procedure and that the property claim may refer to a claim that can be filed in litigation.

305. GREVIO notes that the legal framework determining the right to free legal aid is quite complex in Croatia but according to the information available, primary legal aid can be granted in any legal matter whereas secondary legal aid can only be granted in civil and administrative procedures, thus exclude misdemeanour proceedings and criminal proceedings launched by victims of violent crimes, with the exception of offences against sexual freedom which is explicitly stipulated by Article 44 of the Criminal Procedure Act. In criminal proceedings the Criminal Procedure Act prescribes the right to consult with an “advisor” only when the victim has special protection needs.
- 308. GREVIO encourages the authorities of the Croatian authorities to take measures to ensure, including by legislative changes, the provision of free legal aid to victims of all forms of violence against women and to systematically inform them of their rights and possibilities under the free legal aid scheme.**
- 309. Moreover, GREVIO encourages the Croatian authorities to remove any administrative or procedural barriers to obtaining legal aid, and to monitor the impact of the provisions on legal aid in practice with a view to ensuring women’s continued access to justice through quality legal representation.**

In relation to the statements in the relevant paragraphs, it is emphasized that the Criminal Procedure Code prescribes various rights that belong to all victims of criminal offences during criminal proceedings, while this catalogue of their rights is specifically contained in Art. 43 - 50 of the Act.

With the so-called general rights, that belong to every victim of all criminal offences, there are additional rights that can be exercised by every victim of certain specified criminal offences, being a consequence of the sensitivity and specificity of the position of the victim of individual criminal offences.

Thus, Article 43 prescribes the general and fundamental rights that belong to every victim of a criminal offense: 1) easily accessible, confidential and free access to services to support victims of criminal offences, 2) the right to effective psychological and other professional help and support from a body, organization or institution for assistance to victims of criminal acts in accordance with the law, 3) the right to protection from intimidation and retaliation, 4) the right to protection of dignity during the examination of the victim as a witness, 5) the right to be heard without undue delay after filing the criminal report and that further hearings are carried out only to the extent that it is necessary for the purposes of the criminal procedure, 6) the right to be accompanied by a trusted person when taking actions in which he participates, 7) the right to have medical procedures performed on the victim to the minimum extent and only if they are absolutely necessary for the needs of criminal proceedings, 8) the right to file a motion for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as an injured party, the right to be notified of the rejection of the criminal complaint and the state attorney's withdrawal from criminal prosecution, and the right to take over criminal prosecution instead of the state attorney, 9) the right to be notified by the state attorney about the actions taken on the occasion of her report (Article 206.a

of this Act) and to submit a complaint to the senior state attorney (Article 206.b of this Act), 10) the right to be notified of the cancellation at her request without undue delay detention or remand prison, the escape of the defendant and the release of the convict from serving the prison sentence and the measures taken for her protection, 11) the right to be informed at her request of any decision that finalizes the criminal proceedings, 12) the right to propose that she be questioned through audio-video devices, 13) other rights prescribed by law.

Article 44, paragraph 1 of the Code prescribes additional and special rights of victims, in addition to the general rights of victims, if it is a child victim of a criminal offense. Therefore, a child victim of a criminal offense has the right to: 1) an attorney at the expense of budget funds, 2) secrecy of personal data, 3) exclusion of the public. Furthermore, paragraphs 3 and 5 of the aforementioned article stipulate that victims of crimes against sexual freedom and victims of human trafficking, as well as victims for whom special protection needs have been determined in accordance with the Code, i.e. individual assessments of victims of crimes, have, in addition to the general rights that victims have they also have the right: 1) to speak with a counsellor before the questioning, at the expense of budget funds, 2) to have an attorney at the expense of budget funds, 3) to be questioned by a person of the same gender in the police and state attorney's office and, if possible, to be questioned again by the same person as the first time, 4) withhold answers to questions that are not related to the criminal offense and which refer to the strictly personal life of the victim, 5) demand that he/she be questioned via an audio-video device, 6) the confidentiality of personal data, 7) to demand the exclusion of the public from the hearing.

Additionally, we point out that in paragraph 305, for the sake of clear transmission of information, with the statement that secondary legal aid can only be granted in civil and administrative proceedings, it should have been clarified that it is regulated by the Law on Free Legal Aid. Furthermore, in the part of the paragraph in which it is stated that the Law on Criminal Procedure prescribes the right to consult with an "advisor" only when the victim has special protection needs, it is necessary to point out that it is legal aid regulated by the Law on Criminal Procedure.

Furthermore, in relation to the allegations from paragraphs 308 and 309, we emphasize that within the framework of the implementation of the Law on Free Legal Aid, the total funds for providing free legal aid in 2023 are planned in the amount of EUR 1,183,508, which is an increase compared to the previous year of 118%. In 2023, a tender was announced for the financing of projects providing primary legal aid, in which financial resources were increased by 100% compared to 2022. In accordance with the terms of the tender, providers of primary legal aid can request financial support in three groups, with individual maximum the amounts in all three groups are higher than the individual maximum amount that was foreseen in previous years. For providers of primary legal aid with the most experience in the system of free legal aid, a maximum amount of EUR 31,200.00 is provided for annually, which is an increase of 147% compared to the maximum amount that providers of primary legal aid could achieve in previous years. In addition to increasing the maximum amount that can be allocated for the implementation of an individual project, three-year funding of projects is foreseen for the period from January 1, 2023, to December 31, 2025, which should enable primary legal aid providers to stabilize and strengthen their capacities in order to adequately a way to ensure the provision and availability of its services to users. Some civil society organizations that are financed in accordance with the

Law on Free Legal Aid and whose program objectives are focused on working with victims of criminal acts of violence, domestic violence, etc. as vulnerable groups, are authorized to provide legal aid in the form of legal advice and general legal information (which is most often used) and representation and writing submissions in proceedings before public law bodies (state administration bodies, bodies of local and regional (regional) self-government units, etc.). It is important to point out that primary legal aid is provided by directly contacting the provider of primary legal aid who, in an informal, discretionary procedure, checks whether a person meets the conditions for obtaining primary legal aid. In addition, in 2023 it is planned to adopt a regulation regulating the compensation for the provision of secondary legal aid, according to which remuneration for secondary legal assistance provided by lawyers and the remuneration for expert opinions and interpretations will increase by 60% compared to 2022.

VII. Migration and asylum

A. Residence status (Article 59)

313. An autonomous residence permit is usually available to a person who has been present in Croatia for the purpose of family reunification with a temporary residence permit for 3 years. In cases of marriage/relationship breakdown, the Law on Foreigners of 2021 provides for granting temporary residence for serious justified grounds of a humanitarian nature. Under this provision an applicant is not required to provide evidence of means of subsistence or health insurance. What is required is a valid travel document and evidence proving that she or he is a victim of violence. Article 22 of the Ordinance on the Status and Work of Third Country National in the Republic of Croatia sets out the requirement to provide documentation justifying the application such as evidence that it was established the applicant was a victim of violence. GREVIO was informed by the Croatian authorities that such documentation could include a witness statement from the applicant. GREVIO welcomes the fact that the ability to make an application is not dependent on the duration of the marriage or relationship or the previously lawful status of either party and the removal of a previous requirement to additionally show that the person had a 'lack of appropriate care'.

In relation to the statements in this paragraph, we point out that the Ordinance on the residence of citizens of third countries³² in the Republic of Croatia came into force, whereby the Ordinance on the status and work of citizens of third countries in the Republic of Croatia, mentioned in the paragraph in question, ceased to be valid. At the same time, we note that the amendments to the Law on Foreigners³³ have entered into force.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

322. According to the State Report, In the three years between 2019-2021 a total of 2643 women applied for asylum of which 111 were granted asylum and 2 subsidiary protection. Given the numbers arriving at the borders and the profile of the main countries of origin this rate of both numbers of applicants and recognition is low. GREVIO were informed that this

³² Official Gazette, No. 20/22, 155/22

³³ Official Gazette, No. 133/20, 144/22, 151/22

could be as a result of applicants leaving the country before the recording or determination of their claim and that applicants view Croatia as a transit rather than destination country. Anecdotal evidence suggests that there have been only a few cases where refugee status has been recognised on the basis of gender-based persecution.

In relation to the statements in the paragraph above, we consider it necessary to point out that in the mentioned reporting period, i.e. between 2019 and 2021, according to the data available on the website of the Ministry of Internal Affairs³⁴, 110 women received asylum status, and 2 women received subsidiary protection status.

2. Accommodation

327. Both the Croatian authorities and NGOs stated that the passage of women asylum seekers through the reception centres is rapid. Many do not stay long enough to have their claims recorded or processed and valuable opportunities to identify and assist victims of sex and gender-based violence are missed. Alongside this, a difficult economic situation has led to high levels of emigration from Croatia by the national population. GREVIO recognises the efforts being made by the Croatian authorities in respect of integration and commends the practice of offering 2 years free accommodation and paid utility bills for recognised refugees. GREVIO notes that notwithstanding these efforts many refugees and migrants choose to leave owing to the difficulties in obtaining sustainable employment. In addition, the level of financial support provided to the applicants for international protection is extremely low at around 13.30 Euros per month. GREVIO is of the view that identifying whether and why women leave before their claims are processed could lead to better interventions resulting in better protection for women fleeing gender-based persecution.

We consider it necessary to point out that we cannot accept the allegations in the paragraph in question that the Croatian authorities and non-governmental organizations have stated that the passage of female applicants through the reception centres is fast, which is why it has been assumed that many applicants do not stay long enough for their claims to be processed, and that valuable opportunities for their identification and assistance to victims of sexual and gender-based violence were missed. Namely, in the centres in Zagreb and Kutina, educated personnel of the Ministry and the Croatian Red Cross are present every day, who, despite numerous challenges, provide adequate support and support to potential victims, regardless of the length of their stay in the centres.

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

a. ensuring that all women arriving at the border are given the opportunity to have their claim for international protection recognised and recorded;

³⁴ Ministry of the Interior of the Republic of Croatia - Statistics: Seekers of international protection-
<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-trazitelji-medjunarodne-zastite/283234>

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

In relation to the statements in point d., we consider it important to point out that in shelters for applicants for international protection, all applicants have access to all information related to any part of the procedure and the rights that belong to them by law.

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

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

Regarding the allegations that there are no civil society organizations active in reception centres for international protection seekers in Zagreb and Kutina, except for the Croatian Red Cross and Medecin du Monde, we would like to reiterate that the Ministry of the Interior is open to the possibility of concluding agreements on mutual cooperation with civil society associations organizations for providing support to international protection applicants accommodated at the reception centres in Zagreb and Kutina. Nevertheless, the Ministry of the Interior, as the authority competent for the reception of international protection applicants, is in charge of assessing and

choosing the NGOs that will participate in this cooperation, all with the aim of ensuring the welfare of international protection applicants. All civil society organizations interested in carrying out activities intended for international protection seekers can hold the offered activities in the premises that the associations normally use. At the same time, are also free to send promotional materials about their services to the Ministry of the Interior in the languages used by international protection applicants, so that these could be made available at the reception centres. We also consider it important to add that only one civil society association applied for the public tender for financing projects in the field of providing psychosocial support and social services to international protection seekers under the Asylum, Migration and Integration Fund published on March 7, 2023.

C. Non-refoulement (Article 61)

In the aforementioned chapter (paragraphs 330 to 340), it is generally stated that the Croatian police deny migrants access to the asylum system and that they use violence against them and return them illegally across the border.

In relation to the allegations in question, we consider it necessary to point out that the Croatian police has been facing accusations regarding the treatment of migrants since 2016, although it consistently implements measures to protect the EU's external border and prevents illegal entry in accordance with the Schengen Borders Code.

We emphasize that when making such accusations, it should always keep in mind that there are thousands of migrants at the border of the Republic of Croatia who are constantly trying to enter the EU in an illegal way, and in order to achieve their goal they are ready to use any means, even giving false statements about the actions of the Croatian police.

All migrants who make an application for international protection and all irregular migrants who are apprehended while illegally crossing the external EU border are fingerprinted for EURODAC. Some of them engage in secondary migration towards other Member States in spite of making an application for asylum in Croatia. After they are apprehended by police officers of other Member States, they make false accusations against the Croatian police, claiming that they were beaten, tortured and abused in various ways, all in order to avoid being returned to the Republic of Croatia as part of the Dublin procedure since they know that the Croatian police have entered their fingerprints into EURODAC, and Croatia is not their desired destination. According to a study carried out by IOM in Bosnia and Herzegovina in June 2021, the Republic of Croatia was a destination country for only 1% of migrants, while 35% of migrants chose Germany, 41% Italy, 14% France, and 7% Belgium. The same is evident from the number of international protection applicants who leave the Republic of Croatia, including those who have already been granted international protection.

In addition, migrants are ready to tell untruths about the infliction of injuries by the Croatian police, which they actually received by accident or in mutual physical confrontations, but also by the police of other countries on the route. So, in Turkey they are criticized Frontex, in Greece the Macedonian police, in Macedonia the Serbian police, in Serbia the Hungarian police, and in Bosnia and Herzegovina the Croatian police.

Police officers who are in charge of protecting the state border are specially trained to recognise vulnerable groups and other persons in need of protection and assistance, and, in some situations, they even help migrants personally, saving them from drowning, freezing, bleeding out, or immobilising injured limbs and performing CPR.

With these humane acts the Croatian police have saved hundreds of migrants, helped them escape mine fields and ravines, saved them from drowning in rivers and streams, carried them through blizzards for kilometres, and in doing so they have proven their humanity and professionalism and, most of all, their dedication to protecting the border of the Republic of Croatia.

Republic of Croatia fully respects and upholds all standards laid down by EU legislation regarding procedural guarantees and protective measures for ensuring access to the asylum system and the reception and accommodation conditions for asylum seekers, which is confirmed by the increase in the number of international protection applicants in the Republic of Croatia (12,872 in 2022, and 20,761 until 16 June 2023).

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

In relation to the allegations in the subject paragraph that a volunteer of the Are You Syrious? association was persecuted for supporting an Afghan family, we consider it necessary to clarify that on March 21, 2018 at 02:25 a.m., at the state border with Serbia, Croatian police officers found the volunteer of the association Are You Syrious?, which is a close partner of the association Centre for Peace Studies, how it helps 14 migrants from Afghanistan to illegally enter Croatia from Serbia. The volunteer was instructing them on where and when to illegally enter the Republic of Croatia, first by mobile phone and later by sending light signals from a passenger vehicle.

The Misdemeanour Court in Vukovar found him guilty of the offense of assisting illegal migration from the Law on Foreigners and sentenced him to a fine of EUR 7,963. The judgment was appealed against, and the appeal was dismissed by the High Misdemeanour Court.

335. In response to the case of *M.H. and others v Croatia* and interventions by the CPT and the Council of Europe’s Special Representative of the Secretary General on Migration and Refugees, amongst others, Croatia set up an Independent Monitoring Mechanism in 2021. Although GREVIO recognises that this is a welcome development, it notes the criticism directed to the independence of this body by the civil society, on the basis that visits to the green border are only permitted when accompanied by the police and arranged in advance.

Regarding the statements in this paragraph, we consider it necessary to clarify how representatives of the Mechanism are free to make monitoring visits with or without announcement. As regards the monitoring of police activities on the green border in line with the Agreement on the implementation of the Mechanism that was concluded in November 2022, the members of the Mechanism first come to the police station that is in charge of the part of the green border that they are monitoring.

Since the green border is covered by cameras, drones, and other types of technical surveillance, any direct arrivals would be prevented before they reached the border. They would trigger alarm systems and a police patrol would be deployed to their location. In addition, failure to arrive at the competent police station first would also represent a risk to their personal safety. The border with BiH is one of the most dangerous areas on the external EU border. To a large extent, the terrain can only be accessed by special vehicles, and parts of it are still covered with mines. Members would also run a risk of being attacked by wild animals if they went the green border on their own initiative.

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

Following the allegations in this paragraph regarding the treatment of migrants in the Republic of Croatia, we point out that an independent *Mechanism for monitoring the actions taken by police officers of the Ministry of the Interior in the area of illegal migration and international protection* has been established.

The Mechanism follows the model laid down in the draft of the Screening Regulation from the new Pact on Migration and Asylum. The project was launched in agreement with the European Commission, and it aims to ensure effective monitoring of the actions taken by police officers to serve as a model to all EU Member States for establishing external border monitoring within the framework of the Pact on Migration and Asylum. It is the first and only such mechanism in the EU.

The Agreement in the implementation of the Monitoring Mechanism was concluded in June 2021, and the new Agreement was concluded in November 2022.

The Mechanism is fully financially and organisationally independent. It is funded by the European Commission and this Ministry is in no way involved in the implementation of its activities, other than as the object of its monitoring. It should be pointed out that if the independence of the Mechanism were assessed in terms of the allocation of financial resources, none of the civil society organisations would be able to implement it since they are all, *inter alia*, financed by EU and Member States funds.

Additionally, we note that the Mechanism consists of several different non-governmental organizations, which also guarantees its independence (Croatian Academy of Medical Sciences, Croatian Academy of Legal Sciences, Centre for Culture of Dialogue - which is connected to the Muslim community in the Republic of Croatia, Croatian Red Cross, and prof. dr. sc. Iris Goldner Lang from the Faculty of Law in Zagreb).

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

In relation to the allegations in this paragraph, we considered it necessary to point out that all accusations regarding the treatment of migrants by the Croatian police are immediately investigated.

However, there is often a lack sufficient information necessary for checking the available records of the Ministry of the Interior and carrying out criminal investigations, such as information on the time and the place of the incident, identity of the persons involved, and other circumstances.

Investigations have shown that, while certain police officers have violated the law and professional standards, there were no collective expulsions of migrants, and those responsible were sanctioned accordingly.

We emphasize that the Ministry of the Interior has a zero-tolerance rate for unlawful use of means of coercion by Croatian police officers against any population, as well as zero tolerance for non-prosecution of any criminal or misdemeanour offences committed by police officers.