

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

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**GOVERNMENT OF THE REPUBLIC OF CROATIA**

**REPORT OF THE REPUBLIC OF CROATIA  
ON IMPLEMENTATION**

**OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND  
COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

**Zagreb, 2022**

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## **I INTRODUCTION**

Gender equality is one of the highest values prescribed by the Constitution of the Republic of Croatia<sup>1</sup> based on which the Republic of Croatia shows a high level of awareness on the need to prevent all forms of discrimination. In accordance with modern democratic principles and achievements, the Constitution of the Republic of Croatia pays special attention to the protection of human rights, anti-discrimination and prevention of abuse, prescribes that all persons are equal before the law and equal rights and freedoms are guaranteed regardless of race, colour, gender, language, religion, political or another opinion, national or social origin, property, birth, education, social status or other status (Art. 14), each human being has the right to life (Art. 21) and no one may be subjected to any form of ill-treatment (Art. 23). The issue of combating violence against women and girls is high on the list of priorities of the Republic of Croatia and includes the strong political will of the highest state structures.

In accordance with the recommendations of the European Union and the provisions of international treaties on the protection of human rights which oblige signatory states to introduce non-discriminatory legislation and ensure equal rights for women and men, the Republic of Croatia is taking several measures.

Beginning in 2000, the Republic of Croatia has clearly shown through its legislative framework its commitment to combating all forms of violence and domestic violence by introducing these incriminations into criminal and misdemeanour legislation and through prescribing pecuniary fines and/or imprisonment for perpetrators. To date, the legislation has been continuously improved, taking into account a number of recommendations, Council of Europe resolutions and European Union directives, the provisions of which have been transposed into the legal regulations of the Republic of Croatia. In addition, since 2004, strategic documents aimed at the protection of victims of domestic violence in the form of the National Strategy of Protection against Domestic Violence have been continuously in force (2005-2007, 2008-2010, 2011-2016 and 2017-2022). In addition, progress has been made in the previous period in terms of combating violence against women and domestic violence and strengthening the rights of victims through numerous legislative and other measures.

On 22 January 2013, the Republic of Croatia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and ratified it on 13 April 2018 by adopting the Act ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence<sup>2</sup> (hereinafter: the Convention), and it entered into force in respect of the Republic of Croatia on 1 October 2018.

By signing and ratifying the Convention, the Republic of Croatia expressed its interest and joined the efforts of the international community, especially the member states of the Council of Europe and the European Union, to make further efforts in this area and to express even more clearly the determination of states to combat violence against women and domestic violence. At the same time, a lasting intention to take measures aimed at promoting equality between women and men and combating all forms of discrimination and violence against women, including domestic violence was also expressed. Although the legislation of the Republic of Croatia has largely been harmonised with the provisions of the Convention, its ratification has created further legal preconditions for consistent and more efficient application of domestic legislation and the Convention itself.

In accordance with Article 78, paragraph 2, of the Convention, pursuant to the Act ratifying the Convention, the Republic of Croatia reserves 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

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<sup>1</sup>Official Gazette No. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

<sup>2</sup>Official Gazette, International Treaties, No. 3/18

the national legislation governing the issue of compensation for the victims of offences. Although the provisions of the Convention apply to citizens of all signatory states, and not necessarily only the Member States of the European Union, the Act on Pecuniary Compensation for Victims of Criminal Offence<sup>3</sup> grants the right only to victims of a criminal offence involving violence if they are citizens of the Republic of Croatia, citizens of a Member State of the European Union or permanently resident in the European Union, and this right is granted if, among other preconditions, the criminal offence of intentional criminal offence of violence was committed in the Republic of Croatia.

In addition to international treaties, including the Convention, it is possible to communicate interpretative declarations made by the state, which precisely determine or clarify the meaning or scope of an international treaty or some of its provisions. Following the above, the Republic of Croatia made a declaration contained in the instrument of ratification according to which the Republic of Croatia considers that:

- the aim of the Convention is the protection of women against all forms of violence, as well as the prevention, prosecution, and elimination of violence against women and domestic violence
- the provisions of the Convention do not include an obligation to introduce gender ideology into the Croatian legal and educational system, nor the obligation to modify the constitutional definition of marriage
- the Convention is in accordance with the provisions of the Constitution of the Republic of Croatia, in particular with the provisions on the protection of human rights and fundamental freedoms and shall apply the Convention taking into account the aforementioned provisions, principles and values of the constitutional order of the Republic of Croatia.

After the entry into force of the Convention in respect of the Republic of Croatia, this is the first report of the Republic of Croatia on its implementation. The Questionnaire of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) was received by the Republic of Croatia on 14 September 2021, while the deadline for submitting the first basic report as part of the evaluation process for the Republic of Croatia was 23 February 2022.

The drafting of the report was coordinated by the Ministry of Labour, Pension System, Family and Social Policy, as the central state administration body responsible for the protection of children and families, designated by the Act ratifying the Convention as the national coordinating body, i.e., the body responsible for coordination, implementation, supervision and assessment of policies and measures to prevent and combat all forms of violence covered by the Convention. The report was prepared in cooperation with state bodies responsible for implementing the provisions of the Convention, namely the Ministry of Foreign and European Affairs, the Ministry of the Interior, the Ministry of Health, the Ministry of Justice and Administration, the Ministry of Science and Education, the Office for Gender Equality of the Government of the RC and the Office for Human Rights and the Rights of National Minorities of the Government of the RC. The report was prepared in cooperation with the Education and Teacher Training Agency, the Central State Office for Reconstruction and Housing Care, the Croatian Employment Service, social welfare centres, and civil society organisations through the collection of data. Data collected by courts and state attorney's office were also used. In addition to the above, for the purposes of drafting this Report, data on the implementation of the National Strategy of Protection against Domestic Violence for the Period from 2019 to 2020 were used, which includes reports on the implementation of measures by competent state bodies, other institutions, cities, and counties which the Government of the Republic of Croatia previously adopted it in August 2021.

The Report on the implementation of the Convention was adopted by the Government of the Republic of Croatia.

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<sup>3</sup>Official Gazette No. 80/08 and 27/11

## **II INTEGRATED POLICIES AND DATA COLLECTION**

(Chapter II of the Convention, Articles 7 to 11)

Since 2000, comprehensive combat against violence against women and domestic violence has taken place in the Republic of Croatia. Family violence has been for the first time defined by the Criminal Code, and thus for the first time in the Croatian criminal legislation,<sup>4</sup> as a criminal offence committed by a family member who brings another family member into a degrading position by the use of violence, abuse or another particularly disrespectful behaviour. Before this criminal offence was stipulated, violent behaviour as a misdemeanour offence was prohibited under the Family Act<sup>5</sup> which explicitly prescribed that violent behaviour of a spouse, or any adult family member is prohibited in the family.

Furthermore, the adoption of the first Act on Protection against Domestic Violence in<sup>6</sup> 2003, led to certain improvements in the field of combating domestic violence by prescribing the purpose of the Act, which includes prevention, sanctioning, and suppression of all types of domestic violence, application of appropriate measures against perpetrators and mitigation of consequences of committed violence by providing protection and assistance to victims of violence.

At the same time, the first Gender Equality Act<sup>7</sup> and the Anti-Discrimination Act<sup>8</sup> were the foundations of protection against gender-based discrimination and the creation of equal opportunities for women and men.

Pursuant to the provisions of the Gender Equality Act (2003), the Government of the Republic of Croatia established the Office for Gender Equality in early 2004. In addition, coordinators for gender equality were appointed in local and regional self-government units, i.e., in state administration offices and state bodies, and gender equality commissions were established in the counties.

Also, in 2003, the Office of the Gender Equality Ombudsperson was established as an independent body for combating discrimination in the field of gender equality<sup>9</sup>.

### **A. Strategies/Action Plans**

The Government of the Republic of Croatia promotes the application of gender perspectives in policymaking, and thus measures for the implementation of the Convention mentioned in various policies for the coming period, such as the National Strategy of Protection against Domestic Violence for the Period 2017-2022, National Plan for the Gender Equality for the Period 2022-2027, National Anti-Discrimination Plan for the Period 2017-2022, National Plan for Equalisation of Opportunities for Persons with Disabilities for the Period 2021-2027, National Roma Inclusion Plan for the Period 2021-2027, National Plan for the Suppression of Sexual Violence and Sexual Harassment for the Period 2022-2027, the National Action Plan for the Implementation of UN Security Council Resolution 1325 (2000) on women, peace and security and related resolutions, and others.

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<sup>4</sup>Official Gazette No. 110/97, 27/98, 50/00, 129/00

<sup>5</sup>Official Gazette No. 162/98

<sup>6</sup>Official Gazette No. 116/03

<sup>7</sup>Official Gazette No. 116/03

<sup>8</sup>Official Gazette No. 85/08

<sup>9</sup>In 2017, the Observatory for comprehensive monitoring, data collection, analysis and reporting on the killings of women - Femicide Watch - was established by the Ombudsperson for Gender Equality. It is composed of representatives of the Ministry of the Interior, Justice and Administration, Family and Social Policy, and the High Misdemeanour Court. Of the Republic of Croatia, Faculty of Law, University of Zagreb, civil society organisations and independent experts in the field of gender-based violence. The goal and tasks of the Observatory are to monitor and analyse all cases of domestic violence and violence against women, and especially all cases of homicide of women committed by close male persons and/or intimate partners.

### National Strategy for Protection against Domestic Violence

The National Strategy of Protection against Domestic Violence has been continuously in force since 2005. So far, four National Strategies have been adopted, covering the periods of 2005-2007<sup>10</sup>, 2008-2010<sup>11</sup>, 2011-2016,<sup>12</sup> and 2017-2022<sup>13</sup>.

The strategy contains 7 areas of activity: Prevention of domestic violence, Legislative framework in the field of protection against domestic violence, Care and support for victims of domestic violence, Psychosocial treatment of perpetrators of domestic violence, Improving cross-sectoral cooperation, Training of professionals working in the field of protection against domestic violence and Raising awareness among the general public about domestic violence. The objectives of the National Strategy are, *inter alia*, to develop programmes for the prevention of domestic violence, ensure consistent application of the provisions of the Convention, harmonise Croatian legislation with the requirements of international documents, provide housing care for victims of domestic violence, provide financial support to shelters and counselling centres for victims of domestic violence and the civil society organisations, to provide training for professionals working in the field of protection against violence, improve cross-sectoral cooperation and raise awareness among the general public about domestic violence. Each measure of the National Strategy is based on one or more articles of the Convention, which adds value to it, and many of the provisions of the Convention are implemented through the measures of the National Strategy.

### National Plan for the Gender Equality

The National Policy for the Promotion of Gender Equality has been in force in the Republic of Croatia since 1997, in the periods 1997-2000<sup>14</sup>, 2001-2005<sup>15</sup>, 2006-2010<sup>16</sup>, 2011-2015 and included<sup>17</sup> measures divided into areas related to the promotion of women's human rights and gender equality, creating equal opportunities in the labour market, facilitating the implementation of gender-sensitive education, participation of women and men in political and public decision-making processes, elimination of all forms of violence against women, promoting international cooperation and gender equality outside Croatia and further strengthening of institutional mechanisms and implementation methods.

Currently, *the National Plan for the Gender Equality for the Period 2022-2027* is being drafted in the Republic of Croatia. The main goal of this document is to create conditions for a more equal society by establishing equal opportunities for all citizens. Specific objectives to be covered include: Increasing public awareness about gender equality and multiple discrimination, Improving the position of women in the labour market, Creating preconditions for eliminating gender-based violence, Increasing the sensitivity of the education system to gender equality and non-stereotypical educational programme choices, Increasing representation of women in public and political decision-making processes, Improving the application of the principle of gender equality in all public policies at the national and regional levels and increasing the visibility of the RC at the international level in the field of gender equality. The goal of the National and the two accompanying Action Plans is to achieve greater equality between men and women in the next seven years. Action Plan 2022-2024 takes particular account of Article 4 of the Convention in a way that it addresses different intersectional experiences, such as LGBTIQ+ persons, refugees, women in rural areas, women's

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<sup>10</sup>Official Gazette No. 182/04

<sup>11</sup>Official Gazette No. 126/07

<sup>12</sup>Official Gazette No. 20/11

<sup>13</sup>Official Gazette No. 96/17

<https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca//DVOJEZICNO%20Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%202017-2022.pdf>

<sup>14</sup>Government of the Republic of Croatia, 1997

<sup>15</sup>Official Gazette No. 112/01

<sup>16</sup>Official Gazette No. 114/06

<sup>17</sup>Official Gazette No. 88/11

reproductive health and so on. The National Plan covers various types of gender-based violence including sexual violence and sexual harassment, domestic violence, femicide, sexual violence in war, online violence, and violence among the younger population.

#### National Strategy for the Development of a Victim and Witness Support System

The primary goal of the National Strategy for the Development of a Victim and Witness Support System for the Period 2016-2020 in the Republic of Croatia<sup>18</sup>, was to provide to the victims or witnesses appropriate support and assistance from the very time of the commission of the criminal offence, during and after the entire criminal or misdemeanour proceedings, in order to avoid additional trauma and overcome feelings of being left alone and to facilitate rehabilitation and establish violated rights. Activities are divided into four areas, including coordination of cross-sectoral action with standardisation of treatment in case of providing support and protection to victims and witnesses and protection of their rights, linking the general system and specialised support programmes, improving the normative framework while building an information system to monitor the implementation of victim and witness support; further involvement of civil society organisations into the victim and witness support system and strengthening international cooperation.

#### National Anti-Discrimination Plan

National Anti-Discrimination Plan 2017-2022<sup>19</sup> contains goals and measures within which victims of domestic violence/victims of trafficking in human beings/victims of sexual violence are identified as a particularly vulnerable group. Thus, in accordance with the goal of increasing the number of employed and active unemployed persons with a disadvantage in the labour market during 2019, victims of domestic violence/victims of trafficking in human beings were informed about active employment measures. Furthermore, as part of the measure of putting vacant apartments owned by the Republic of Croatia into operation, in 2019, four victims of domestic violence were provided with housing care.

#### National Plan for Combating Trafficking in Human Beings

National Plan for Combating Trafficking in Human Beings has been continuously in force since 2002, and covers the periods 2005-2008, 2009-2011, 2012-2015, 2018-2021<sup>20</sup>. The National Plan prescribes measures aimed at developing the normative framework, identifying victims of trafficking, monitoring the detection, prosecution and sanctioning of criminal offences related to trafficking, assistance, and protection of victims of trafficking, prevention, education and international and regional cooperation. A new National Plan for Combating Trafficking in Human Beings, for the period 2022-2027, is being drafted.

#### National Roma Inclusion Plan

The goals of the National Strategy on Roma Inclusion for the Period 2013-2020<sup>21</sup> and the Action Plan on Roma Inclusion Decade 2005-2015<sup>22</sup> were to create preconditions for improving living conditions

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<sup>18</sup>Official Gazette No. 75/15

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<https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20za%20borbu%20protiv%20diskriminacije%20za%20razdoblje%20od%202017.%20do%202022..pdf>

<sup>20</sup> <https://ljudskaprava.gov.hr/suzbijanje-trgovanja-ljudima/599>

<sup>21</sup>

<https://pravamanjina.gov.hr/UserDocsImages/arhiva/Nacionalna%20strategija%20za%20ukljucivanje%20Roma%20za%20Orazdoblje%20od%202013.%20-%202020.pdf>

<sup>22</sup>

[http://novebojeznanja.hr/UserDocsImages/Dokumenti%20i%20publikacije/Dokumenti%20i%20publikacije%20referirani%20u%20SOZT-u%20\(popis%201\)/058%20Akcijski%20plan%20desetlje%20za%20ukljucivanje%20Roma%202005.%20-%202015..pdf](http://novebojeznanja.hr/UserDocsImages/Dokumenti%20i%20publikacije/Dokumenti%20i%20publikacije%20referirani%20u%20SOZT-u%20(popis%201)/058%20Akcijski%20plan%20desetlje%20za%20ukljucivanje%20Roma%202005.%20-%202015..pdf)



and inclusion in social life and decision-making processes in the local and wider community while preserving their own identity, culture, and tradition. The National Roma Inclusion Plan for the Period 2021-2027 was adopted by the Government of the Republic of Croatia in June 2021. The new document builds on the previous documents but brings significant improvements, both at the conceptual and content level, and in the planning of the implementation, as well as the way of monitoring its results and outcomes. The new document contains seven areas of action, i.e., three horizontal and four sectoral specific goals, the achievement of which is planned to be monitored through 23 primary indicators and a comprehensive list of secondary indicators, in accordance with the Recommendation of the Council of the European Union on Roma equality, inclusion, and participation. Achieving the goals is planned through 24 measures evenly distributed within individual areas of activity, three of which (in the field of social participation, employment, and health) are directly related to action aimed at reducing the gap between Roma men and Roma women, as well as the gap between Roma women and non-Roma women. Also, monitoring of overall document outcome indicators (primary as well as secondary) is planned to be desegregated by gender.

#### National Plan for the Suppression of Sexual Violence and Sexual Harassment

The *National Plan for the Suppression of Sexual Violence and Sexual Harassment for the Period 2022-2027* is in the process of being drafted in the Republic of Croatia. The aim of this national plan, based on the provisions of the Convention, is to include comprehensive and coordinated action to ensure and maintain conditions in a society in which citizens will be safe, taken care of and protected from all forms of sexual violence and sexual harassment. The National Plan includes 5 key components, i.e., areas of intervention: Development of prevention, Training of professionals working with victims of sexual violence and sexual harassment, Protection and support of victims of sexual violence and sexual harassment, Work with perpetrators of sexual violence and sexual harassment and Development of public policies and changes in legislation.

It should be noted that the cross-sectoral approach was taken into account in drafting all these documents, including representatives of competent state bodies, ministries and government offices, and representatives of civil society organisations who operate with the aim of protecting women victims against all forms of violence. The prescribed measures were also implemented in cooperation with the competent state bodies, cities and counties and civil society organisations, which were determined by the holders or co-holders of individual measures.

#### **B. Financial Resources**

Most of the measures determined by the action or national plans were implemented financed by the regular funds of the state budget and/or the budgets of cities and counties. It is very difficult to point out the amounts of funding specifically aimed at programmes of violence against women and domestic violence, as some activities aimed at combating violence against women are funded under the programme/project as an individual activity aimed at the economic empowerment of victims. Most of the costs of working with victims of domestic violence and violence against women are allocated from the state budget within the operational costs/regular funds of ministries and funds allocated for the work of the police, health care institutions, social welfare institutions, then bodies within the judicial system, educational institutions, and others.

The state further provides support to victims or work with perpetrators of violence through projects/programmes of civil society organisations. Furthermore, cities and counties provide financial support to the work of civil society organisations working with victims of domestic violence and violence against women. Certain financial resources were provided from grants through the EU funds, the European Social Fund and the European Fund for Reconstruction and Development.

According to the report on the implementation of measures of the National Strategy of Protection against Domestic Violence for the Period 2019-2020, a total of HRK 91,276,955.30 (€

12,121,773.00) was spent from the state budget of competent state bodies, budgets of cities and counties, and other sources<sup>23</sup>. However, we point out that a large part of the funds is provided within the regular funds of the state budget or within the implementation of other national documents that also contain measures aimed at combating violence against women and/or domestic violence.

### **C. NGOs and Civil Society**

Civil society organisations working in the field of protection of victims of domestic violence and violence against women in the Republic of Croatia are considered as equal partners to the state bodies in policy design, development, and implementation of goals, measures, and activities in this area. Experts involved in the work of civil society organisations with their knowledge and experience contribute greatly to the development of laws and bylaws, strategic and national plans, and other documents in the field of protection of victims of violence. At the same time, civil society organisations are the bearers or co-bearers of measures of national documents and their dedicated work contributes to the implementation of given measures.

State bodies provide financial support to the work of shelters and counselling centres for victims of domestic violence run by civil society organisations, religious institutions, or other social service providers. Financial support was also provided to the counselling centres for victims of domestic violence, victims of sexual violence, the work of the Network of Support and Cooperation for Victims of and Witnesses to a Crime, the work of civil society organisations working to prevent and combat various forms of domestic violence, organisations that provide assistance and support to victims of domestic violence, shelters for victims of domestic violence and victims of trafficking in human beings, SOS hotlines for victims of violence and victims of trafficking in human beings, raising awareness among the public about domestic violence issues and helping the perpetrators to change their behaviour.

In order to develop shelter services for victims of domestic violence, civil society organisations are very important partners to the state bodies. Out of a total of 25 shelters for victims of domestic violence in the Republic of Croatia, shelters at 14 locations are run by women's NGOs and civil society organisations, at 5 locations by religious institutions, and at other 6 by other accommodation providers, the Red Cross, and homes/institutions.

In 2019 and 2020, intensive cooperation between state bodies and counties, and partners (civil society organisations, the Red Cross, and religious institutions) was achieved, which resulted in the establishment of 6 new shelters in counties where they had not existed before. With the establishment of 6 new shelters, the condition of regional distribution of shelter services in all counties of the Republic of Croatia has been met.

In addition, civil society organisations, initiatives, citizens' associations, and professional associations are actively involved in a number of working groups, commissions, and other working bodies in the state administration system to ensure cross-sectoral cooperation in combating violence against women and domestic violence. A particularly important example is the involvement of representatives of civil society organisations in the work of the national team and county teams for preventing and combating violence against women and domestic violence established after the entry into force of the Convention in respect of the Republic of Croatia.

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[https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca/IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20\(2\).pdf](https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca/IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20(2).pdf)

### Some Examples of Cooperation of State Bodies with Civil Society Organisations

For many years, the Ministry of Labour, Pension System, Family and Social Policy has been financing the work of shelters for victims of domestic violence run by, among others, women's NGOs and civil society organisations. Furthermore, financial support for the implementation of projects for victims of

domestic violence of the counselling centres led by civil society organisations has been provided for several years, and in 2019 support was provided for the implementation of 15 projects, and in 2020 for the implementation of 20 projects of counselling centres across Croatia. In 2021, a tender was published to financially support the implementation of projects for counselling centres for victims of domestic violence and counselling centres for victims of sexual violence.

At the same time, financial support is provided to projects of associations aimed at preventing violence against and among children and youth, and in 2019, financial support was provided for 90 projects. In 2020, financial support was approved for 14 programmes of associations aimed at developing and expanding the network of social services provided by associations, aimed at preventing and suppression of violence. Through the European Social Fund tender, 5 projects have been contracted through which services and support programmes are developed for victims of domestic violence, training for professionals working with victims of domestic violence is provided and measures aiming at awareness-raising among the public are implemented through public campaigns. Grants have been approved through the European Regional Development Fund to improve infrastructure, i.e., activities for the purchase, reconstruction and equipping of real estate for the purpose of providing non-institutional services of organised housing and psychosocial support for victims of domestic violence in Karlovac County.

Within the EU project entitled "Stop Violence against Women and Domestic Violence - No Justification for Violence" led by the Ministry of Labour, Pension System, Family and Social Policy, in partnership with the Ministry of Justice and Administration and the Association for Victim and Witness Support, as of 25 November 2020, the work of the National Call Centre for Victims of Crime (116 006) has been extended to be available 24/7, including weekends, holidays and national holidays. Furthermore, within this project, training programmes are implemented for members of county teams for preventing and combating violence against women and domestic violence, which, in addition to representatives of competent state bodies, are attended by representatives of civil society organisations as participants and/or trainers.

The Ministry of Justice and Administration in cooperation with civil society organisations has developed the Network of Support and Cooperation for Victims of and Witnesses to a Crime. The network consists of 11 civil society organisations that provide assistance and support to victims and witnesses of criminal offences (and misdemeanours of domestic violence) in 13 counties where no victim and witness support departments have been established in the courts. Within the Network, the beneficiaries are provided with the emotional and practical support, technical and practical information and information on rights, psychological and legal counselling, support to victims and witnesses of criminal offences who did not report the crime, and support after the end of the court proceeding if the crime was reported, support to victims and witnesses through the escort to court, police, the state attorney's office and/or social welfare centres. Furthermore, the Ministry of Justice and Administration, based on legal regulations and public calls, issues a permit/licence to natural and legal persons for the implementation of psychosocial treatment of perpetrators of domestic violence. Civil society organisations are also legal entities that provide psychosocial treatment of perpetrators.

The Ministry of Science and Education cooperates with civil society organisations by financing projects of associations working in the field of non-institutional education of children and youth, programmes aimed at promoting healthy lifestyles, proper organisation of free time, developing self-esteem and social skills, helping families and teachers regarding the issue of domestic violence and programmes aimed at promoting and respecting human rights and raising awareness among the public

of the issue of domestic violence and the needs of victims. One of the identified priority areas includes the promotion of social inclusion and the preservation of national and local identity within the categories of education for personal and social development, solidarity, social inclusion and general human values, Education for peace and non-violent conflict resolution and Education for human rights, responsibilities and active citizenship.

The Ministry of Health is financing a three-year programme in the field of psychosocial support to the Women's Room - Centre for Victims of Sexual Violence association.

The Ministry of the Interior, in cooperation with civil society organisations, is continuously implementing prevention projects in order to prevent violence against women, domestic violence, violence among the youth and to build a culture of tolerance and free of violence.

In the period from 2018 to 2021, the Office for Gender Equality of the Government of the Republic of Croatia was a partner in the project "HELPLINE - How expertise leads to prevention, learning, identification, networking and ending GBV" implemented by B.a.B.e. in cooperation with the Institute for Research in the Fields of Work and Family from Slovakia, the Association for Victim and Witness Support, the Judicial Academy, and the Police Academy from the Republic of Croatia. The main goal of the project was to provide effective protection and support to victims of gender-based violence by strengthening the capacity to provide support and cooperation to all those involved in the implementation of protection. As part of the project, a website was created<sup>24</sup> as a safe online place where victims of violence, as well as people close to them, can find all relevant information in one place, including important telephone numbers, rights that belong to them as victims, information on free legal aid, psychological support, and the like. The site contains instructions for safe use and allows users to ask questions anonymously through the forum. Also, a guide for the conduct of experts - Domestic Violence, the Protocol on the Conduct of Volunteers of the National Call Centre for Victims of Crime in the case of domestic violence, and a policy paper was issued. In addition, six pieces of training were held by experts dealing with the protection of victims of gender-based violence on how best to implement the Convention in their work.

At the same time, when celebrating national and international days of combating violence against women and domestic violence, state bodies organise various activities, such as round tables, public events and similar to the regular participation of experts from various state bodies and civil society organisations. At the same time, representatives of state bodies always actively participate in events organised by civil society organisations.

#### **D. Coordinating Body**

Act ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence designates <sup>25</sup> the state administration body responsible for the protection of children and families, which is now the Ministry of Labour, Pension System, Family and Social Policy, to be a body appointed to coordinate, implement, monitor and evaluate policies and measures aimed at preventing and combating all forms of violence covered by the Convention.

Furthermore, the implementation of the provisions of the Convention is within the scope of the state administration bodies responsible for child and family protection, justice, interior affairs, education and health, and state bodies responsible for performing activities related to achieving gender equality and protection of human rights in the Republic of Croatia. Upon the entry into force of the Convention, one person has been appointed in each competent body as the coordinator for the implementation of its provisions.

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<sup>24</sup> <https://stop-nasilju.com/>

<sup>25</sup> Official Gazette - International Treaty, No. 3/18, Article 5

Furthermore, being aware of the need for cross-sectoral cooperation and the need for coordinated action of competent authorities in resolving and preventing risk and crisis situations, recognising the fact that it is only through joint and coordinated cooperation of all state bodies that the violence and other unacceptable behaviours can be prevented, certain activities with the aim to implement the provisions of the Convention more thoroughly, have been taken.

In November 2018, the ministers responsible for family affairs and social welfare, interior affairs, justice, health, education, administration, and foreign and European affairs, signed the *Agreement on Cross-Sectoral Collaboration in the Field of Prevention and Combating Violence against Women and Domestic Violence*. The purpose of the Agreement is to establish National and County Teams for Preventing and Combating Violence against Women and Domestic Violence in order to take the necessary measures to improve the work of competent state bodies and civil society organisations through the implementation of joint training programmes, ensuring joint and coordinated cooperation to prevent and combat violence against women and domestic violence and comprehensive protection of victims of such violence. The members of the National Team are the signatory 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 and civil society organisations that provide assistance and support to victims of domestic violence, violence against women and victims of sexual violence. Members of county teams are employees of social welfare centres and branches - family centres, police, health care institutions, offices responsible for education in counties and the City of Zagreb, employees of the department for the victim and witness support of county courts, youth judges of competent county courts, judges of criminal and misdemeanour departments of municipal courts, judges of misdemeanour courts in Zagreb and Split and representatives of civil society organisations.

Furthermore, in March 2020, the relevant ministries concluded an *Agreement on Cross-Sectoral Collaboration and Coordination in the Field of Prevention of Violence and other Threatening Behaviours at the Local Level*. Pursuant to this Agreement, city/municipal teams have been established at the local level with the aim to prevent and combat violence and other threats to prevent potential dangers and threats with undesirable consequences for life, safety and health of citizens, identify risk factors for violent behaviour or other socially unacceptable behaviours, coordinated and joint actions, management of the recognized risk of recurrence of violence and actions towards those persons who have already manifested violent behaviour and multidisciplinary analysis of particularly complex cases (case study).

### **E. Data Collection and Research**

Data collection is within the scope of all competent state bodies that provide support and protection to victims of domestic violence and violence against women, i.e., the state bodies from the area of police, social welfare, justice, health, science, and education.

In accordance with the Act on Protection against Domestic Violence<sup>26</sup> the *Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence* was established at the Ministry of Justice and Administration.

The Commission's members are judges, state attorneys, attorneys, civil servants of the ministries competent for the interior, justice, social welfare, health, education, and representatives of civil society organisations. The tasks of the Commission are to collect reports from the competent bodies on the application of the Act on Protection against Domestic Violence and the Criminal Code. The

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<sup>26</sup>Official Gazette No. 70/17, 126/19, 84/21

manner of collecting, processing, and submitting statistical data is prescribed by the Ordinance on the Method of Collecting, Processing and Submitting Statistical Data and Reports in the Area Covered by the Scope of the Act on Protection against Domestic Violence<sup>27</sup>. The Commission prepares an annual report for each individual year, and it also contains statistical data submitted by the competent authorities based on the Act on Protection against Domestic Violence and the said Ordinance. Reports on the work of the Commission are available on the website of the Ministry of Justice and Administration<sup>28</sup>.

In accordance with the provisions of the Ordinance, the police, the State Attorney's Office, the court, social welfare centres, health care institutions and educational institutions, as bodies authorised to act in accordance with the Act, are obliged to keep records of the actions taken. Records kept by the competent authorities contain information, for example, on the gender and age of the perpetrator, victim, kinship or other relationship between the victim and the perpetrator, children, persons with disabilities and the elderly, previous convictions, number and type of precautionary measures, number and type of proposed protective measures, number of accused persons against whom a proposal for indictment has been filed, number of reported perpetrators of domestic violence that were identified by officials while performing their duties, number of submitted proposals for imposing protective measures, total number and type of protective measures imposed, total number and type of sanctions imposed, number and type of sanctions against minors, number of pecuniary fines imposed against persons based on the information gathered while performing their duties, but which are not reported to the police or the State Attorney's Office on the commission of domestic violence, number of reports of domestic violence sent to the police by the social welfare centre, the number of the participation professionals of the social welfare centres in interviews at police on domestic violence, number of actions of social welfare centres in registered cases of domestic violence, number of actions of social welfare centres in the registered domestic violence cases, the number of families in which domestic violence was recorded, the manner of actions of social welfare centres towards victims of domestic violence, the number of perpetrators referred to counselling centres outside social welfare centres, number of appointed special guardians for a child in proceedings related to domestic violence, measures of family law protection, number of cases in which the victim of domestic violence is referred for medical treatment due to bodily injuries, costs of medical treatment of victims of domestic violence, number of cases where victims of domestic violence or perpetrator were referred to psychiatric treatment, age and gender of victims of domestic violence involved in the educational system, number of reports of domestic violence filed by educational institutions to the competent state bodies and number of actions of the ministry responsible for education taken to provide support to educational institutions.

In addition to these data, each competent body, in accordance with its scope, keeps special records of statistics within its scope related to cases of violence against women and domestic violence. Every two weeks, the Ministry of Labour, Pension System, Family and Social Policy collects statistical data on the capacity of shelters for victims of domestic violence, tracking the number of adult beneficiaries and the number of children accommodated in shelters. According to the data provided by the shelters, the occupancy rate is up to 60%. Furthermore, statistical data on rights from the social welfare system, which is also gender-disaggregated, are collected.

Croatian Bureau of Statistics<sup>29</sup> publishes on its website statistical indicators from various areas of life, including gender-disaggregated data on adult and juvenile perpetrators of criminal offences by type of decisions, reports, charges and convictions, and perpetrators of misdemeanours.

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<sup>27</sup>Official Gazette No. 31/18

<sup>28</sup><https://mpu.gov.hr/izvjesce-o-radu-povjerenstva-za-pracenje-i-unaprjedenje-rada-tijela-kaznenog-i-prekrasnog-postupka-i-izvrsavanja-sankcija-vezanih-za-zastitu-od-nasilja-u-obitelji/21302>

<sup>29</sup><https://dzs.hr>

The Ministry of the Interior has launched a link on its website entitled Calendar of Violence<sup>30</sup> and it publicly informs on committed criminal offences and misdemeanour offences of domestic violence.

The Ministry of Science and Education collects data on violence in schools and continuously works on improving preventive activities related to the prevention of violence among children and youth, raising awareness among parents, children and youth about violence, providing systematic assistance to victims in accordance with the Programme of Activities for Prevention of Violence among Children and Youth, the Protocol on the Procedure in Cases of Violence amongst Children and Youth and the Protocol on the Procedure in Cases of Domestic Violence. Data are collected according to the place the violence occurred, the type of violence and the relationship between the perpetrator and the victim.

Civil society organisations that provide services to victims of domestic violence also keep statistical data on the number, gender, age of beneficiaries, the relationship between perpetrators and victims, services provided and more.

#### **F. Government-Supported Research**

Since 2013, the Ministry of the Interior has conducted three scientific research under the following titles: Causes of Serious Forms of Domestic Violence (2013), Femicide Watch (2018) and Femicide Watch (2020), all in order to determine high-risk factors for committing serious violence and understanding the phenomenology of violent relationships.

On the National Day for the Elimination of Violence against Women – 22 September, the organisational units of the Police Directorate presented the results of the second phase of the Femicide Watch research, which includes 77 homicides of women committed in the period 2016-2020. Through the conducted research, the risk factors were also identified: previous violent behaviour, the influence of narcotic substances, the suicidality of the perpetrator, mental illness of the perpetrator, but also termination or announcement of the termination of marital or extramarital union or intimate relationship. The most common motives are jealousy, the announcement or termination of a relationship, and broken relationships. The results of the research will be used in the daily actions of the police in assessing the risk of committing serious crimes by perpetrators of violent crimes.

The Office for Human Rights and the Rights of National Minorities, as a coordinating body for drafting, monitoring the implementation and reporting on the National Roma Inclusion Plan for the Period 2021-2027, conducts extensive scientific research every 6 years to keep the records of the outcomes of the document, disaggregated by gender, among others. Primary as well as secondary indicators of the National Plan, disaggregated by gender, are observed with the ultimate goal of comparing the results between Roma men and women, but also non-Roma women.

#### **G. Research on Violence against Women**

As part of the research activities of the Police Academy during 2019, two scientific pieces of research were conducted, the results of which were published in 2020:

*Victimological Characteristics of Domestic Violence with Special Reference to the Legal Qualification of the Offence* - the aim of the research conducted at the national level was to determine the victimological characteristics of domestic violence and to determine the differences in these characteristics in relation to the legal qualification of the offence. The sample of the research consisted of a total of 173 cases of police treatment, of which 88 cases related to the misdemeanour

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<sup>30</sup> <https://mup.gov.hr/kalendar-nasilja/283308>



case of domestic violence (Art. 10 of the Act on Protection against Domestic Violence<sup>31</sup>), and 85 to the criminal offence of domestic violence (Art. 179a of the Criminal Code<sup>32</sup>). The results obtained by this research are of practical importance in terms of encouraging the drafting of guidelines related to mandatory victimological characteristics which should be collected during police treatment in cases of domestic violence. The scientific contribution of the research is reflected in the contribution to current victimological knowledge on domestic violence, especially theoretical discussions on the criteria for distinguishing domestic violence in terms of its legal qualification from a victimological perspective. The results of the research have been published and are publicly available<sup>33</sup>.

*The Survey on the Attitudes of the Participants of the Adult Education Programme for the Profession of Police Officer towards Gender and Minority Issues* - the aim of the research conducted at the national level was to observe the attitudes of the education programme participants, future police officers, towards gender equality, especially towards the rights of women and the LGBT population, and towards the rights of national minorities, international protection seekers and migrants. The survey was conducted on a sample (N=524) of participants of the Adult Education Programme for the Profession of Police Officer in the school year of 2019/2020, a survey questionnaire was used covering the following areas: gender equality; violence against women; homosexuality and the LGBT population; national minorities; migrants and international protection seekers; childhood and growing up. The survey determined the attitudes of the participants towards the mentioned issues and the overall differences among the respondents by individual areas. The survey showed that the future police officers do not show a high level of discrimination or intolerance towards members of minorities and vulnerable groups, and the results of the survey will be used to adjust educational programmes on gender equality, equality of national minorities, migrants, international protection seekers and the LGBT population. The results of the survey have been published and are publicly available<sup>34</sup>.

### **III PREVENTION**

(Chapter III of the Convention, Articles 12 to 17)

The Republic of Croatia pays due attention to the importance of the prevention of domestic violence and violence against women. In this regard, several activities have been undertaken by the competent state bodies, in particular in cooperation with civil society organisations active in this field, including public campaigns and other activities to mark national and international days against violence against women and human rights, and which influence the increase of awareness among the public about the harmfulness and unacceptability of violent behaviour and the rights of victims.

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<sup>31</sup>Official Gazette No. 70/17, 126/19, 84/21

<sup>32</sup>Official Gazette No. 125/11, 144/12,56/15, 61/15, 101/17, 118/18, 126/19 and 84/21

<sup>33</sup> Martinjak, D., Kikić, S., Kovčo Vukadin, I. (2020). Victimological Characteristics of Domestic Violence with Special Reference to the Legal Qualification of the Offence. In: Cajner Mraović, I. Kondor-Langer, M. (edit.) Collection of Papers of the VII<sup>th</sup> International Scientific and Professional Conference "Research Days of the Police High School in Zagreb". Zagreb: MoI (303-324). ISSN 2718-3386, UDK 351.74 26-75.

<https://cpi.gov.hr/UserDocsImages/konferencije/IDVPS/VII/zbornik/MUP%20zbornik%20radova%207%20-%204%20Martinjak.pdf>

<sup>34</sup> Balgač, I. (2020). Targeted approach in police education on gender and minority issues. In: Cajner Mraović, I. Kondor-Langer, M. (edit.) Collection of Papers of the VII<sup>th</sup> International Scientific and Professional Conference "Research Days of the Police High School in Zagreb". Zagreb: MuI (11-37). ISSN 2718-3386, UDK 351.74 26-75

<https://cpi.gov.hr/UserDocsImages/konferencije/IDVPS/VII/zbornik/MUP%20zbornik%20radova%207%20-%201%20Balgac.pdf>



## A. Campaigns and Programmes

### • Campaigns

*National media campaign with the slogan #empatijasada (empathy now) implemented by the Ministry of Labour, Pension System, Family and Social Policy within the EU project "Stop Violence against Women and Domestic Violence - No Justification for Violence."*

The purpose of the media campaign is, among others, to increase awareness among the public about 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 to promote the National Call Centre (116 006 24/7 hotline) as part of the prevention system from violence and protection of victims of violence. The first phase of the campaign, with the key message "A Fate You Would Not Wish on Your Daughter", is conducted by broadcasting videos on national television, focusing on the fate of victims of violence and raising awareness about violence to create a social environment in which victims actively seek help, perpetrators accept responsibility, and witnesses report violence. The second phase of the campaign is the promotion of the free phone number 116 006 available 24/7 as part of the violence prevention and victim protection system.

The value of the Campaign is HRK 1.295.543,00 (€ 172,050.00) of which 85% was financed from the ESF and 15% from the state budget.

Since 2019, the prevention project "*Lily*" has been continuously implemented in all counties of the Republic of Croatia by the Ministry of the Interior. The project is multi-modular, and through a series of interconnected activities, and it has been continuously implemented since the day of its presentation in all counties of the Republic of Croatia with the aim of connecting all relevant government agencies, civil society organisations, legal entities, and other socially responsible entities with the aim to be coordinated and work together to prevent all forms of violence against women. In addition, through its components, the project contains activities intended for males with the aim of raising awareness among them about the topic of gender equality as the exclusion of all forms of violent behaviour. Components of this Project include, among others, thematic public events aimed at raising awareness among citizens about the importance of public response in relation to eradication of violence, making videos and creating websites, creating multimedia audio-video content, thematic educational theatre performances, cross-sectoral cooperation and training of professionals (police, social welfare system, judiciary system, NGOs, etc.), intensification of work and mutual cooperation of the Council for Crime Prevention at the level of units of local government and self-government, county teams for preventing and combating violence against women and domestic violence, county commissions for promotion of gender equality, cooperation with civil society organisations and other. As part of the "*Lily*" project, 22 public events have been held so far in all counties of the Republic of Croatia, attended by approximately 10,000 people, and 5,000 pieces of promotional material have been distributed to citizens so far.

The Police Directorate conducted in 2019 and 2020, in cooperation with educational institutions and other partners preventive projects "*Living Life Without Violence*" and "*I Have a Choice*". They are aimed at preventing violence against women, domestic violence, violence among the youth, building a culture of non-violence and tolerance, strengthening the social inclusion of minority social groups into the community, and with special emphasis on awareness-raising and empowering underage girls of the Roma population so that they do not become victims of crime, especially violent offences.

The Living Life Without Violence project covered a total of 13,240 children and 547 parents, some of whom are the Roma national minority pupils, while the preventive project "I Have a Choice" covers a total of 93 children.

*The Behind the Door* campaign has been conducted by the Police Directorate in cooperation with the Polyclinic for the Protection of Children and Youth of the City of Zagreb and the Degordian agency. The aim of the campaign is to encourage all citizens to report the suspicion of any form of violence

against children and families and to take preventive measures to protect children and families from abuse during the COVID-19 pandemic. Preventive activities take place through the media and social networks, and this modern way of awareness-raising seeks to contribute to raising awareness about the problem and risks of child and domestic abuse or any other form of threatening behaviour during a health crisis and isolation. The campaign was also included in the communication of the Croatian Presidency of the Council of the European Union and the European Commission, and its implementation was supported by the *European Crime Prevention Network* and the European Union Agency for Fundamental Rights Agency (FRA). Europol pointed out the campaign as an example of good practice and information about the campaign was published on the EPE website (Europol Platform for Experts), after which the campaign was taken over in the Slovak Republic. The Lanzarote Committee members also shared information about the campaign as an example of good practice.

- Programmes/projects

The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia carries out several activities with special emphasis on combating trafficking in human beings and the inclusion of Roma. Starting in March 2019 the Office has implemented the project *Meeting the Preconditions for Effective Implementation of Policies Aimed at National Minorities - PHASE I* with the aim of improving the position of the Roma national minority, with an emphasis on informing the public about the specific situation of children and youth and Roma women. As part of the project, a publication entitled "Roma Inclusion in the Croatian Society: Women, Youth and Children" was published and translated into English. The main goal of the study was to identify and determine the links between individual indicators of the social status of three target groups and their unification into a single framework of recommendations for improving the social position of Roma women, children, and youth, in relation to the majority population and other minorities and their integration into Croatian society. The publication presents data and results of analyses on the social status of Roma women, children, and youth collected using a mixed methodology. Materials that include presentations and video graphics are publicly available on the Office's official YouTube channel<sup>35</sup>. The short documentary "Own" (Svoje)<sup>36</sup> was made within the project. It brings stories of three young Roma women. The film was made with the idea of presenting to the public the unprivileged position of Roma women who face multiple discrimination - as women and as members of the Roma minority. At the same time, three women's stories show that it is possible to break down prejudices and get rid of traditional roles and can serve as an inspiration to all young Roma women. The film was broadcasted on Croatian Radio Television, and on the 18th Human Rights Film Festival.

In addition, an exhibition "My Day" about the lives of Roma children and youth was organised. The exhibition presents six short documentary videos on the lives of children and the youth with the aim of raising public awareness on the need to equalise their life opportunities with the opportunities and standards of the majority population and break down existing prejudices about Roma. The exhibition was held in Zagreb in 2020 and in Varaždin and Osijek in 2021. The office also created a virtual version of the exhibition<sup>37</sup>.

- Marking national and international days

Competent state bodies and civil society organisations mark national and international days aimed at combating violence against women, respecting and promoting the rights of victims.

European Day for the Victims of Crime - 22 February

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<sup>35</sup> <https://ukljucivanje-roma.com/zdm.html>

<https://www.youtube.com/watch?v=U5AtGHXZmrk>

<sup>36</sup> <https://www.youtube.com/watch?v=WII6pmqjgeU&feature=youtu.be>.

<sup>37</sup> <https://www.youtube.com/watch?v=cGvblEsyk&t=138s>.

- In 2019, a round table on "Individual Victim Assessment - Achievements and Challenges" was held to discuss the challenges in conducting individual victim assessments as well as possible ways to improve cooperation with bodies, organisations, and institutions that provide assistance and support to victims of crime through examples of good practices.
- In 2020, a round table on "Support to Victims and Witnesses in the EU - Challenges Ahead in the Development of the System" was held to present the current direction of the development of support systems and victims' rights at the EU level in accordance with the recommendations of the Council of the EU and EC and analysis of previous examples of good practice and possibilities for further development of the system in the Republic of Croatia.

#### National Day for the Elimination of Violence against Women – 22 September

- In 2019, an expert conference "Violence in Society - a Cause of Stress and Trauma and/or a Professional Challenge for Professionals" was held. Representatives of the competent state bodies and civil society organisations took part in the event, which was covered by the media.
- In 2020, a Webinar on "Combating Domestic Violence during the COVID-19 Pandemic" was held for experts from all relevant systems, including representatives of civil society organisations operating in the field of domestic violence and a cross-sectoral discussion "Experiences of Cross-Sectoral Collaboration in Combating Violence During the COVID-19 Pandemic" which was attended by representatives of systems and organisations dealing with domestic violence.
- In 2021, a high-level conference "An Integrated Approach to Protection against Violence against Women and Domestic Violence" was held. The Secretary General of the Council of Europe addressed the participants online, and the Prime Minister, Ministers and other officials of state bodies responsible for dealing with violence against women, representatives of the Croatia Parliament, the President of GREVIO, the European Commissioner for Equality, the Vice-President of the European Court of Human Rights, the Gender Equality Ombudsperson, the former UN Special Rapporteur on Violence against Women, its Causes and Consequences, representatives of the judiciary, academia and civil society organisations participated.

#### World Day against Trafficking in Persons - 30 July

- In 2021, an online meeting was held during which an evaluation of the existing referral system for combating trafficking in human beings was presented. It will be taken into consideration while drafting a new national strategic document in this area. In this way, the Republic of Croatia joined the celebration of the World Day against Trafficking in Persons.

#### European Day against Trafficking in Persons - 18 October

- In 2019, a round table on "Trafficking in Children and Youth for Labour and Sexual Exploitation, Examples from Practice" was held. The aim was to improve public awareness about the issue of combating trafficking in human beings, but also to present the activities undertaken by the Government of the Republic of Croatia and civil society organisations in the field of combating trafficking in human beings.
- In 2021, the 2<sup>nd</sup> formal session of the National Committee for Combating Trafficking in Human Beings was held.

#### International Day for the Elimination of Violence against Women - 25 November

- In 2019, a round table on improving the position of victims of domestic violence was held with the participation of experts from ministries and institutions dealing with the protection of victims of violence, as well as representatives of civil society organisations and, in a separate event, the #StopSexism website and Croatian edition of the Council of Europe Recommendation CM/Rec (2019)1 on preventing and combating sexism were promoted.
- In 2020, within the implementation of the EU project "Stop Violence against Women and Domestic Violence - No Justification for Violence", the work of the National Call Centre was extended to 24/7 including weekends, holidays, and public holidays. Partners in the project, in addition to the Ministry of Labour, Pension System, Family and Social Policies are the Ministry of Justice and Administration and the Association for Victim and Witness Support as the bearers of activities to improve the work of the National Call Centre. A thematic session of the Gender

Equality Committee of the Croatian Parliament was also held, where the increase in domestic violence during the COVID-19 pandemic was discussed.

- In 2021, a round table was organised on "Combating Violence against Persons with Disabilities and the Implementation of the Istanbul Convention."

#### International Human Rights Day – 10 December

- In 2021, as part of the Human Rights Festival, a round table on "Inclusion of Refugee Women in Society - Opportunities and Challenges" was held to inform and raise awareness among professionals and the public about the key challenges for socio-economic participation of refugee women and other women migrants. The examples of good practice in the implementation of projects and activities aimed at empowering migrant women for equal participation in social flows, especially for the purpose of economic emancipation were presented at the round table.

- Printing and publishing of promotional and info materials

In the period from 2014 to 2021, the Office for Gender Equality of the Government of the Republic of Croatia, in order to raise public awareness on the importance and ways to protect women against violence, published the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in a total circulation of 9,600 copies, most of which (9,437 copies) were distributed to many interested parties in that period.

Competent state bodies continuously inform the public via the website about relevant events and activities related to gender-based violence and services available to victims.

### **B. Inclusion of Teaching Materials in Education**

By introducing the topics of responsibility, liberty, equality, and solidarity into the subject curricula and cross-curricular topics, the Republic of Croatia promotes the values of fundamental human rights such as human dignity, liberty, equality, social justice, gender equality and encourages the adoption of values such as tolerance and diversity as the identifying characteristics of each individual and the overcoming of stereotypes and prejudices.

Ordinance on the Textbook Standard and the Members of the Expert Committees for the Evaluation of Textbooks and Other Educational Materials<sup>38</sup>, published in January 2019, determines, among other things, scientific, pedagogical, psychological, didactic, and methodical, ethical, linguistic, graphic and technical requirements as well as the form of textbooks for each grade and level of education and the use of textbooks for subjects with a predominantly educational component. The ethical requirements of the Ordinance promote, *inter alia*, human dignity, emancipation, liberty, equality, justice, patriotism, national identity, social equality, dialogue and tolerance, labour, honesty, peace, preservation of nature and the environment, and other democratic values; intercultural understanding, racial, national, ethnic, sexual, gender, religious equality of individuals and social groups and raises awareness on the right to diversity and gender equality, appropriately using equal illustrations of characters of both sexes and using nouns of both genders, especially in naming professions and occupations, without compromising the level of communication and the naturalness of the Croatian language.

Furthermore, since the school year 2019/2020, the Decision adopting the Programme for Cross-curricular and Interdisciplinary Implementation of Civic Education Contents in Primary and Secondary Schools in the Republic of Croatia, adopted in January 2019 has been applied. Responsibility, human dignity, liberty, equality, and solidarity are fundamental values promoted by learning and teaching Civic Education. The objectives of learning and teaching are: promoting the values of human rights (human dignity, liberty, equality and solidarity), democratic principles in the community inside and outside school life, developing critical thinking and argumentation skills and communication skills needed for social and political participation in shaping experiences of active

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<sup>38</sup>Official Gazette No. 9/19

citizenship; in a democratic school environment and the wider democratic community to develop fundamental values prescribed by the Constitution, such as liberty, equality, ethics, morals, family values and the value of marriage, national equality and gender equality, peacekeeping, social justice, respect for human rights and more.

The curriculum for the subject Croatian language for primary schools and grammar schools in the Republic of Croatia was adopted by the Decision from January 2019. The subject Croatian Language also develops responsible behaviour, acceptance of social and personal identity, tolerance, respect for different opinions and equality, which is a link with the cross-curricular Civic Education contents.

### **C. Initial Professional Development**

In all its teaching programmes, at all levels of education (higher and basic level, lifelong learning), the Police Academy conducts continuous training of police officers in the field of human rights, especially violence against women and domestic violence. The programme pays special attention to raising the awareness among police officers in relation to the practice of double arrest, i.e., identifying the primary perpetrator/aggressor, and the fact that actions from the self-defence zone should not be qualified as violence in order to reduce the problematic practice of double arrest and double charge for domestic violence.

The basic level of education for police officers is conducted during the 11 months of training of future police officers in the "Adult Education Programme for the Profession of Police Officer" and includes the topic of fundamental human rights (including equality between women and men, violence against women and domestic violence) covered through the following teaching programmes and curricula *Constitution of the Republic of Croatia*, *European Union Law and Human Rights*, *Police Powers and Their Application*, *Basics of Criminal Law and Law of Misdemeanours* (the teaching unit Protection against Domestic Violence - Combating Discrimination and Gender Equality is covered), *Fundamentals of Criminology and Forensic Science* (special emphasis is placed on respect for fundamental human rights), *Psychology* (includes topics of Social Behaviour and Group Influence, Attitudes, Stereotypes and Prejudices, and Vulnerable Groups). In the school year 2018-2019 a total of 725 students, in the school year 2019-2020 a total of 724 students, and in the school year 2020-2021 a total of 763 participants completed a basic level of education.

Furthermore, at the Police College, the topic of fundamental human rights (including equality between women and men, violence against women and domestic violence) was covered within the Professional Study of Criminalistics in courses *Substantive criminal law* (deals with certain criminal offences, for example domestic violence, rape, serious criminal offences against sexual liberty), *Forensic methodology for investigating juvenile delinquency and crime against children* (covers the topic of child perpetrators and victims of domestic violence), *Criminalistic methodology of investigating domestic violence* (since the academic year 2020-2021 it is fully committed to the criminal investigation of domestic violence with an emphasis on identifying and prosecuting the primary aggressor and the comprehensive protection of victims), *Criminalistic methodology of investigating violent and sexual offences* (topics of sexual violence, violence against women and violence committed by close persons are covered). In the academic year 2018-2019 a total of 259 students, in the academic year 2019-2020 a total of 229 students, and in the academic year 2020-2021 a total of 193 students completed professional studies.

Within the Specialist Professional Study of Criminalistics, this topic was covered within the courses *Criminal law protection of children and minors* (topic Children victims of violence by close persons), *Applied victimology* (the topics of the Rights of victims of criminal offences and misdemeanours and Phenomenological characteristics of victims are covered) and *Methods of investigating violent and sexual offences* (topics of sexual violence, violence against women and violence committed by close persons are covered). In the academic year 2018-2019 a total of 76 students, in the academic year

2019-2020, a total of 62 students, and in the academic year 2020-2021 a total of 57 students completed the specialist professional study.

#### **D. Additional Professional Training**

- Educational workers

For many years, the Education and Teacher Training Agency has been organising and holding professional training on the role of educational institutions in the prevention of domestic violence, understanding and accepting students at risk for developing behavioural problems and cooperation with parents and other stakeholders in the child and youth care system. Furthermore, the Agency designs several prevention programmes implemented by educational workers in a large number of schools and holds professional meetings for professional associates and other educational workers to address issues related to protection against domestic violence. Through councils for prevention programmes, the expert associates of educational institutions, prepare and exchange content on the prevention of domestic violence aimed at strengthening the personal power of pupils and parents, mechanisms for protection against violence, ways of reporting violence and possible consequences of violence. Through training, the expert associates and other workers of educational institutions are trained to identify risk factors for the occurrence of violence and are directed to act in accordance with regulations.

Expert meetings for expert associates and other educational workers on topics related to protection against domestic violence included 784 participants in 2019, 579 in 2020, and 700 participants in 2021, while in school, county and State Review of Civic Education in 2021 included 1,162 participants.

By February 2022, interdisciplinary professional meetings on gender equality are planned for 900 participants on the impact of stereotypes on the process of education in kindergarten, primary teaching, and lower elementary teaching, and in secondary school.

Furthermore, the Education and Teacher Training Agency delivers training on *Recognising and Responding to Gender-Based Violence (GBV) in the School Environment*, intended for professional associates of primary and secondary schools, teachers, educators in dormitories and principals. The training covered the following topics: knowledge about gender-based violence and school context, knowledge about gender-based violence, online gender-based violence and gender-based violence in partnerships, gender-based violence at school and confessing experienced gender-based violence, support skills, prevention of gender-based violence and national legal framework and protocols. So far, the training programmes have included 138 educational workers.

The National Plan for Promotion of Gender Equality 2021-2027, which is in the process of being drafted, envisages special objective 4 to Increase the Sensitivity of the Educational System (early, pre-school, primary and secondary) to gender equality issues and non-stereotypical choices of education programmes at all levels, and the implementation of measures will strive to encourage students to choose the type and programme of education, and thus the choice of occupation, as well as selection of elective (in primary schools) and optional programmes (in secondary schools) according to personal interests and abilities. Training of educational workers in preschool, primary and secondary schools will strive to sensitise employees in educational institutions to recognise and avoid gender stereotypes, recognise inequality, eliminate violence, sexism, etc., teach children how to make mature decisions in later partnerships and finally reduce segregation in occupations.

As part of the project "Living Healthy" (2019 and 2020), the Croatian Institute of Public Health has developed a programme *PoMoZi Da* aimed at improving the mental health literacy of educational workers in the field of mental health of children and youth with an emphasis on facilitating the recognition of mental health problems in children and youth and learning the skills of psychological first aid. Participants are trained on gaining a skill of leading a supportive conversation following the principle of psychological first aid. This skill can be extremely useful in providing initial support to people who have experienced violence (how to approach, how to provide emotional and instrumental support, and how to inform the person about the importance of further seeking professional help).

During 2019 and 2020, 3 trainings of trainers, mental health experts from the county institutes of public health were conducted and a promotional meeting on the *PoMoZi Da* programme and psychological first aid was organised with the attendance of 120 participants.

Within the project, two manuals with accompanying educational materials were made - a manual for teachers and a manual for implementation. In addition, an online educational platform was created on the CARNET MOOC system and all necessary materials were provided to public health institutes for the implementation of three-day workshops with educational workers.

Since June 2020, continuous online training of educational workers has been conducted through the CARNET MOOC distance learning system. The trainings included 22 trainers from the network of county public health institutes, 899 educational workers completed the basic level of the programme through online training, and 59 educational workers completed the advanced workshop.

- Healthcare professionals

In 2020, the Ministry of Health conducted cross-sectoral, interdisciplinary trainings for appointed expert teams at the Clinical Hospital Centres, in charge of the first examinations in case of suspected sexual abuse of children and youth, for appointed coordinators in cases of sexual violence and abuse and neglect of children (in accordance to the Protocol on Treatment in Case of Sexual Violence and the Protocol on the Procedure in Case of Abuse and Neglect of Children) and for all interested employees. The training covered the following topics: examination of a child suspected of sexual abuse, psychological approach to a child suspected of sexual abuse, child: witness-victim-injured party, the role and importance of the police in detecting and prosecuting sexual abuse of children and integrated approach in case of sexual abuse of children from the perspective of the social welfare system.

- Police officers

As part of the additional professional training of police officers, the Police Academy delivers courses and workshops as follows:

*Specialist Course for Juvenile Delinquency and Crime against Youth and Family* with the targeted outcome of acquiring theoretical knowledge from the scope of the work with the juvenile delinquency, criminal law protection of children and against domestic violence and the application of acquired knowledge, through acquiring practical skills in recognising pre-delinquent and delinquent behaviour of young people, violations of rights of children and juvenile and domestic violence, undertaking investigations of crime, prosecuting perpetrators and monitoring these phenomena with the aim of their prevention. The topics of prevention of discrimination in terms of achieving gender equality, prevention of gender-based violence, sexual violence and trafficking in human beings and children are also addressed, with special reference to vulnerable groups (children, the elderly and people with disabilities). 25 police officers completed the specialist course in 2019, and in 2020, 20 police officers.

*The Course on Managing the Procedure of the Police in Cases of Domestic Violence* is organised for the purpose of professional training of police officers - heads/chiefs of shifts of operational and communication centres of police departments and operative duty of police stations. The Course covers the following topics: criminological aspects of domestic violence, international standards for protection against domestic violence, in particular through the application of the provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, the protection of human rights, especially of vulnerable groups (through topics of violence against children and the youth, the elderly and people with disabilities), the national legislative framework referring to domestic violence, police treatment in cases of domestic violence and cooperation with other bodies, institutions and organisations in the prevention and suppression of domestic violence, and the police and human rights from the perspective of

domestic violence. A total of 173 police officers completed the course in 2019, a total of 99 police officers in 2020, and 137 police officers in 2021.

*Workshop for Police Officers and Judicial Officials on the Provisions of Domestic and European Legislation Aimed at Combating and Preventing Domestic Violence* which is implemented in cooperation with the Police Academy and the Judicial Academy in accordance with the measure of the National Strategy of Protection against Domestic Violence 2017-2022. The workshop includes novelties in European and domestic legislation in the field of domestic violence and exercises on the conduct of the police, the State Attorney's Office, and the courts in specific cases of domestic violence. To conduct these workshops, the Police and Judicial Academy developed working and didactic materials and manuals for participants and teachers (trainers), which are intended to improve the conduct of the police and the judiciary in specific cases of domestic violence. The workshops were attended by a total of 167 participants in 2019 (71 judicial officials and 96 police officers), in 2020 by 20 participants (7 judicial officials and 13 police officers), and in 2021, by 42 participants (19 judicial officials and 23 police officers).

- Judicial officials - judges and prosecutors

In 2019, 2020 and 2021, the Judicial Academy conducted workshops on "Domestic Violence" for criminal judges and advisors at municipal, county and misdemeanour courts, deputies, and state attorney's advisors at the criminal department of the municipal and county level, police officers, probation officers and victim and witness support officers. The workshops were attended by a total of 187 participants in 2019 (73 judicial officials, 104 police officers and 10 judicial officers), in 2020 a total of 20 participants (6 judicial officials, 13 police officers and 1 judicial officer), and in 2021 a total of 41 participants (17 judicial officials, 19 police officers and 5 judicial officers).

Within the framework of international cooperation, through the project of the Ombudsperson for Gender Equality "Building More Effective Protection: Transformation of the System of Combating Violence against Women" training of judges, state attorneys and deputy state attorneys was conducted, which was attended by a total of 100 participants (57 judges and court advisors and 43 from the ranks of deputy municipal and county state attorneys).

Furthermore, in partnership with the B.a.B.e. Association and the Judicial Academy, the HELPLINE project (How Expertise Leads to Preventing, Learning, Identifying, Collaborating and Stopping Gender-Based Violence) was implemented. During 2020, workshops were held for 102 judges and deputy state attorneys, and in 2021 for 36 judges and state attorneys. The manual "Domestic Violence - A Short Guide to the Conduct of Experts" was also developed.

In 2019, the Office for Human Rights and the Rights of National Minorities, in cooperation with the Judicial Academy and the Centre for Peace Studies, organised five expert seminars presenting the legal framework and manifestation in practice entitled Hate Crime and Hate Speech. Participants were judges, state attorneys, police officers, lawyers and representatives of civil society organisations.

Based on the cooperation between the Judicial Academy and the Police Academy, two (2) two-day workshops on "Combating Trafficking in Human Beings" were held in 2019 intended for criminal judges and judicial advisers at county courts, deputy state attorneys and state attorney's advisors specialising in trafficking in human beings. There was a total of 107 participants. By the end of 2021, three seminars/trainings on combating trafficking in human beings were held for judicial officials (judges and state attorneys) with a total of 33 participants.



- Social workers

Within the EU project *"Stop Violence against Women and Domestic Violence - No Justification for Violence"* implemented by the Ministry of Labour, Pension System, Family and Social Policy the activities aimed at strengthening and developing the capacity of county teams for preventing and combating violence against women and domestic violence related to the consistent implementation of international documents aimed at protection against violence, especially the Convention and national legislative framework and the adoption of standard operative procedures in cases of violence against women and domestic violence have been implemented. During 2021, trainings were conducted with the participation of a total of 573 experts dealing with cases of domestic violence (representatives of social welfare centres, police, judicial bodies, health, education, and other experts, including representatives of civil society organisations that operate in the field of protection against domestic violence).

Within the projects contracted within the call *"Expanding the Network of Social Services in the Community Phase I"* among other activities, training is provided for professionals working with victims of domestic violence. So far, 137 experts have been trained.

Furthermore, within 6 projects contracted under the call *"Providing a Support System for Women Victims of Violence and Victims of Domestic Violence"*, *inter alia*, activities to strengthen the capacity of professionals, i.e., persons working with women victims of violence and victims of domestic violence for the purpose of developing, expanding and improving the quality of services aimed at women victims of violence and victims of domestic violence are included. The projects have just started with the implementation, but it is anticipated that the trainings will include 76 experts.

- Experts working with victims of trafficking in human beings

Training programmes for working with victims of trafficking in human beings, in addition to training programmes for working with victims of domestic violence, are also implemented under the supervision of the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia. During 2019, 2 trainings were held for tourism workers on the problems and ways to combat trafficking in human beings.

## **E. Programmes of Support to Perpetrators of Violence**

The protective measure of mandatory psychosocial treatment of perpetrators of domestic violence has been prescribed in the misdemeanour legislation of the Republic of Croatia since 2003, i.e., by the adoption of the first Act on Protection against Domestic Violence<sup>39</sup>. According to the new Act on Protection against Domestic Violence<sup>40</sup> the court may impose a protective measure of mandatory psychosocial treatment against the perpetrator of the offence of domestic violence in order to eliminate his or her violent behaviour or if there is a danger that he or she could repeat the domestic violence<sup>41</sup>. A protective measure may be imposed against the perpetrator for at least six months. Ordinance on the implementation of the protective measure of mandatory psychosocial treatment<sup>42</sup> prescribed the implementation of a protective measure of mandatory psychosocial treatment of perpetrators of domestic violence. Pursuant to the Ordinance, in January 2019 the Expert Committee for the Implementation, Monitoring and Supervision of the Protection of Mandatory Psychosocial Treatment was established, which, among other things, improves the implementation of psychosocial treatment and monitors and supervises the work of natural and legal persons conducting psychosocial treatment, i.e., a protective measure of mandatory psychosocial treatment. In addition, psychosocial

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<sup>39</sup>Official Gazette No. 116/03

<sup>40</sup>Official Gazette No. 70/17, 126/19 and 84/21

<sup>41</sup>Article 15

<sup>42</sup>Official Gazette No. 116/18

treatment is provided in health facilities for perpetrators of violence who have a positive psychiatric history.

In 2019, 481 protective measures of mandatory psychosocial treatment were imposed by the court/judge in misdemeanour proceedings, and the same was imposed against 285 persons. In 2020, as part of misdemeanour proceedings, courts/judges imposed 292 protective measures of mandatory psychosocial treatment and they were implemented in full against 265 persons.

Furthermore, under the provisions of the Criminal Code, the court shall impose a<sup>43</sup> security measure of mandatory psychosocial treatment against the perpetrator who has committed a criminal offence characterised by violence if there is a danger that he or she will commit the same or a similar offence<sup>44</sup>. Amendments to the Criminal Code from 2021 amended the security measure in question in such a way that, instead of the current optional imposition, the mandatory imposition of a security measure of mandatory psychosocial treatment was prescribed, under the condition that there is a danger that the perpetrator could commit the same or similar offence.

The programme of psychosocial treatment of perpetrators of violent crimes, including perpetrators of domestic violence, is implemented in the prison system of the Republic of Croatia called NAS. The programme is implemented (individually or in groups) in penitentiaries in Glina, Lepoglava, Požega, Turopolje, prisons in Bjelovar, Pula, Rijeka, Split, Šibenik, Varaždin, Zadar and Zagreb and in correctional institutions in Požega and Turopolje, and is conducted by treatment officers - psychologists, social pedagogues and social workers with completed additional training for the implementation of the programme. Prisoners shall be included in the programme based on the security measure imposed under Article 70 of the Criminal Code and on the basis of the assessment of the expert team of the penitentiary, prison, or correctional institution. Participation in the programme is voluntary, but a prisoner who refuses to join the treatment cannot benefit from leaving the penitentiary or prison, and in the process of deciding on the suspended release of a prisoner who refuses treatment in the penitentiary or prison, the court shall submit a negative opinion on the proposal for the suspended release. In 2019, 54 prisoners were included in the NAS programme, and in 2020, 51 prisoners. Data on gender, age and type of violence, as well as the perpetrator's attitude towards the victim, geographical location, etc. are not available as they are not kept in official records.

The NAS programme, among other things, includes making efforts to understand violence (including violence against women), changing attitudes and beliefs that support violent behaviour and for perpetrators of gender-based or domestic violence, includes obligatory topics such as: the role of socialisation, shaming and self-esteem in violence; value/cultural context in which violence against a partner or family member takes place; denying, belittling, justifying and blaming the victim and family members of the victim for their own behaviour; adopting positive, respectful and equal relationship with the partner. It is important to note that, in cases of group work, the programme is by no exception implemented by a couple of experts consisting of a male and female leader, which allows prisoners to learn by observing a positive model of respectful and equal male-female relationship.

In order to ensure that the victim of a criminal offence or misdemeanour, or the family, if the victim (or a family member) submits a request, is informed on the reception of a prisoner, the penitentiary, prison or Zagreb Diagnostic Centre shall inform the Service for Victim and Witness Support of the

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<sup>43</sup>Official Gazette No. 125/11, 144/12,56/15, 61/15, 101/17, 118/18, 126/19 and 84/21

<sup>44</sup>Article 70

Ministry of Justice and Administration prior to each independent release of the prisoner, in case of<sup>45</sup> the escape of a prisoner, pursuant to Article 8 of the Act on Execution of Imprisonment.

Implementation of the programme and training of experts for the implementation of the programme are financed from the state budget allocated to the Ministry of Justice and Administration, in the total amount of about HRK 200.000,00 (€ 26,000.00) annually, and it refers to the share in salaries of the prison system employees - who implement the programme in penitentiaries, prisons and correctional institutions and who have conducted training of officials and travel expenses of employees who participated in the training. Measures to assess the impact of the programme have not yet been taken.

#### **F. Support Programmes to Perpetrators of Sexual Offences**

A programme of psychosocial treatment of perpetrators of sexual crimes called PRIKIP (Croatian abbreviation for *Recidivism Prevention and Control of Impulsive Behaviour*) is implemented in the Croatian prison system. PRIKIP has been implemented continuously since 2005, when it was first implemented in the Lepoglava Penitentiary. Prisoners are included in the programme based on the assessment of the expert team of the penitentiary, prison, or correctional institution. Participation in the programme is voluntary, but a prisoner who refuses to join the treatment cannot benefit from leaving the penitentiary or prison, and in the process of deciding on the suspended release of a prisoner who refuses treatment in the penitentiary or prison, the court shall submit a negative opinion on the proposal for the suspended release. The PRIKIP programme is implemented only in the penitentiaries in Lepoglava and Glina and in the Zagreb Prison, as there are not enough perpetrators in other penitentiary bodies to form a group. In 2019, 31 prisoners were included in the PRIKIP programme, and in 2020, 29 prisoners. All the involved prisoners are male adults, and data on the age and type of sexual offence (violence), as well as the perpetrator's attitude towards the victim, geographical location, etc. are not available as these data are not kept in the official records.

The perpetrators of sexual offences work on, among others, changing attitudes and understanding sexual violence against women (but also against other victims), and topics covered by the programme include understanding acceptable versus unacceptable sexual behaviour, partnerships, healthy male identity and more. In cases of group work, the programme is by no exception implemented by a couple of experts consisting of a male and female leader, which allows prisoners to learn by observing a positive model of respectful and equal male-female relationship.

In 2013, the first and so far, only systematic evaluation of PRIKIP was made in the Treatment Sector of the Central Office of the Prison Administration, using a self-assessment questionnaire for perpetrators before and after the programme and a quantitative comparison of these indicators. The questionnaire examines or monitors changes in the opinion and attitudes of perpetrators. Therefore, for example, a comparison of the level of responsibility for controlling one's own sexual behaviour and the possibility of preventing recidivism at the beginning and end of the PRIKIP programme showed that at the beginning of the programme prisoners generally deny responsibility for controlling their own sexual behaviour and are unaware of their own power to influence the prevention of recidivism, while at the end of the programme, there is a significant increase in responsibility and insight into one's own capacities for the prevention of recidivism.

The manner of informing the victim is explained in point E. Programmes of Support to Perpetrators of Violence.

Implementation of the programme and training of experts for the implementation of the programme are financed from the state budget allocated to the Ministry of Justice and Administration, in the total amount of about HRK 100.000,00 (€ 13,300.00) annually, and it refers to the share in salaries of the prison system employees - who implement the programme in penitentiaries, prisons and correctional

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<sup>45</sup>Official Gazette No. 14/21

institutions and who have conducted training of officials and travel expenses of employees who participated in the training.

Work with perpetrators of sexual offences is also carried out within the health system, preceded by the implementation of appropriate psychological and other necessary treatment. After getting a diagnosis, a person may be referred to highly specific treatment programmes, depending on the type of underlying disorder, if that disorder increases the risk of committing sexual and other forms of violence.

### **G. Private Sector and Media**

In the Republic of Croatia, respecting the independence and freedom of media reporting, the provisions on media reporting on domestic violence are contained in the Media Act<sup>46</sup>, The Act on Electronic Media<sup>47</sup> and the Gender Equality Act<sup>48</sup>. These acts stipulate the obligation to respect the privacy, dignity, reputation and honour of citizens, especially children, youth and families regardless of gender and sexual orientation, prohibit incitement, favouritism and incitement to hatred or discrimination on multiple grounds, including gender, marital status or family status, and a ban on the publication of articles that offend human dignity, articles of immoral and pornographic content, and articles that incite, promote or glorify violence. In addition, the Gender Equality Act prescribes the obligation of the media to promote the increase of awareness about equality between women and men through programme content, programme bases, programme directions and self-regulatory acts.

### **H. Standards of Self-Regulation**

In the Republic of Croatia, the Agency for Electronic Media is established. It is an independent regulatory body that promotes the public interest and media pluralism, justifies public trust through professional and transparent activities, encourages media literacy, creates conditions to produce quality Croatian audio-visual content and ensures equal conditions for media development and media freedom. Within the Agency, the Electronic Media Council operates as an independent regulatory body in the field of electronic media in the Republic of Croatia. In their work, the Agency and the Council pay particular attention to respect for human dignity, the protection of minors and the prevention of incitement and/or promotion of programmes that spread hatred or discrimination based on race, gender, religion, or nationality.

In addition, the Honour Codex of Croatian Journalists<sup>49</sup> is one of the self-regulatory acts, i.e., it represents the rules of the journalistic profession and ethics which determine professional and other rules of conduct or regulate relations in the media activity, and which are independently determined by publishers, journalists and their associations. The Journalist Honour Council of Croatian Journalist Society is responsible for the protection and application of the Honour Codex of Croatian Journalists in case it notices that the norms and principles of the Honour Codex, contemporary and general journalists ethical and professional principles have been breached, may initiate a discussion on the same and impose certain sanctions<sup>50</sup>.

Finally, the Committee on Information, Computerisation and the Media operates within the Croatian Parliament, whose task is, *inter alia*, to uphold the right to information, the protection of intellectual property, the protection of privacy in the electronic media, promote the right to information and communication with new technologies and means of electronic communication (the Internet,

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<sup>46</sup>Official Gazette No. 59/04, 84/11 and 81/13

<sup>47</sup>Official Gazette No. 111/21

<sup>48</sup>Official Gazette No. 82/08 and 69/17

<sup>49</sup><http://www.hnd.hr/dokumenti>

<sup>50</sup>According to Art. 9 of the Regulation, the Journalist Honour Council may, after the discussion and voting, impose a warning, severe warning or a decision on termination of participation in the Croatian Journalist Society

electronic commerce, Internet education). The Committee also scrutinises the report on the work of the Electronic Media Council and the Agency for Electronic Media and the report on the work of Croatian Radio Television, the national television company.

### **I. Measures to Provide Protocols and Guidelines**

In accordance with the Constitution<sup>51</sup> of the Republic of Croatia and applicable legal provisions, any form of violence and abuse is<sup>52</sup> prohibited. This includes violence or sexual harassment in the workplace.

According to the provisions of the Labour Act<sup>53</sup> the conduct of the worker which constitutes harassment or sexual harassment constitutes a breach of an employment obligation.

Furthermore, the Gender Equality Act<sup>54</sup> prescribes special measures to be applied by state administration bodies and legal entities predominantly owned by the state. At the same time, the aforementioned are obliged to adopt action plans for the promotion and establishment of gender equality based on the analysis of the position of women and men, and determine the grounds for introducing special measures, objectives to be achieved, implementation and monitoring methods. Also, local, and regional self-government units, legal entities with public authority and other legal entities and craftsmen employing more than 20 employees are obliged to include anti-discrimination legal provisions and measures to establish gender equality in their general acts.

At the same time, the tasks of the independent body responsible for combating discrimination in the field of gender equality are performed by the Ombudsperson for Gender Equality, who can be contacted by natural persons who consider that they have been discriminated against in any way in the field of gender equality.

### **J. Other Measures to Prevent Violence against Women**

Although the Act on Scientific Activity and Higher Education<sup>55</sup> prescribed academic self-government and university autonomy, which includes the adoption of study programmes, the competent Ministry of Science and Education strictly adheres to a zero-tolerance policy on any type of violence in higher education institutions and is committed to ensuring a stimulating and safe academic atmosphere for all participants. Therefore, it reacted urgently to the first information on suspicions of sexual or other harassment in higher education institutions and in January 2021 demanded from the Rector's Assembly of the Republic of Croatia and the Council of Universities and University Colleges of Applied Sciences to take all necessary measure in accordance with the university autonomy and academic self-government and to reach decisions which will enable the prevention and combat against any form of discrimination, abuse or inappropriate behaviour by establishing appropriate and effective mechanisms for the protection of students, and primary and high school teachers.

Furthermore, in February 2021, the Gender Equality Committee of the Croatian Parliament held a discussion at a thematic session of three parliamentary committees regarding reported cases of sexual harassment and timely informing students about the procedure for reporting sexual harassment and sexual violence and legal provisions sanctioning such violence. In May 2021, the Ministry of Science

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<sup>51</sup>Official Gazette No. 56/90, 135/9, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

<sup>52</sup>Labour Act, Criminal Code, Gender Equality Act, Anti-Discrimination Act

<sup>53</sup>Official Gazette No. 93/14, 127/17 and 98/19

<sup>54</sup>Official Gazette No. 82/08 and 69/17

<sup>55</sup>Official Gazette, No. 123/03, 198/13, 105/04, 174/04, 02/07 - Decision of the Constitutional Court of RC, 46/07, 45/09, 63/11, 94/13, 101/14 - Decision and Resolution Constitutional Court of RC, 60/15 - Decision of the Constitutional Court of RC and 131/17

and Education requested from all universities and colleges to provide data on the implementation of recommendations and steps taken for the purpose of sanctioning sexual harassment in higher education institutions, i.e., information on what higher education institutions have done in relation to requested measures. The report shows that codes of ethics, action plans, protocols on treatment, guidelines for prevention and action in the event of sexual harassment, regulations on the protection of students' dignity and other documents have been adopted. At the same time, measures were taken with the aim of establishing a protocol for dealing with sexual harassment and timely informing students about the procedure for reporting sexual harassment and sexual violence.

#### **IV PROTECTION AND SUPPORT**

(Chapter IV of the Convention, Articles 18 to 28)

##### **A. Information on Support Services and Legal Measures**

The Act on the Protection of Patients' Rights<sup>56</sup> stipulates that the patient has the right to be fully informed, among other things, about the recommended examinations and procedures, the further course of health care provision, health insurance rights and procedures for exercising these rights, and others. The patient has the right to receive information in a way that is understandable to him/her with regard to age, education and mental abilities, i.e., patients with disabilities have the right to receive information in an accessible form.

Furthermore, according to the Criminal Procedure Act<sup>57</sup> the court, the state attorney's office, the investigator, and the police are obliged to inform the victim in an understandable way about the rights he or she has in accordance with the Code and the rights he or she has as a victim, and to treat the victim carefully and make sure that the victim understood the given note on rights. Prior to the questioning of the victim, the authority carrying out the questioning shall, in cooperation with bodies, organisations or institutions for the assistance and support of victims of crime, conduct an individual assessment of the victim which includes determining whether there is a need for special protective measures in relation to the victim, and if so, which protective measures should be applied.

In addition, to systematically inform all victims of their rights and opportunities, the police provide notice of the rights of victims of crime (Notice of Victim's Rights, Notice of Child-Victim's Rights, Notice of Rights of Victim of Crime against sexual liberty/trafficking in human beings/identified special needs for protection and Notice of Rights of Victim of Crime against sexual liberty/trafficking in human beings/identified special needs for protection- child), as well as notice to victims of domestic violence with an attached list and contact details of support services, both state and civil society organisations. The list of organisations includes data on the victim and witness support departments operating in 7 county courts, the National Call Centre for Victims of Crime - 116 006, organisations from the "Network of Support and Cooperation for Victims of and Witnesses to a Crime" and other specialised organisations.

When interviewing the victim, the state attorney provides information on the victim and witness support departments, the National Call Centre for Victims of Crime - 116 006 and relevant civil society organisations. Information is given in writing and orally.

The court and the state attorney, in cases where there are circumstances due to which it is possible to impose remand prison or if that prison has already been imposed, if the same purpose can be achieved by precautionary measure, and can be imposed before and during criminal proceedings, imposes

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<sup>56</sup>Official Gazette No. 164/04, 37/08

<sup>57</sup>Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, Article 43, paragraph 4 and 6

precautionary measures prescribed by Criminal Procedure Act<sup>58</sup>. The accused will be warned that in case of non-compliance with the imposed measure, it will be replaced by remand prison. Precautionary measures are a prohibition on leaving the place of residence, a prohibition on visiting certain places or areas, the obligation to report regularly to a certain person or state body, a prohibition on approaching certain people and a prohibition on establishing or maintaining contact with certain people, a prohibition on certain business activities, temporary confiscation of travel and other documents for crossing the state border, temporarily revoking the licence to drive a motor vehicle, prohibition on approaching, harassing or stalking the victim, removal from the home, prohibition of access to the Internet. Ordinance on the Manner of Execution of Precautionary Measures<sup>59</sup> regulates the manner of execution of precautionary measures and keeping records on the execution of precautionary measures. Pursuant to amendments to the Ordinance from 2021, the circle of persons whose compliance with certain precautionary measures are verified by the police is changed. This circle of persons has been expanded in such a way that for certain precautionary measures (a precautionary measure of a prohibition on approaching certain people and a prohibition on establishing or maintaining contact with certain people, a precautionary measure prohibiting stalking or harassing a victim or other person) the verification of compliance with the imposed measure by the police shall now be performed in relation to the person against whom the measure was imposed and other persons who may know about of the violation of the imposed measure, in order to bring the perpetrator into focus. In relation to the precautionary measure of removal from home, the circle of persons has been expanded by prescribing a police verification and in the form of an interview with a person for whose protection the measure has been determined. These amendments enable the police to collect all relevant information on the field during the verification of compliance with the imposed precautionary measures.

Furthermore, summons by which victims are summoned to court contains information with the contact details of the Victim and Witness Support Department operating in the territory of their competence. In cities where support departments have not been established and where civil society organisations members of the "Network of Support and Cooperation for Victims of and Witnesses to a Crime" operate, the courts in court summons provide contact information of the National Call Centre for Victims of Crime - 116 006, to which victims can turn for additional information and support, and which then refers them, according to the victim's residence, to the competent civil society organisations members of the Network of Support.

Through the Victim and Witness Support Service, the Ministry of Justice and Administration provides support and information to victims summoned through international legal assistance and provides victims with information on the regular and suspended release of the perpetrators from prison. Information is provided by telephone, in writing and by e-mail. Victim and Witness Support Departments in County Courts, coordinated by the Victim and Witness Support Service of the Ministry of Justice and Administration, provide emotional support and provide information on rights as well as practical and technical information to victims and witnesses and their families in direct contact by telephone or e-mail and refer them to the relevant organisations and institutions or civil society organisations that can provide them with further assistance and support. In addition, services to victims are available through the website of the Network of Support and Cooperation for Victims of and Witnesses to a Crime<sup>60</sup> and The National Call Centre for Victims of Crime<sup>61</sup> (116 006), which provides information on the course of criminal proceedings, the rights of victims and witnesses, emotional support, practical information and refers victims to institutions and organisations where they can receive additional types of professional assistance and support.

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<sup>58</sup>Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19)

<sup>59</sup>Official Gazette No. 92/09, 66/14, 73/21

<sup>60</sup><http://mrezapodrskeisuradnje.com/>

<sup>61</sup><https://hr-hr.facebook.com/zrtveisvjedoci/>

<https://pzs.hr/nacionalni-pozivni-centar-za-zrtve-kaznenih-djela-i-prekrsaja-2/>

All additional information on victims' rights can be found on the website of the Ministry of Justice and Administration<sup>62</sup> and are available in Croatian and English. Leaflets are also available<sup>63</sup> as well as the brochure a Guide for Victims and Witnesses in Criminal and Misdemeanour Proceedings<sup>64</sup>.

Other state bodies also provide victims with access to information on services and related rights through their websites. For example, the Ministry of Labour, Pension System, Family and Social Policy regularly publishes available information on its website, i.e., directories of support services - organisations, organisations and other institutions that provide support and assistance to victims<sup>65</sup>, social welfare centres<sup>66</sup>, county teams for preventing and combating violence against women<sup>67</sup>. At the same time, the Ministry of Interior<sup>68</sup> publishes on its website information on the provision of support and available services to victims within its jurisdiction.

In addition to the aforementioned laws, bylaws also prescribe the need to ensure timely access to information for victims, such as the Protocol on the Procedure in Cases Sexual Violence<sup>69</sup>, Protocol on the Procedure in Cases of Domestic Violence<sup>70</sup>, Protocol on the Integration/Reintegration of Victims of Trafficking in Human Beings<sup>71</sup>, Protocol on the Procedures during Voluntary Return of Victims of Trafficking in Human Beings<sup>72</sup> and the Protocol on the Procedure in Cases of Hate Crime<sup>73</sup>.

Furthermore, the provision of consular and other protection and support to Croatian citizens is ensured, as well as the provision of such protection and support to other victims who, regardless of their citizenship, have the right to protection in accordance with the international law. Directorate General for Consular Service of the Ministry of Foreign and European Affairs, within its competence, acts based on requests from diplomatic missions and consular offices of the Republic of Croatia abroad in cases of violence against women and domestic violence in cooperation with the competent

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<sup>62</sup> <https://mpu.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

<sup>63</sup> [https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//Zrtva%20ste%20ili%20svjedok%20kaznenog%20djela%20ili%20prekršaja\\_letak.pdf](https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//Zrtva%20ste%20ili%20svjedok%20kaznenog%20djela%20ili%20prekršaja_letak.pdf)

<sup>64</sup> [https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//Vodič%20za%20zrtve%20i%20svjedoke%20hrvatskom%20jeziku\\_brošura.pdf](https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//Vodič%20za%20zrtve%20i%20svjedoke%20hrvatskom%20jeziku_brošura.pdf)

[https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//a%20guide%20for%20victims%20and%20witnesses\\_brochure.pdf](https://mpu.gov.hr/UserDocsImages//dokumenti/Zrtve%20i%20svjedoci//a%20guide%20for%20victims%20and%20witnesses_brochure.pdf)

<sup>65</sup> <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Adresari/ADRESAR%20USTANOVA,%20ORGANIZACIJA%20I%20OSTALIH%20INSTITUCIJA%20KOJE%20PRUZAJU%20POMOC.%20PODRSKU%20I%20ZASTITU%20ZRTVAMA%20NASILJA%20U%20OBITELJI.pdf>

<sup>66</sup> <https://mrosp.gov.hr/adresari/11829>

<sup>67</sup> <https://mrosp.gov.hr/pristup-informacijama-16/najcesca-pitanja-i-odgovori/obitelj-11807/adresari-zupanijskih-timova-za-sprecavanje-i-borbu-protiv-nasilja-nad-zenama-i-nasilja-u-obitelji/11830>

<sup>68</sup> <https://mup.gov.hr/ostalo-48/online-prijave/zastita-djece-i-obitelji/nasilje-u-obitelji-281678/281678>

<sup>69</sup> Official Gazette, No. 70/18; The Protocol prescribes an obligation to acquaint the victim with the existence of institutional and non-institutional bodies for help and support (social welfare centres, specialised civil society organisations that provide assistance to victims of sexual violence, etc.);

<sup>70</sup> The Protocol under Chapter I. The Conduct of the Competent Authorities sets out, *inter alia*, the obligation to provide mandatory advice to the victim in a way that he or she can understand his or her legal rights, in particular on the rights of the child.

<https://mrosp.gov.hr/UserDocsImages/dokumenti/MDOMSP%20dokumenti/PROTOKOL%20O%20POSTUPANJU%20U%20SLUCAJU%20NASILJA%20U%20OBITELJI.pdf>

<sup>71</sup> The protocol stipulates the obligation to provide access to information on relevant judicial and administrative proceedings in a language understandable to victims, from the moment they first contact the competent authorities. If the victim is a foreign citizen, integration includes learning the Croatian language

[https://pravamanjina.gov.hr/UserDocsImages/arhiva/protokoli/Protokol%20o%20integraciji\\_reintegraciji%20C5%BERtava%20trgovanja%20judima.pdf](https://pravamanjina.gov.hr/UserDocsImages/arhiva/protokoli/Protokol%20o%20integraciji_reintegraciji%20C5%BERtava%20trgovanja%20judima.pdf)

<sup>72</sup> The protocol stipulates that the victim shall be informed in his or her native language or another language he or she understands

<https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Protokol%20o%20postupanju%20pri%20dobrovoljnom%20i%20Osugurnom%20povratku%20C5%BERtava%20trgovanja%20judima.pdf>

<sup>73</sup> Official Gazette No. 43/21



Ministry of Labour, Pension System, Family and Social Policy. In the case of Croatian citizens, these cases are resolved before the competent authorities of the recipient country in cooperation with diplomatic missions and consular offices of the Republic of Croatia.

In addition to the above, diplomatic missions and consular offices of the Republic of Croatia provide consular assistance and protection to Croatian and foreign citizens in accordance with the Foreign Affairs Act<sup>74</sup> which stipulates those diplomatic missions and consular offices provide consular protection to unrepresented Union citizens under the same conditions as citizens of the Republic of Croatia in performing numerous consular functions. In addition to assistance in the event of arrest or detention on remand, assistance in the event of a serious accident or illness, assistance in the event of death, support and repatriation in emergencies, and assistance in the event of a need of an urgent travel document, diplomatic missions and consular offices provide assistance to all victims of crime including victims of gender-based violence and domestic violence. In this sense, within their competencies, consular officers regularly report to the competent authorities on suspicions and information about the possible commission of the criminal offence of violence against women and domestic violence.

### **B. General Support Service**

Victims of domestic violence and violence against women in the Republic of Croatia have access to general support services such as social services, health care services, housing services and employment services that are not intended exclusively for victims of violence but are available to the wide public.

In regard to social welfare, it should be noted that victims of violence, as well as other beneficiaries, have the right to rights and services from the social welfare system prescribed by the Social Welfare Act<sup>75</sup>. We especially single out the guaranteed minimum benefit, one-time benefit and increased one-time benefit, which are very often obtained by victims of domestic violence. In addition to benefits for beneficiaries, including victims of violence, social services are also available, of which we point out the first social service, counselling and assistance, psychosocial support, and provision of accommodation in crisis situations that are often experienced by victims of domestic violence. In addition, Family Centres and branches of social welfare centres implement a number of programmes aimed at developing children's social skills, preventing violent behaviour, developing tolerance and multiculturalism, prevention and treatment programmes to protect the rights and interests of children and families at social risk and programmes aimed at increasing the capacity for responsible parenting and reducing the risk of various forms of endangering children and preventing risky behaviours of children.

Especially in the conditions of the COVID-19 pandemic, in order to provide urgent assistance to the victim, the social welfare centres have formed crisis teams for crisis interventions which in case of endangered security and life (domestic violence, child abuse and neglect) intervene on the spot and take all necessary measures in accordance with the powers and rules of the profession. Social welfare centres have provided 24-hour on-call duty to act in urgent and critical situations such as in case of domestic violence. Experts in social care centres go to the field and carry out increased control and monitoring of families at risk, and if necessary, they provide emergency accommodation to victims of domestic violence. Family centres provide counselling and assistance to victims of domestic violence and the work of counselling centres is carried out through electronic media and/or telecommunications (Skype, WhatsApp, Viber, Zoom, etc.) by specially trained professionals employed at Family Centres.

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<sup>74</sup>Official Gazette No. 48/96, 72/13, 127/13, 39/18, 98/19

<sup>75</sup>Official Gazette No. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20 and 138/20

During 2019, social welfare centres recorded a total of 2,837 victims who exercised 6,405 rights and/or services from the social welfare system. In 2020, 2,660 victims who exercised a total of 5,893 rights and/or services from the social welfare system were recorded, while in 2021 (by the end of November) 2,322 victims who exercised 4,670 rights and/or services from the social welfare system were recorded.

For more details see point D. Specialised Support Services.

Related to housing, it needs to be emphasised that pursuant to the Act on Housing Care in Assisted Areas<sup>76</sup> of 1 January 2019, the possibility of providing housing care for victims of domestic violence has been ensured. In 2019, ten (10) decisions were adopted for beneficiaries, victims of domestic violence, establishing the right to housing care, while in 2020, nine (9) decisions were received for housing care on the grounds of victims of domestic violence, and a total of nine (9) female beneficiaries were provided with the housing care. In addition, the Central State Office for Reconstruction and Housing Care provided housing care for 55 persons in 2020. In 2021, 21 decisions on housing care for victims of domestic violence were issued. 16 of them were victims of domestic violence with families who were provided with housing care. All beneficiaries were provided with housing care in the counties where they submitted their applications. After obtaining a decision with an established model of housing care (rent, construction), the Central State Office for Reconstruction and Housing Care provides means or housing units.

A positive example is the role of the local community in providing housing care to victims of violence. By the *Decision on Leasing Apartments* a special right (outside the priority list) was introduced by the city of Zagreb, i.e., the right to housing for victims of domestic violence, and in 2019 in the City of Zagreb housing care for 13 persons/families with the status of victims of domestic violence, and in 2020 2 persons for victims of domestic violence were provided with the housing care. In 2019, based on a public tender for the lease of owned apartments, the City of Slavonski Brod provided housing for one family with the status of a victim of violence. Furthermore, pursuant to the Decision on Leasing City-Owned Apartments, the City of Osijek leases apartments to persons from the List of Candidates according to the established order of priority, which is determined according to the prescribed social, material and health criteria. In the period from 2014 to 2021, based on the recommendation of the Osijek Social Welfare Centre, 41 families were provided with housing care, mostly in situations where a family with small children loses their home due to a crisis situation and is unable to acquire accommodation. The Municipality of Lasinja has at its disposal one apartment in the municipal building that can be used for temporary housing in special circumstances, for example in case of severe health and social/family problems<sup>77</sup>.

In order to ensure the economic independence of the victims of violence and to facilitate their inclusion in the world of labour, measures are being taken to improve their employability by improving work and social skills through educational activities. In all regional offices of the Croatian Employment Service, 22 female coordinators - counsellors have been appointed as contact persons to whom other institutions or organisations refer victims of domestic violence and who apply the principles of confidentiality and sensitivity to victims of domestic violence. In addition, they work on preparing them for employment by strengthening the work potential and increasing the competencies of victims for active job search. In 2019, 73 victims of domestic violence were employed through the Croatian Employment Service, 55 in 2020, and until the writing of this report in November 2021, 67 victims of domestic violence were employed. A total of 10 unemployed women victims of domestic violence were included in the Active Employment Policy Measures in 2019, a total of 6 unemployed

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<sup>76</sup>Official Gazette No. 106/18, Chapter XI "Victims of Domestic Violence", Article 45

<sup>77</sup>Data from the Report on the Implementation of the National Strategy for Protection against Domestic Violence 2019-2020 [https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca//IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20\(2\).pdf](https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca//IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20(2).pdf)

women victims of domestic violence in 2020, and 12 women victims of domestic violence by November 2021. During 2019, 18 victims of domestic violence participated in active job search workshops, which amounts to 10.9% of the total number of victims of domestic violence from the records of the Institute. Furthermore, 8 (4.8%) unemployed victims of violence were involved in vocational guidance and assessment of remaining working and general abilities, while in order to improve competencies and improve employability, four victims of domestic violence (2.4%) were involved in educational activities. In 2020, 5 victims of domestic violence were included in active job search workshops, which is 3.7% of the total number reported in the records of the Institute, and in 2021, 4 victims of violence or 3% of the total number reported in the records of the Institute. Furthermore, in 2020, 8 unemployed persons (5.9%) belonging to this vulnerable group were involved in vocational guidance and assessment of remaining working and general abilities, and in 2021, 11 unemployed persons (8.2%). Through the activities of EU projects and various projects in the community, where the target group was persons - victims of domestic violence, 8 persons from the records of the Institute in 2020 and 9 persons in 2021 were included.

In regard to the health care system, it should be noted that victims of domestic violence have the same access to health care institutions and health services as all other citizens of the Republic of Croatia. The right to health care in the Republic of Croatia is regulated by the Constitution of the Republic of Croatia<sup>78</sup>, the Health Care Act<sup>79</sup>, the Act on Mandatory Health Insurance<sup>80</sup>, the Act on the Protection of Patients' Rights<sup>81</sup>, The Act on the Quality of Health Care and Social Welfare<sup>82</sup> and numerous other laws and bylaws. All diagnostic and therapeutic procedures in the health care system are carried out continuously within regular activities in accordance with professional guidelines. Victims of gender-based violence and witnesses of violence, based on the rights from compulsory/supplementary health insurance, receive health care at all three levels, primary, secondary, and tertiary levels, including mental health care in psychiatry and mental health services. At the primary level, assistance to victims of violence is provided through the General Practice Network (2,337 teams have been contracted), the Network of Teams in Women's Health Care at the Level of Primary Health Care (278 teams), the Network of Health Care of Visiting Nurses (870 visiting nurses), Network of Health Care Teams (1,252 nurses) and Network of the Health Care of Preschool Children (283 teams).

In addition, activities related to psychosocial treatment and resocialisation of women with addiction problems, who are often also victims of some form of violence, are carried out within the health care system. In coordination with the Croatian Institute of Public Health, activities are carried out aimed at developing services for women with addiction problems, as well as connecting and strengthening cooperation in the provision of these services. In 2019, 2020, and 2021, a set of training on the implementation of guidelines for the psychosocial treatment of drug addiction in the health, social welfare and prison systems, including in relation to women with addiction problems were organised with the aim of additional training of experts from the health, social welfare and prison systems. Furthermore, under the Project of Resocialisation of Recovering Drug Addicts, which has been implemented since 2007, recovery and rehabilitation programmes for women with drug addiction problems were implemented during the reporting period through the provision of services aimed at successfully maintaining abstinence and their social reintegration. Furthermore, in order to encourage the employment of socially vulnerable groups, including women treated for drug addiction, measures to encourage their education and employability through vocational guidance activities and active policy measures to co-finance and finance education and employment were implemented.

In addition, on 9 December 2020, the Croatian Institute of Public Health, organised a Round Table on the Challenges of Care and Treatment of Women with Drug Addiction Problems, where the

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<sup>78</sup>Official Gazette No. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

<sup>79</sup>Official Gazette No. 100/18 and 147/20

<sup>80</sup>Official Gazette No. 80/13, 137/13 and 98/19

<sup>81</sup>Official Gazette No. 169/04 and 37/08

<sup>82</sup>Official Gazette No. 124/11

importance of developing specific treatment and rehabilitation programmes for women addicts in accordance with their characteristics was discussed. At the same time, the development of protocols between health care institutions and social care centres was initiated in order to strengthen cooperation between the health care and social welfare system to improve the quality of services provided to women with addiction problems and to facilitate and accelerate timely and appropriate intervention regarding women with addiction and improve the integration of data from different services to strengthen cooperation among stakeholders in the field of promoting the care and treatment of women with addiction problems.

As part of the activities to promote mental health, within the national programme Living Healthy, the importance of acquiring the skill of the provision of psychological first aid to people who develop signs of impaired mental health or who experience emotional crises is promoted. Psychological first aid is especially important in crisis situations and conditions that can be caused by domestic violence, in order to protect victims of violence in a timely manner and provide them with emotional first aid and to direct them to seek protection and necessary professional assistance.

In the Mental Health Counselling Centre of the Croatian Institute of Public Health, the contact and exchange of information with counselling centres for victims of sexual and domestic violence was established with regarding to the needs of anonymous counselling centres where there is a need for psychological first aid.

Regarding the number of victims of violence who received help from health services, we point out that in 2019, doctors sent reports to the Croatian Health Insurance Institute on suspicion of domestic violence where 366 women and 192 men were victims of violence. As a result of an injury inflicted by a family member, 17 women and 9 men victims of domestic violence were referred for treatment. At the same time, 366 women and 349 men victims of domestic violence were referred to a psychiatric institution for treatment. Furthermore, in 2020, doctors sent reports to the Croatian Health Insurance Institute on suspicion of domestic violence in which 471 women and 230 men were victims of violence. As a result of an injury inflicted by a family member, 17 women and 9 male victims of domestic violence were referred for treatment. Additionally, 433 women and 290 men victims of domestic violence were referred to a psychiatric institution for treatment.

### **C. Assistance in Individual/Collective Complaints**

The Ministry of Foreign and European Affairs of the Republic of Croatia is a coordinating body in terms of international mechanisms, and in that sense, it represents diplomatic contact between international and domestic bodies. Since these are complaints in which the Republic of Croatia is the defendant and, as such, it submits its arguments to clarify its position. On the other hand, the Republic of Croatia is an example of good practice because it has ratified almost all international human rights instruments as well as their protocols concerning the possibility of filing such actions against the state. In view of all the above, there are no obstacles for the competent authorities to raise citizens' awareness about possible complaint mechanisms, either in the materials they publish on their websites or in the organisation of training. In this regard, huge contributors are civil society organisations and ombudsperson's institutions

The Act on Free Legal Aid prescribes<sup>83</sup> the conditions and procedure in which persons of lower financial status can exercise the right to legal advice, as well as access to court and other public bodies in civil and administrative matters. The act distinguishes between primary and secondary legal aid.

Primary legal aid includes general legal information, legal advice, drafting of submissions before public bodies, the European Court of Human Rights and international organisations in accordance with international treaties and rules of procedure of these bodies, representation in proceedings before public legal bodies and legal assistance in extra-judicial settlement. Primary legal aid can be provided

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<sup>83</sup>Official Gazette No. 143/13, 98/19

in any legal matter, and the procedure of realisation is initiated by directly addressing the provider of primary legal aid. The providers of primary legal aid determine in an informal, discretionary procedure whether the preconditions for obtaining primary legal aid are met (for example when the applicant does not have sufficient knowledge and ability to exercise his or her right, the applicant is not provided with legal aid under special regulations, the application is not manifestly ill-founded and the applicant's financial circumstances are such that payment of professional legal aid could jeopardise the maintenance of the applicant and members of the household). Providers of primary legal aid are the authorised associations, legal clinics of law faculties and administrative bodies of counties i.e., the City of Zagreb. Financial resources for the provision of primary legal aid are approved to authorised associations and law faculties based on approved projects through tenders for financing projects published by the Ministry of Justice and Administration by the end of January of the current year within the funds ensured from the state budget for that purpose. The specific objectives of the tender are to ensure a balanced territorial distribution of primary legal aid projects and to provide legal aid to vulnerable social groups such as persons with disabilities, victims of violence and domestic violence, persons belonging to national minorities and others. For this purpose, in 2019, a total of HRK 1.918.498,62 (€ 254,780.00) was allocated to authorised associations and law faculties, and thus a total of 25 projects was financed. In 2020, a total of 24 projects of authorised associations and law faculties were financed and a total of HRK 2.109.524,20 (€ 280,149.30) was allocated.

Secondary legal aid is described within Chapter VI Investigation, Prosecution, Procedural Law and Protective Measures, I Free Legal Aid.

#### **D. Specialist Support Services**

##### Shelters for Victims of Violence

In response to the demands placed before the Republic of Croatia by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in the field of direct assistance to victims of domestic violence and violence against women, several activities were undertaken in 2019 and 2020 to establish 6 new shelters in counties where there had been no shelters previously. The bearers of the process of establishing the shelters were the counties in cooperation with partners - civil society organisations, Caritas or the Red Cross and the Ministry of Labour, Pension System, Family and Social Policy. In 2020, all new shelters met the conditions for accepting beneficiaries in case of need. Financial support for the arrangement and operation of these shelters was provided by the Ministry of Labour, Pension System, Family and Social Policy from EU funds. In March 2020, a limited call entitled *Providing a Support Systems for Women Victims of Violence and Victims of Domestic Violence* was published with the aim to improve the system of support, prevention and protection against violence against women and domestic violence in the areas of six counties where such services had been lacking; strengthening the capacity of professionals/persons working with women victims of violence and victims of domestic violence, and by raising public awareness about the rights of women victims of violence and victims of domestic violence and the negative consequences of domestic violence. The call envisages activities to establish shelters and care outside one's own family, to provide counselling and assistance services, empowerment, and motivation, and to provide support to women victims of violence and victims of domestic violence who may be women with disabilities. With this call, a total of HRK 54.689.846,66 (€ 7,262,927.00) was approved from EU funds to establish, equip, and implement programme activities of 6 new shelters.

With the establishment of 6 new shelters in the Republic of Croatia, there are a total of 25 shelters for victims of domestic violence with a currently available capacity of 352 beds. It is important to point out that the service of accommodation for victims of violence is provided in all counties of the Republic of Croatia, and the services are free of charge for beneficiaries, and the addresses of shelters are kept secret. Out of a total of 25 shelters for victims of domestic violence, 8 locations are run by

women's NGOs/autonomous women's shelters, 6 locations by civil society organisations, 5 by religious institutions, and the other 6 by other accommodation providers, i.e., the Red Cross and homes/institutions. A total of 23 shelters in the Republic of Croatia receive financial support for their work from the Ministry of Labour, Pension System, Family and Social Policy and local and regional self-government units, i.e., from the state budget and the budgets of cities and counties. Other sources of financing are provided for the remaining two shelters, i.e., 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 financed directly from the state budget of the Republic of Croatia. In 2019, a total of HRK 16.215.908,11 (€ 2,153,507.00) was spent on the operation of the shelter, while in 2020 HRK 17.194.933,81 (€ 2,283,523.00) was spent from the state budget and budgets of cities and counties<sup>84</sup>. The Ministry of Labour, Pension System, Family and Social Policy monitors the occupancy of accommodation facilities in all shelters on a bi-weekly basis, and the data show that the occupancy rate is not exceeding 60%.

Additionally, within the framework of the European Regional Development Fund through a call "*Call Improving the Infrastructure for Providing Community Social Services as a Support to the Deinstitutionalization Process - the second phase*", among other things, a project worth HRK 12.578.646,65 (€ 1,670,417.00) was contracted, which will improve the infrastructure, i.e. carry out activities of purchase, reconstruction, and equipping of real estate for the needs of providing non-institutional services of organised housing and psychosocial support for victims of domestic violence in the Karlovac County.

The image below and the table show the accommodation capacities in the shelters for victims of violence in each county:



<sup>84</sup>Data from the Report on the Implementation of the National Strategy for Protection against Domestic Violence 2019-2020,

[https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca/IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20\(2\).pdf](https://mrosp.gov.hr/UserDocsImages//dokumenti/Socijalna%20politika/Obitelj%20i%20djeca/IZVJESCE%20O%20PROVEDBI%20Nacionalne%20strategije%20zastite%20od%20nasilja%20u%20obitelji%202019-2020%20(2).pdf)

Accommodation capacities by counties:

No.	County	Accommodation capacity
I.	City of Zagreb and Zagreb County	83
II.	Krapina-Zagorje	9
III.	Sisak-Moslavina	15
IV.	Karlovac	15
V.	Varaždin	17
VI.	Koprivnica-Križevci	8
VII.	Bjelovar-Bilogora	16
VIII.	Primorje-Gorski Kotar	49
IX.	Lika-Senj	6
X.	Virovitica-Podravina	6
XI.	Požega-Slavonia	12
XII.	Brod-Posavina	12
XIII.	Zadar	11
XIV.	Osijek-Baranja	20
XV.	Šibenik-Knin	10
XVI.	Vukovar- Srijem	20
XVII.	Split-Dalmatia	12
XVIII.	Istria	16
XIX.	Dubrovnik-Neretva	8
XX.	Međimurje	7
Total		352

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, employment mediation, assistance in enrolling a child in kindergarten or school, learning assistance and others are available.

Shelters for victims of violence are available to beneficiaries on a daily basis, and accommodation in crisis situations can be obtained through the mediation of the social welfare centre, the police, or upon the direct request of beneficiaries. Every victim of violence can be provided with accommodation if necessary, and the services they provide to beneficiaries are free of charge. In accordance with the provisions of the Social Welfare Act,<sup>85</sup> temporary accommodation in crisis situations is approved, among others, to children and adults - victims of domestic violence, for no longer than one year<sup>86</sup>. In the situation of the COVID - 19 pandemic, accommodation service providers are obliged to provide conditions to ensure mandatory isolation upon reception of victims of domestic violence.

The shelters employ experts specially trained to work with victims of violence, psychologists, social workers, and assistants. Legal aid is provided through law firms.

According to the data received from the shelter for victims of domestic violence, in 2019 a total of 806 victims were accommodated, of which 542 were children, in 2020 a total of 712 victims, of which 402 children and in 2021 a total of 854 victims, of which 491 children.

<sup>85</sup>Official Gazette No. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20 and 138/20

<sup>86</sup>Article 89

Table 1 Number of victims of domestic violence accommodated in shelters

Shelters for victims of violence	2019		2020		2021	
	N	Share of children (%)	N	Share of children (%)	N	Share of children (%)
Number of victims accommodated	806	67.25	712	56.46	854	57.50

### Counselling Centres for Victims of Violence

Counselling centres for victims of violence in the Republic of Croatia operate in all counties as independent counselling centres or within women's non-governmental organisations that run shelters for victims of domestic violence. According to the data available to the Ministry of Labour, Pension System, Family and Social Policy, which are contained in the Directory of Institutions, Organisations and Other Institutions Providing Assistance, Support and Protection to Victims of Violence<sup>87</sup> there is a total of 73 counselling centres in the Republic of Croatia. The counselling centres can be personally visited by all beneficiaries in need, or reached via telephone, electronic media and/or telecommunications (Skype, WhatsApp, Viber, Zoom, etc.) regardless of the place of residence and they provide counselling and support, psychological support, legal advice, emotional support, appropriate and timely information to victims of violence on available support services, provision of access to appropriate health care, social welfare and legal services that facilitate the victim's recovery from violence, individual and group work with beneficiaries through workshops. All services for beneficiaries are free of charge.

Counselling centres that submit their project applications to the public call of the Ministry of Labour, Pension System, Family and Social Policy receive financial support from the state budget. In 2019, financial support was provided for the implementation of 15 projects, and in 2020, 20 counselling projects in the total amount of HRK 6.000.000,00 (€ 798,000) or in the amount of HRK 3.000.000,00 (€ 399,000) annually.

As part of the public call for financial support to counselling centres for 2021, financial support will also be provided to counselling centres for victims of sexual violence. The table below shows the number of service beneficiaries of all counselling centres for victims of violence who receive financial support from the Ministry of Labour, Pension System, Family and Social Policy.

The difference in the number of services provided in 2019 compared to 2020 and 2021 can be explained by the fact that the tender for counselling centres was conducted in the second semester of 2019 and data on the provision of counselling services are expressed in the report on implementation in 2020. Consequently, the data from 2019 refer only to the number of counselling services provided by the organisations run by autonomous women's shelters and associated counselling centres for victims of violence.

Table 2 Number of victims of domestic violence - beneficiaries of counselling centres' services

Counselling for victims of violence	2019	2020	2021
Number of beneficiaries	2 817	5 215	5 816

<sup>87</sup><https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Adresari/ADRESAR%20USTANOVA.%20ORGANIZACIJA%20I%20OSTALIH%20INSTITUCIJA%20KOJE%20PRUZAJU%20POMOC,%20PODRSKU%20I%20ZASTITU%20ZRTVAMA%20NASILJA%20U%20OBITELJI.pdf>



### Support for Victims of Sexual Violence

In the Republic of Croatia, support for victims of sexual violence is provided through civil society organisations and the Polyclinic for the Protection of Children and Youth of the City of Zagreb. All services for victims are free of charge.

One of the most prominent civil society organisations operating for many years to prevent and combat sexual violence, providing direct support and assistance to survivors of sexual violence, and promoting and protecting sexual rights is the Women's Room - Centre for Victims of Sexual Violence. Within the framework of the Centre for Victims of Sexual Violence, a multidisciplinary team of experts provides free assistance and support to survivors of sexual violence, which includes support in the process of reporting sexual violence, preparation for court proceedings; counselling and therapy: legal and psychological counselling, information on available services in the health care system, therapeutic work to ensure processing traumatic experience; informing and counselling of persons close to the victim; development and publication of various materials intended for survivors of sexual violence.

The Polyclinic for the Protection of Children and Youth of the City of Zagreb is an institution in the health insurance system and provides professional assistance to psychologically traumatised children, including abused and neglected children, children who have witnessed domestic violence and children who have experienced sexual violence. The polyclinic ensures the work of a multidisciplinary team to help the victim, consisting of psychiatrists, psychologists, social pedagogues, speech therapists, social workers, and neuropediatricians. Mental health professionals employed at the Polyclinic are educated in various therapeutic procedures and apply different approaches: psychodynamic, cognitive, and behavioural approach, integrative therapy, gestalt therapy, reality therapy. Diagnostic and therapeutic work with children and their families includes conducting comprehensive individual treatment and diagnosis of difficulties of children referred for treatment, planning the best possible treatment for each child and parent, cooperation with cooperative institutions for the benefit of the child (school, kindergarten, SWC, police, homes, etc.) conducting psychological, psychiatric and/or dialectological individual treatment according to the needs of the child, organisation and implementation of group work with children and their parents and psychotherapeutic treatment through a daily hospital programme.

Taking into consideration the requirements of equal regional access to services for victims of sexual violence, the possibility of introducing measures aimed at wider development of services for victims of sexual violence, i.e. the development of a network of specialised services for working with victims of sexual violence and the development of gynaecological/urological clinics adapted to the needs of children with suspected sexual violence, will be considered within the new National Plan for the Suppression of Sexual Violence and Sexual Harassment for the Period of 2022-2027<sup>88</sup>.

Health care for victims of sexual violence is provided in secondary and tertiary health care institutions, hospitals, and clinical health care institutions. Primary health care, in case of suspicion of sexual violence, should provide first aid to the victim and refer the victim to a hospital or clinic. Health care institutions are obliged to provide the victim with urgent and comprehensive health care in order to maintain physical and mental health in accordance with modern standards and practices, regardless of when sexual violence was committed, and are obliged to cooperate with other bodies, state attorney's offices and police. Examinations of victims of sexual violence are performed in

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<sup>88</sup>A draft of the National Plan is in the process of being drafted by a cross-sectoral working group consisting of representatives of competent state bodies, office of the Government of the Republic of Croatia, the Office of the Gender Equality Ombudsperson, representatives of academia, civil society organisations, independent experts and trade union representatives established at the Ministry of Labour, Pension System, Family and Social Policy.

general hospitals and clinical health institutions - clinics, clinical hospitals, and clinical hospital centres.

Examinations of a child victim of abuse or neglect are performed in hospitals and clinical institutions. After the examination and provision of emergency medical care at the level of primary health care, in case of established suspicion of abuse and neglect, the doctor refers the child to a hospital or clinical institution. Health care institutions are obliged to provide the victim with urgent and comprehensive health care to maintain physical and mental health in accordance with modern standards and practices, regardless of when sexual violence was committed.

Healthcare workers are professionally trained to perform their duties, and professional training is performed in accordance with the regulations on professional training, as well as the provisions of professional chambers regarding continuous training for each individual activity. Educational health programmes are implemented through competent chambers, professional societies, health care institutions and within projects and programmes of associations from the domain of health care, and associations of persons with disabilities that are co-financed through tenders of the Ministry of Health.

#### Support for Victims of Trafficking in Human Beings

There are two shelters for victims of trafficking in human beings in the Republic of Croatia, one for adult victims and one for children. The shelters in question are run by civil society organisations and are financed from the state budget, i.e., from the budget of the Ministry of Labour, Pension System, Family and Social Policy.

To provide assistance to victims of trafficking, mobile teams have been established, whose members had completed adequate training with regard to the mentioned specific needs and risks of victims. Pregnant women, as well as parents who have been identified as victims of trafficking in human beings, will be informed by mobile teams about their rights regarding pregnancy and parenthood and instructed to exercise them in accordance with the regulations governing these areas. Members of sexual and gender minorities identified as victims are provided with an assistance and protection programme that includes appropriate medical, psychological, legal, and social support and assistance tailored to their specific needs, in order to fully and effectively integrate them into society. In the treatment of victims who have been sexually exploited, special attention is paid to the protection of their sexual and reproductive rights and their dignity, while applying a sensitive approach during their integration into society.

#### **E. Telephone Helplines**

In relation to telephone helplines as prescribed by Art. 24 of the Convention, in the Republic of Croatia, there is a total of 8 SOS telephone lines available 24/7. Some telephone lines are run by women's NGOs, civil society organisations and other service providers who also run shelters for victims of violence, which are financially supported by the Ministry of Labour, Pension System, Family and Social Policy, and the Women's Aid Association, now an SOS Hotline for Women and Children Victims of Domestic Violence in Zagreb, St. Anna – Caritas Centre for Women and Children – Victims of Domestic Violence in Rijeka, Rijeka UZOR – the Association for the Protection of the Family, the Women's Centre ADELA in Sisak, the Step-Women's Group Karlovac, and the Safe House of Vukovar-Srijem County.

In addition to the above, the 24-hour duty is provided by the Red Cross of Varaždin County - Crisis Team and, since 25 November 2020, the National Call Centre (116 006) run by the Association for Victim and Witness Support, and for the work of which funding was provided through the EU project "Stop Violence against Women and Domestic Violence - No Justification for Violence" led by the Ministry of Labour, Pension System, Family and Social Policy in partnership with the Ministry of Justice and Administration and the Association for Victim and Witness Support. Funds in the amount

of HRK 1,798,127.00 (€ 239,000.00) have been provided for the continuation of the 24/7/365 line. The scope of the National Call Centre includes providing information on the rights of victims and witnesses of criminal offences and misdemeanours, providing emotional support, referrals to relevant civil society organisations and institutions, and assistance in filling out the claim form. The line of the National Call Centre is available in Croatian and English, and the number is contained in the instructions on the rights granted to victims when reporting criminal offences. Telephone number 116 006 is included in subpoenas served on victims and witnesses of criminal and misdemeanour offences. Support is available to everyone in the Republic of Croatia free of charge and anonymously.

According to the National Call Centre, 1,408 calls were received from citizens in 2020. In the period from November 25, 2020 (since the NCC has started to operate 24/7) to 31 August 31, 2021, 689 calls were received related to criminal and misdemeanour acts of gender-based violence.

SOS telephone services are free of charge, anonymous and available to all beneficiaries regardless of the place of residence. It is possible to receive psycho-social and counselling assistance and legal information.

In addition to the above, there are national/regional centres for psych trauma at the clinical hospital centres in Zagreb, Split, Rijeka and Osijek, which regionally cover all counties of the Republic of Croatia, and which are available to victims of crime. Additionally, there is also a Centre for Crisis Situations and Suicide Prevention at the Clinical Hospital Centre Zagreb, whose telephone line is available 24/7 and people can ask for help.

Furthermore, for the purpose of preventing trafficking in human beings, a free telephone SOS line (0800 77 99) has been in operation for ten years, intended for all citizens who have some information on trafficking in human beings. Telephone calls are answered by representatives of civil society organisations. The work of the SOS line is financed by the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia which also informs the public about the work of the SOS line for the prevention of trafficking in human beings. During 2019, a total of 482 calls were received through the SOS line, and during 2020, a total of 1,092 calls was recorded.

## **F. Child Witnesses**

General and specialist support services provided to women victims of domestic violence, including services for their children, consider the rights and needs of child witnesses, respecting the best interests of the child.

Act on Protection against Domestic Violence<sup>89</sup> prescribes the duty of all bodies dealing with domestic violence to treat the child victim of domestic violence with special care, considering his/her age, personality and personal and family circumstances in order to avoid harmful consequences for the upbringing and development of the child and should be guided by the best interests of the child.

Furthermore, in accordance with the Police Duties and Powers Act,<sup>90</sup> specially trained members of the criminal police who are obliged by the law to treat children, minors, and young adults, may collect information from a child or minors while protecting their best interests. In addition to the areas of delinquent and pre-delinquent behaviour of young people, members of this division of criminal police are independently and/or in cooperation with other organisational units of the police responsible for actions in substantively relating areas of criminal protection of children and crime committed by violent behaviour in the family and among close persons. To provide support to vulnerable categories of victims, informational interviews with child victims/witnesses of criminal

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<sup>89</sup>Official Gazette No. 70/17, 126/19, 84/21

<sup>90</sup>Official Gazette No. 76/09, 92/14, 70/19

acts are conducted by a police officer who has been trained to conduct interviews with a child according to the PEACE (planning and preparation, engage and explain, account, clarification & challenge, closure, evaluation) model. Interviews are conducted in 60 official rooms equipped with appropriate furniture adapted to children. Children who witnessed domestic violence or who were victims of violence, and were placed in a shelter with their mothers, were provided with professional support and assistance from experts employed at the shelter.

### **G. Other Measures**

Pursuant to the Act on Protection against Domestic Violence, 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. At the same time, the duty to respect the dignity of a person with a disability and an elderly person as a victim of violence is prescribed, as well as to respect the specifics arising from a disability or the age of the victim. The obligation to treat children is described in F. Child Witnesses.

Furthermore, in order to facilitate the reporting of violence, in addition to the usual telephone call for emergency police intervention 192 and 112, arrival at the police station and contacting via e-mail address [policija@policija.hr](mailto:policija@policija.hr), it is also possible to file an online report, including an anonymous report, via the online application *Red Button*<sup>91</sup> which is available on the official website of the Ministry of Interior<sup>92</sup>. In 2019, 142 reports were received through this application, during 2020, 515 reports, and in the first nine months of 2021, 340 reports.

Additionally, in order to inform migrant women, refugees, and international protection seekers about gender-based violence and ways of protection in cases of violence, the Office for Gender Equality of the Government of the Republic of Croatia is in the process of producing an informative leaflet. The leaflet refers to reporting the perpetrator, contains contacts that victims can contact, and a list of associations, organisations and institutions that provide support to victims. The leaflet is drafted in collaboration with UNHCR, IOM and the Ministry of the Interior and will be disseminated to relevant locations such as shelters. In 2021 and 2022, the leaflet will be printed in a total of 6,000 copies, and if it proves effective, it will continue to be printed annually.

## **V SUBSTANTIVE LAW**

(Chapter V of the Convention, Articles 29 to 48)

### **A. Legal Framework**

The Constitution of the Republic of Croatia<sup>93</sup> emphasises in the basic provisions, among other things, gender equality as the highest value of the constitutional order. Furthermore, in Chapter III of the Constitution, Protection of Human Rights and Fundamental Freedoms, 1 The Common Provisions stipulate that all persons are equal before the law and that everyone is guaranteed equal rights and freedoms, regardless of, *inter alia*, gender. In section 2 Personal and Political Liberties and Rights, the Constitution guarantees to every person the right to life and the prohibition of any abuse.

The relevant criminal and misdemeanour legal framework of the Republic of Croatia consists of the Criminal Code<sup>94</sup>, Criminal Procedure Act<sup>95</sup>, Act on Protection against Domestic Violence<sup>96</sup> and the

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<sup>91</sup> <https://redbutton.gov.hr/online-prijava/7>

<sup>92</sup> <https://mup.gov.hr/>

<sup>93</sup> Official Gazette, No. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

<sup>94</sup> Official Gazette, No. 125/11, 144/12, 56/15, 61/15 - Correction, 101/17, 118/18, 126/19 and 84/21

<sup>95</sup> Official Gazette, No. 152/08, 76/09, 80/11, 91/12 – Decision and Resolution of the Constitutional Court of RC, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19

<sup>96</sup> Official Gazette, No. 70/17, 126/19 and 84/21)

Misdemeanour Code<sup>97</sup>. National criminal and misdemeanour legislation equally prescribes the rights and obligations of all persons regardless of gender. Appendix 4 contains excerpts from relevant legal regulations of the Republic of Croatia in relation to articles of the Convention.

Domestic violence is defined by the Act on Protection against Domestic Violence<sup>98</sup>, and that definition is also relevant in terms of the criminal offence of domestic violence from the Criminal Code<sup>99</sup>, as a blanket disposition which in its essence calls for a serious violation of regulations on protection against domestic violence, and differs from the misdemeanour in that it requires the occurrence of consequences in a family member or close person (in the form of causing fear, degrading position or long-term suffering). In order to more clearly differentiate the misdemeanour offence of domestic violence from the criminal offence of domestic violence, amendments to the Criminal Code in 2019<sup>100</sup>, the legal description of the criminal offence of domestic violence has been supplemented with a “state of long-term suffering”. Envisaged imprisonment for this criminal offence has been increased to a special minimum and is envisaged for one to three years.

At the same time, in 2019, amendments to the Act on Protection against Domestic Violence<sup>101</sup>, in order to more clearly distinguish between misdemeanour offences and criminal offences, the phenomenon previously marked as "physical violence" was specified as follows: "the use of physical force as a result of which no bodily injury occurred"<sup>102</sup>. In this way, it was achieved that every act of physical violence that results in the occurrence of bodily injury is in the sphere of criminal responsibility. Envisaged pecuniary fine and imprisonment for all offences of domestic violence have been tightened<sup>103</sup>.

Furthermore, pursuant to the amendments to the Criminal Code<sup>104</sup> and by amending the Act on Protection against Domestic Violence<sup>105</sup> in 2021 it is possible that the domestic violence also applies to partners regardless of whether the perpetrator shares or has shared the same residence with the victim. This is achieved by supplementing the meaning of the expression of a close person to current or former partners in an intimate relationship.

In the context of criminal legal protection against domestic violence, the Criminal Code, in addition to the article defining domestic violence, contains a number of criminal offences, with elements of violence in which the commission of an act against a close person is a qualified form of offence with a more severe sanction (e.g. bodily injury, serious bodily injury, particularly serious bodily injury, serious bodily injury resulting in death, threat, unlawful deprivation of liberty, abduction, serious crime against sexual liberty). In addition to the above, for all criminal offences with elements of violence committed against a close person, *ex officio* prosecution is provided in which the state attorney is an authorised prosecutor. Amendments to the 2019 Criminal Code have tightened penalties for several criminal offences that prescribe action against a close person as a qualified form (for example, bodily injury, serious bodily injury, particularly serious bodily injury).

In relation to the criminal protection of women from violence, and outside the framework of family relations, we point out that this protection is provided through several criminal offences in which the commission of hate crime is prescribed as a qualified form of criminal offence. Hate crime is defined

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<sup>97</sup>Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 91/16 - Constitutional Court of RC, 70/17 and 118/18

<sup>98</sup>Official Gazette, No. 70/17, 126/19, 84/21, Article 10

<sup>99</sup>Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21

<sup>100</sup>Official Gazette, No. 126/19, in force since 1 January, 2020

<sup>101</sup>Official Gazette, No. 126/19, in force since 1 January, 2020

<sup>102</sup>Article 10, item 1

<sup>103</sup>Article 22

<sup>104</sup>Official Gazette, No. 84/21, in force since 31 July, 2021

<sup>105</sup>Official Gazette, No. 84/21, in force since 31 July, 2021

as a crime committed due to, *inter alia*, gender, sexual orientation, or gender identity of another person<sup>106</sup>. In connection with the above, we emphasise that the amendments to the Criminal Code from 2019 tightened the legal policy of punishment for several criminal offences that prescribe hate speech as a qualified form (e.g., bodily injury, serious bodily injury, particularly serious bodily injury).

The commission of a hate crime, unless it is explicitly provided for in the legal description of the crime, will always be taken as an aggravating circumstance when deciding on a punishment.

According to the provisions of the Criminal Procedure Act<sup>107</sup> the victim of a criminal offence is a natural person who has suffered physical and mental consequences, property damage or significant violation of fundamental rights and freedoms which are a direct consequence of the criminal offence. The victim of a criminal offence is considered to be a spouse, extramarital partner or informal life partner and descendant, and if there are none, the ancestor, a sibling of the person whose death was directly caused by the criminal offence and the person he or she was legally obliged to support.

All criminal offences related to domestic violence, whether it is a criminal offence of domestic violence or one of the criminal offences of violence which prescribe an act against a close person as a qualifying circumstance, are prosecuted *ex officio*.

In the context of sexual violence, we emphasise that the amendments to the Criminal Code from 2021<sup>108</sup>, redefined procedural presumption of prosecution of the criminal offence of sexual harassment, in such a way that the criminal offence in question is prosecuted *ex officio* for all categories of victims, thus achieving that all criminal offences against sexual liberty are prosecuted *ex officio*<sup>109</sup>.

In accordance with the Act on Pecuniary Compensation for Victims of Criminal Offence, a victim of a criminal offence of intentional violence has the right to pecuniary compensation from the state budget.

## **B. Guidelines for the Application of the Legal Framework**

To implement the said legal framework, several by-laws have been adopted which further elaborate guidelines on implementation, for example:

- Ordinance on the Implementation of Protective Measures Prohibiting Approach, Harassment or Stalking of Victims of Domestic Violence and Measures of Removal from a Shared Household<sup>110</sup>
- Ordinance on the Manner of Conduct of Police Officers<sup>111</sup>
- Ordinance on the Manner of Conducting Individual Victim Assessment<sup>112</sup>
- Ordinance on the Manner of Execution of Precautionary Measures<sup>113</sup>
- Ordinance on the Implementation of the Protective Measure of Mandatory Psychosocial Treatment<sup>114</sup>
- Ordinance on the Manner of Implementing a Protective Measure of Mandatory Addiction Treatment<sup>115</sup>
- Joint Action Protocol between the Police and the State Attorney's Office in the Criminal Cases<sup>116</sup>

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<sup>106</sup>Criminal Code, Article 87, paragraph 21

<sup>107</sup>Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19)

<sup>108</sup>Official Gazette No. 84/21, in force since 31 July, 2021

<sup>109</sup>Article 156

<sup>110</sup>Official Gazette No. 28/19

<sup>111</sup>Official Gazette No. 89/10

<sup>112</sup>Official Gazette No. 106/17

<sup>113</sup>Official Gazette No. 152/08, 126/19

<sup>114</sup>Official Gazette No. 116/18

<sup>115</sup>Official Gazette No. 110/18

<sup>116</sup> <https://mup.gov.hr/UserDocsImages//dokumenti/2021//Protokol%20policija%20DORH%20potpisano.pdf>

- Protocol on the Procedure in Cases of Domestic Violence
- Protocol on the Procedure in Cases of Sexual Violence
- Protocol on the Procedure in Cases of Abuse and Neglect of Children
- Protocol on the Integration/Reintegration of Victims of Trafficking in Human Beings
- Protocol on the Procedures during Voluntary Return of Victims of Trafficking in Human Beings
- Protocol on the Procedure in Cases of Hate Crime.

These documents elaborate on the actions of the competent state bodies based on legal provisions, while the protocols elaborate also the obligations of the competent bodies and other factors involved in detecting and combating various forms of violence, providing assistance and protection to persons exposed to violence, form, manner and content of their cooperation. In addition, these documents emphasise the need for an integrated approach or cross-sectoral action of all stakeholders involved in the protection of victims.

Furthermore, a change in the legal framework is being considered as part of the lifelong professional development of persons working on the implementation of laws and bylaws. Education programmes are presented in Chapter III Prevention, D. Additional Professional Training.

### **C. Civil Legal Remedies**

Pursuant to the Civil Procedure Act, women victims of violence as well as other citizens<sup>117</sup>, are provided with the protection in civil proceedings in such a way that they can claim damages. The Civil Procedure Act is a general procedural regulation that also applies to the conduct of proceedings in connection with a lawsuit for damages and prescribes the manner of initiating civil proceedings through<sup>118</sup> a lawsuit as well as the elements that the lawsuit must contain<sup>119</sup>.

The substantive and legal framework for claiming compensation for property and non-property damage is regulated by the Civil Obligations Act<sup>120</sup>. The Act regulates general principles of liability for damage<sup>121</sup>, liability based on guilt<sup>122</sup>, liability for another person<sup>123</sup>, special cases of liability<sup>124</sup>, repairing material damage<sup>125</sup>, repairing non-material damage<sup>126</sup>, liability of several persons for damage<sup>127</sup> and the right of the injured party after the statute of limitations for damages<sup>128</sup>.

The Civil Obligations Act stipulates that a person who has caused damage to another person shall compensate for this damage unless he/she has proven that the damage has not occurred as a result of his/her own fault. Where damage results from things or activities representing a major source of danger for the environment, liability shall be imposed regardless of the fault in other cases prescribed by the law (Article 1045). Pursuant to the provisions of the Act, Damage shall imply a loss of a person's assets, (pure economic loss), halting of assets increase (loss of profit) and violation of privacy rights (non-material damage). The damaged party has the right to request compensation for the material or non-material damages, under the provisions of the Act.

Regarding the compensation for the material damage, the Act stipulates that a responsible person shall make restitution for the damage that occurred. If restitution does not eliminate the damage

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<sup>117</sup>Official Gazette No. 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19

<sup>118</sup>Article 185

<sup>119</sup>Article 186

<sup>120</sup>Official Gazette No. 35/05, 41/08, 12/11, 78/15, 29/18, 126/21, Articles 1045 to 1110

<sup>121</sup>Articles 1045 to 1048

<sup>122</sup>Articles 1049 to 1054

<sup>123</sup>Articles 1055 to 1060

<sup>124</sup>Article 1082

<sup>125</sup>Articles 1085 to 1098

<sup>126</sup>Articles 1099 to 1106

<sup>127</sup>Article 1107

<sup>128</sup>Article 1110

completely, the responsible person shall pay the compensation for the remaining damage in cash. Where restitution is not possible, the responsible person shall pay to the injured party an appropriate sum of money as compensation for damages. The court will determine a pecuniary compensation to be paid to the injured party if so, requested by the injured party and if restitution is not justified by the circumstances. The injured party is entitled to full compensation (Article 1090), which means that the court, considering the circumstances that occurred following the causing of damage, determine the amount required in order to reverse the injured party's financial position to the state in which it would have been, had the wrongful act or failure to act not occurred.

Redress for non-material damage, which involves a violation of personality rights, involves paying just pecuniary compensation. The Civil Obligations Act stipulates that any natural person or legal entity is entitled to the protection of its personality rights under the conditions as provided by law<sup>129</sup>. Personality rights are understood to be the right to life, to physical and mental health, reputation, honour, dignity, name, privacy of personal and family life, liberty, and other<sup>130</sup>. In the event of violation of personality rights, the court shall, where it finds that this is justified by the gravity of the violation and circumstances, award a just pecuniary compensation.<sup>131</sup> In deciding on the amount of just pecuniary compensation, the court shall consider the degree and duration of the physical and mental pain and fear caused by the violation, the objective of this compensation, and the fact that it should not favour the aspirations that are not compatible with its nature and social purpose. The court shall, at the request of an injured party, also award a just pecuniary compensation for future non-material damage, if it is certain that it will continue into the future<sup>132</sup>.

#### **D. Compensation of Damages**

The obligation to compensate for the damage caused by a criminal offence is borne by the perpetrator who is responsible for the commission of the criminal offence, while the state has a secondary obligation to compensate for the damage.

Furthermore, in accordance with the Act on Pecuniary Compensation for Victims of Criminal Offence<sup>133</sup>, a victim of a criminal offence of intentional violence, who is a citizen of the Republic of Croatia or resides in the Republic of Croatia and a citizen of a Member State of the European Union or resides in a Member State of the European Union, is entitled to compensation from the state budget. The victim may be entitled to compensation for medical treatment expenses, loss of earnings up to the amount of HRK 35,000.00 (€ 4,650), persons who are a close relative of the deceased victim are entitled to compensation of up to HRK 70 000 (€9,230.00) for the loss of statutory maintenance and the funeral expenses up to HRK 5 000 (€ 664.00). The police, the public prosecutor's office and the courts are required to provide information on the right to compensation and supply the necessary application forms and, at the victim's request, give general guidance and information on how to complete an application and which supporting documents to enclose. Additionally, at the victim's request, the police will issue proof to the victim that the criminal offence has been reported. The request for financial compensation shall be submitted to the Ministry of Justice within a period of six months from the commission of the criminal offence, and in exceptional and justified circumstances, within a period of three years. The Committee on Compensation to Crime Victims will make the decision regarding the request.

According to the available data of the Ministry of Justice and Administration, in 2019 and 2020, 1 request for compensation was submitted based on the committed criminal offence of domestic violence (Art. 179a of the Criminal Code). In accordance with the Criminal Code, if any within a case of domestic violence committed a more serious criminal offence, such a case does not qualify as a

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<sup>129</sup>Article 19, paragraph 1

<sup>130</sup>Article 19, paragraph 2

<sup>131</sup>Article 1100, paragraph 1

<sup>132</sup>Article 1104

<sup>133</sup>Official Gazette No. 80/08, 27/11



criminal offence of domestic violence, but as another serious criminal offence (e.g., homicide, rape, serious bodily injury, etc.). Data on acts of domestic violence that qualify as other serious criminal offences are recorded as another criminal offence. According to available data from the Ministry of Justice and Administration, a total of 13 requests were submitted in 2019 and 2020, related to the criminal offences of homicide (3 requests), aggravated homicide (3 requests), bodily injuries (2 requests), serious bodily injury (1 request), a serious criminal offence against sexual liberty (1 request), sexual abuse of a child under the age of 15 (2 requests) and unlawful deprivation of liberty (1 request). Based on two submitted requests for criminal offences of aggravated homicide and homicide, a total amount of HRK 10.000,00 (€ 1,330) and HRK 5.000,00 (€ 664) was awarded for each request. Compensations were awarded within 4 to 5 months from the date of application.

### **E. Child Care, the Right to See Children and Safety**

On 1 April 2021, the Ministry of Labour, Pension System, Family and Social Policy issued an instruction on actions to protect victims of domestic violence intended for all social welfare centres in the Republic of Croatia, based on the provisions of the Act on Protection against Domestic Violence<sup>134</sup>, Social Welfare Act<sup>135</sup> and Family Act<sup>136</sup>. The instruction in particular emphasises that the aim of the social welfare centres is to take measures and actions and provide support to victims in order to comprehensively protect the victim and his or her family members. The obligation of social welfare centres to treat victims with special sensitivity was additionally emphasised, taking into account their extreme vulnerability to violence, the obligation to initially assess the victim and provide psychological, legal and/or financial assistance, the need to assist victims in exercising their right to free legal aid and the obligation to urgently report knowledge of domestic violence, regardless of whether the police already have information about this event. Regarding issues of parental care in cases of domestic violence, it was emphasised that the child's exposure to domestic violence, although not directly directed at the child, is a form of psychological violence against children with specific consequences for their psychosocial development and that in the hierarchy of rights, the right of the child and the victim to safety and life without violence is above the right of the parents who are the perpetrators.

### **F. Criminalisation of Forms of Violence<sup>137</sup>**

#### **Psychological Violence, as Defined in Article 33**

Psychological Violence is defined in the Act on Protection against Domestic Violence and the Criminal Code. Article 10 of the Act on Protection against Domestic Violence defines psychological violence as one of the forms of domestic violence, the characteristics of which are that the perpetrator causes the victim distress or violation of dignity.

Serious forms of conduct that result in violation of regulations on protection against domestic violence are qualified as a criminal offence of domestic violence (Article 179a of the Criminal Code) committed by someone who gravely violates regulations on protection against domestic violence and thus to a family member or close person causes fear for his or her safety or the safety of people close to him or her or puts him or her in a degrading position or a state of long-term suffering, and thus has not committed a serious criminal offence. The commission of this criminal offence is punishable by one to three years in prison. The Act on Amendments to the Criminal Code<sup>138</sup> which entered into force on 1 January 2020, tightened the legal criminal policy for this criminal offence and introduced a state of long-term suffering, as its additional alternative feature

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<sup>134</sup> Official Gazette, No. 70/17, 126/19 and 84/21

<sup>135</sup> Official Gazette, No. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20, 138/20

<sup>136</sup> Official Gazette, No. 103/15 and 98/19

<sup>137</sup> The legal description of each criminal offence can be found in Appendix 4 Relevant Articles of Croatian Legislation in Relation to the Articles of the Convention

<sup>138</sup> Official Gazette, No. 126/19

### **Stalking, as Defined in Article 34**

Stalking is described in the Criminal Code of the Republic of Croatia as an offence of intrusive behaviour<sup>139</sup> Stalking is described in the Criminal Code of the Republic of Croatia as an offence of intrusive behaviour committed by someone who persistently and for a long time follows or stalks another person or tries to establish or establishes unwanted contact with him or her or otherwise intimidates him or her and thus causes anxiety or fear for his or her safety or the safety of persons close to him or her, for which imprisonment of up to one year is envisaged (more details in Appendix 4). This offence was introduced with the entry into force of the Criminal Code on 1 January 2013, following the example of Art. 34 of the Convention.

Amendments to the Criminal Code<sup>140</sup>, in force since 1 January 2020, in order to strengthen the protection of close persons, strengthened the criminal protection of the victim by initiating criminal proceedings for intrusive behaviour against a close person *ex officio*<sup>141</sup>. According to the current legal text, criminal prosecution for this criminal offence was initiated upon motion, except in the case of committing a criminal offence against a child. Considering that in all other criminal offences from Chapter XIII Criminal Code - Criminal offences against personal liberty, prescribed *ex officio* prosecution in a situation where the victim or injured party is a close person, the same level of protection for a close person is provided in relation to the criminal offence of intrusive behaviour.

### **Physical Violence, as defined in Article 35**

Physical violence as a qualified form of committing a criminal offence for an act against a close person (Article 87, paragraph 9 of the Criminal Code) is incriminated through criminal offences against life and limb<sup>142</sup> and a criminal offence of domestic violence under Article 179a of the Criminal Code.

In relation to the definition of a close person, we point out that the amendments to the Criminal Code<sup>143</sup>, in force since 31 July, 2021, expanded the meaning of the term close person to a current or former partner in an intimate relationship. Analogous to this amendment, the Act on Amendments to the Act of Protection against Domestic Violence<sup>144</sup>, in force since 31 July 2021, amended the circle of persons to whom the Act in question applies (Article 8, paragraph 2).

Amendments to the Act on Protection against Domestic Violence from 2019<sup>145</sup>, in order to more clearly delineate misdemeanours from criminal offences, the form previously marked as "physical violence" is specified as follows: "the use of physical force due to which there was no physical injury"<sup>146</sup>. With these amendments, it was achieved that every act of physical violence that results in the occurrence of bodily injury is in the sphere of criminal responsibility. Envisaged fines and imprisonment for all violations of domestic violence have been tightened<sup>147</sup>. In connection with the above, it was clarified what is meant by "physical violence" from item 1 of Article 10 of the Act on Protection against Domestic Violence, in terms of conduct which, in accordance with Article 22 of this Act, is a misdemeanour punishable by a fine or imprisonment. Item 1 of Article 10 of this Act has been amended to define the first of the prescribed forms of domestic violence as the use of physical

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<sup>139</sup> Article 140

<sup>140</sup> Official Gazette, No. 126/19

<sup>141</sup> Article 140, paragraph 3

<sup>142</sup> Homicide (Article 110), Aggravated Homicide (Article 111), Manslaughter (Article 112), Causing Death by Negligence (Article 113), Participation in Suicide (Article 114), Female Genital Mutilation (Article 116), Bodily Injury (Article 117), Serious Bodily Injury (Article 118), Particularly Serious Bodily Injury (Article 119), Serious Bodily Injury Resulting in Death (Article 120), Serious Bodily Injury by Negligence (Article 121), Domestic Violence (Article 179a)

<sup>143</sup> Official Gazette, No. 84/21

<sup>144</sup> Official Gazette, No. 84/21

<sup>145</sup> Official Gazette, No. 126/19, in force since 1 January 2020

<sup>146</sup> Article 10 item 1

<sup>147</sup> Article 22

force as a result of which no bodily injury occurred, and the disjoining of the term "physical violence" into components, emphasising that it includes the use of physical force, will contribute to the clarity of the legal text and easier understanding and assessment of the legal qualifications of illegal conduct.

### **Sexual Violence, Including Rape, as Defined in Article 36, Paragraph 1, Considering the Definition of Consent in Article 36, Paragraph 2**

Amendments to the Criminal Code<sup>148</sup>, in force since 1 January 2020, changed the concept of the criminal offence of rape<sup>149</sup>. According to the new concept, the criminal offence of rape is considered to be any non-consensual sexual intercourse or sexual activity equated with it, even when there is no use of force or threat to the life and limb of the raped or other person. The basis of the crime of rape proposed in this way is the lack of consent of the victim or the injured party for sexual intercourse or equivalent sexual activity. The very concept of consent with the criminal offence of rape is still proposed following the example of the concept of consent as defined by the criminal offence of sexual intercourse without consent under Article 152, paragraph 3 of the Criminal Code. The criminal offence of rape now also includes acts that previously constituted the independent criminal offence of sexual intercourse without consent (which offence has been deleted). Also, the amounts of prescribed penalties have been changed for the prescribed incriminations for the criminal offence of rape. The crime of rape is now entirely within the jurisdiction of the county courts. The described change in the concept of the criminal offence of rape has led to the proposed changes in qualified serious crimes against sexual liberty<sup>150</sup>. In this regard, all the forms prescribed by this Article represent the circumstances that make the criminal offence of rape more serious. Article 154 of the Criminal Code, which defines serious criminal offences against sexual liberty, prescribes the qualified form of committing the criminal offence of rape under Article 153 of the Criminal Code for committing an offence against a close person defined by Article 87, paragraph 9 of the Criminal Code<sup>151</sup>. According to legal regulations, a person is capable of having sexual intercourse from the age of fifteen.

### **Forced Marriage, as Defined in Article 37**

Coercion to marry<sup>152</sup> is prescribed as a criminal offence by the Criminal Code. This criminal offence was introduced, in accordance with Article 37 of the Convention, with the new Criminal Code, in force since 1 January 2013.

### **Female Genital Mutilation, as Defined in Article 38**

Female genital mutilation<sup>153</sup> is a criminal offence under the Criminal Code and was introduced in accordance with Article 38 of the Convention by the new Criminal Code, in force since 1 January 2013. At the same time, this criminal offence is a *lex specialis* of the criminal offence of bodily injury (Article 117 of the Criminal Code) and serious bodily injury (Article 118 of the Criminal Code), and the 2019 amendments to the Criminal Code<sup>154</sup> toughen the punishment.

### **Forced Abortion, as Defined in Article 39a**

Unlawful termination of pregnancy<sup>155</sup> is prescribed by the Criminal Code. This criminal offence is blanket and follows the Act on Health Measures on the Exercise of the Right to the Liberty of Decision-Making on Giving Birth<sup>156</sup>.

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<sup>148</sup> Official Gazette, No. 126/19

<sup>149</sup> Article 153

<sup>150</sup> Article 154

<sup>151</sup> Close persons are family members, a former spouse or extramarital partner, former life partner or informal life partner, current or former partner in an intimate relationship, persons who have a child together and persons living in a shared household.

<sup>152</sup> Article 169

<sup>153</sup> Article 116

<sup>154</sup> Official Gazette, No. 126/19

<sup>155</sup> Article 115

<sup>156</sup> Official Gazette, No. 18/78, 88/09

### **Forced Sterilisation, as Defined in Article 39b**

This unlawful conduct is criminalised by the Criminal Code through the criminal offence of particularly serious bodily harm<sup>157</sup>. For the qualified form of this criminal offence, which includes the act against a close person, the punishment has been toughened by the Amendments to the Criminal Code from 2019<sup>158</sup>.

### **G. Criminalization of Sexual Harassment**

The Act on Protection against Domestic Violence<sup>159</sup> prescribes sexual harassment as a form of domestic violence in Article 10, item 5. In order to better and more effectively protect victims of domestic violence, Amendments to the Act on Protection against Domestic Violence<sup>160</sup>, in force since 1 January 2020, tightened the misdemeanour policy of punishment for all misdemeanours prescribed by this Act (Article 22 and Article 23).

Furthermore, the Criminal Code prescribes the criminal offence of sexual harassment<sup>161</sup> committed by a person who sexually harasses another person to whom he or she is superior or who is dependent on him or her or who is particularly vulnerable due to age, illness, disability, addiction, pregnancy, severe physical or mental disability, and the perpetrator will be sentenced to up to two years of imprisonment. Sexual harassment is any verbal, non-verbal, or physical unwanted conduct of a sexual nature that aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment.

Amendments to the Criminal Code<sup>162</sup> deleted the provision according to which this criminal offence was prosecuted according to the proposal and is now being prosecuted *ex officio*.

### **H. Aiding and Abetting**

Aiding<sup>163</sup> and abetting<sup>164</sup> it is prescribed by the general provisions of the Criminal Code which, in accordance with Article 6 of the Criminal Code, apply to all criminal offences.

With regard to offences in the field of protection against domestic violence, aiding and abetting is regulated by the Misdemeanour Code<sup>165</sup>, which stipulates that anyone who intentionally abets or aids another in committing an offence will be punished as if he or she had committed it himself it may also be punished less severely.

### **I. Attempt**

Attempt<sup>166</sup> is punishable, according to Criminal Code, if a criminal offence can be punishable by imprisonment for a term of five years or more, or the law explicitly prescribes punishment for an attempt. This is a general provision of the Criminal Code that applies to all criminal offences<sup>167</sup>.

### **J. Unacceptable Justifications for Criminal Offences**

This requirement of the Convention is part of the Criminal Code. Forms or motives such as culture, custom, religion, tradition or so-called honour do not constitute grounds for excluding illegality in criminal offences prescribed by the Criminal Code.

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<sup>157</sup> Article 119

<sup>158</sup> Official Gazette, No. 126/19

<sup>159</sup> Official Gazette, No. 70/17, 126/19, 84/21

<sup>160</sup> Official Gazette, No. 126/19

<sup>161</sup> Article 156

<sup>162</sup> Official Gazette, No. 84/21

<sup>163</sup> Article 38

<sup>164</sup> Article 37

<sup>165</sup> Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18; Article 24

<sup>166</sup> Article 34

<sup>167</sup> Article 6 – Application of the General Part of the Criminal Code

### **K. Applicability Regardless of the Nature of the Perpetrator-Victim Relationship**

For some of the criminal offences<sup>168</sup> prescribed by Convention law (for example, serious criminal offences against sexual liberty under Article 154 of the Criminal Code) the relationship between the perpetrator and the victim qualified as a relationship of close persons is prescribed as a more serious form of criminal offence. In criminal offences in which the commission of a close person is not prescribed as a more serious form of commission, the same may be taken as an aggravating circumstance by the court when determining the type and measure of punishment<sup>169</sup>.

### **L. Applicable Sanctions and Further Measures in Relation to Perpetrators**

The punishment that can be imposed on perpetrators of criminal offences related to the Convention is imprisonment. In its general part, the Criminal Code<sup>170</sup> also prescribes the possibility of imposing alternative sentences<sup>171</sup>, suspended sentences<sup>172</sup>, and partially suspended sentences<sup>173</sup>. Furthermore, in addition to community service and suspended sentence, the court may impose one or more special obligations<sup>174</sup> and/or protective supervision<sup>175</sup> on the perpetrator. The court may impose one or more special obligations with a partially suspended sentence. Also, the court may impose one of the security measures<sup>176</sup> on the perpetrators of criminal offences under the conditions of the Criminal Code.

In order to strengthen the protection of victims of criminal offences, the Act on Amendments to the Criminal Code from 2021 also revised the security measures. Instead of the current optional imposition, it is prescribed to impose a security measure of mandatory psychosocial treatment<sup>177</sup> a security measure of removal from the shared household<sup>178</sup> while maintaining the conditions of danger on the part of the perpetrator at the time of sentencing, and the mandatory imposition of a security measure prohibiting the performance of a certain duty or activity<sup>179</sup> provided that the risk of recurrence is determined. The security measure of protective supervision after full execution of imprisonment<sup>180</sup>, which has been applied *ex lege* so far, i.e., according to the letter of the law, has been changed in a way that the court imposes it when passing a verdict, which will lead to liability for a new criminal offence of non-execution of a court decision<sup>181</sup>. This criminal offence prescribes the punishment of an official or responsible person who fails to execute the final court decision he or she was obliged to execute, and thus does not commit another criminal offence for which a more serious sentence is prescribed, with imprisonment of up to two years. The same sentence (up to two years in prison) will be imposed on a convict who violates the security measure imposed on him or her by a final judgement and on a convict who does not adhere to the independent precautionary measure imposed on him or her by a court decision.

Misdemeanour legal sanctions for protection against domestic violence are, in addition to fines, imprisonment and other misdemeanour legal sanctions prescribed by the Misdemeanour Code, as well as protective measures.

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<sup>168</sup> Female Genital Mutilation (Article 116), Bodily Injury (Article 117), Serious Bodily Injury (Article 118), Particularly Serious Bodily Injury (Article 119), Unlawful Deprivation of Liberty (Article 136), Abduction (Article 137), Coercion (Article 138), Threat (Article 139), Serious Criminal Offences against Sexual Liberty (Article 154)

<sup>169</sup> Article 47 – Meting out the Punishment

<sup>170</sup> Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21

<sup>171</sup> Article 55 – Community Service

<sup>172</sup> Article 56

<sup>173</sup> Article 57

<sup>174</sup> Article 62

<sup>175</sup> Article 64

<sup>176</sup> Articles 65-76

<sup>177</sup> Article 70

<sup>178</sup> Article 74

<sup>179</sup> Article 71 paragraph 3

<sup>180</sup> Article 76

<sup>181</sup> Article 311

The purpose of protective measures is to prevent domestic violence, ensure the protection of the health and safety of victims of domestic violence and eliminate circumstances that favour or encourage the commission of a new offence, and are imposed to eliminate the threat of victims of domestic violence. Protective measures may be imposed *ex officio*, at the proposal of the authorised prosecutor, the victim or the social welfare centre. At the proposal of the victim or other authorised prosecutor, the court may, even before the expiration of the time for which the protective measure was imposed, review the justification of the further course of the imposed protective measure and, if necessary, replace or revoke the imposed protective measure.

The Act on Protection against Domestic Violence prescribes the following protective measures:

- mandatory psychosocial treatment that may be imposed on the perpetrator of domestic violence in order to eliminate his or her violent behaviour or if there is a danger that he or she could repeat the domestic violence, may be determined for a period of at least six months,
- prohibition on approaching, harassing, or stalking a victim of domestic violence, which may be imposed on the perpetrator of domestic violence if there is a danger that the perpetrator may repeat the domestic violence against that person, what may not be shorter than one month or longer than two years.
- removal from a shared household that may be imposed on a perpetrator of domestic violence who has committed violence against a family member with whom he or she lives in an apartment, house or other living space constituting a shared household, if there is a risk of recurrence of domestic violence, and it may not be shorter than one month or longer than two years.
- mandatory addiction treatment that can be imposed on a perpetrator of domestic violence who has committed violence under the influence of alcohol, drugs, or other addiction if there is a risk of recurrence of domestic violence, and it is determined for a period which may not exceed one year.

In the context of imposing protective measures, there is a possibility of imposing a protective measure prohibiting the approach, harassment or stalking of a victim of domestic violence and removal from the shared household by the court even before initiating misdemeanour proceedings at the request of the victim or other authorised prosecutor or members of his or her family or a member of the shared household. The court will make its decision without delay, and no later than within 24 hours from the submission of the proposal, and after hearing of the victim and the person against whom a protective measure is requested. The appeal does not suspend the execution of the decision. The court shall deliver its decision to the competent police station without delay in order to implement the imposed protective measure. However, the court shall revoke the above decision if the victim or other authorised prosecutor does not file a proposal for indictment within eight days from the date of the decision, of which it is obliged to warn the victim. The court will inform the police without delay about the suspension of the protective measure.

A relevant further measure that the court may impose on the perpetrator is protective supervision<sup>182</sup> if the court deems that he or she needs help in order not to commit a criminal offence in the future and to be more easily involved in society. Also, some special obligations<sup>183</sup>, may be imposed if the court deems that their application is necessary to protect the health and safety of the person to whose detriment the crime was committed or when it is necessary to eliminate circumstances that favour or encourage the commission of the criminal offence. In addition, the perpetrator may be imposed a security measure of protective supervision after full execution<sup>184</sup>.

In order to protect the best interests of the child, if protection cannot be achieved in another acceptable way based on the provisions of the Family Act<sup>185</sup>, the court shall deprive the parents of the

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<sup>182</sup> Criminal Code, Article 64

<sup>183</sup> Criminal Code, Article 62a

<sup>184</sup> Criminal Code, Article 76

<sup>185</sup> Official Gazette, No. 103/15, 98/19

right to parental care<sup>186</sup> in extra-judicial proceedings. Preconditions for deprivation of parental care include, but are not limited to, abuse or gross violation of parental responsibility, duties and rights, exposure of a child to violence among adult family members, non-compliance with the measures, decisions and instructions issued by the social welfare centre to the parents in order to protect the rights and welfare of the child, if the return of the child to the family after the measure to protect the rights and welfare of the child would pose a danger to the life, health and development of the child, if the parent is convicted of any of the criminal offences committed to the detriment of the child<sup>187</sup>.

#### **M. Aggravating Circumstances**

If aggravating circumstances are not already prescribed as qualified forms of committing certain criminal offences, we point to the general provisions of the Criminal Code relevant to the choice of the type and measure of punishment. Article 47 of the Criminal Code (Meting out the Punishment) prescribes the obligation of the court to assess all types of circumstances that affect the type and measure of punishment, based on the degree of guilt and purpose of punishment, to make the punishment lighter or heavier (mitigating and aggravating circumstances), and especially the severity of endangering or violating the protected good, the motives for the crime, the degree of violation of the perpetrator's duties, the manner of commission and wrongful effects of the crime, the perpetrator's previous life, personal and financial circumstances and his or her behaviour after the crime, attitude towards the victim and efforts to redress for damage.

#### **N. Prohibition of Mandatory Alternative Dispute Resolution Proceedings, Including Mediation and Conciliation**

According to the Criminal Procedure Act<sup>188</sup> the parties can negotiate plea agreements and agree on punishment and other measures (court reprimand, suspended sentence, partially suspended sentence, special obligations, protective supervision, seizure of items and costs of proceedings) and such agreement is not of mandatory, but of optional character. In the case of criminal offences against life and limb and sexual liberty for which imprisonment of more than five years is prescribed, the state attorney must obtain the consent of the victim for communication. Furthermore, in the regulations governing alternative dispute resolution proceedings<sup>189</sup> alternative dispute resolution proceedings are not mandatory, but exclusively optional.

Family Act<sup>190</sup> explicitly states that domestic violence is the grounds for not conducting mediation due to the impossibility of equal participation of spouses in the proceedings.

#### **O. Administrative and Judicial Data on Cases of Violence and Homicide**

Appendix 2 presents data from the Ministry of the Interior on criminal offences against close persons classified by gender of victims and offences of domestic violence classified by gender of perpetrators and victims and the number of homicides for the period from 2019 to October 2021.

Appendix 3 presents available data from the Ministry of Justice and Administration on court cases of homicide, aggravated homicide, serious bodily injury resulting in death, homicide and aggravated attempted homicide, domestic violence and hate crimes for 2019 and 2020.

In addition, the data of the State Attorney's Office of the Republic of Croatia on the indictments submitted to the misdemeanour court for 2019 and 2020 by gender are presented, which the State Attorney's Office submits to the Commission for Monitoring and Improving the Work of the Bodies

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<sup>186</sup> Article 170

<sup>187</sup> Article 171

<sup>188</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19), Article 360

<sup>189</sup> Arbitration Act, Official Gazette, No. 88/01  
Conciliation Act, Official Gazette, No. 18/11

<sup>190</sup> Official Gazette, No. 103/15 and 98/19, Article 332

of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence.

#### **P. Other Measures**

The Republic of Croatia has taken several legislative measures related to the improvement of the legal framework for protection against violence against women and domestic violence through amendments to the Criminal Code and the Act on Protection against Domestic Violence, as well as to protection of victims of criminal offences and misdemeanours from the area of domestic violence and violence against women. Consequently, further amendments to the regulations in the field of criminal and misdemeanour legislation, which prosecute and sanction forms of violence against women and domestic violence are not necessary.

### **VI INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES**

(Chapter VI of the Convention, Articles 49 to 58)

#### **A. Measures to Ensure Prompt and Appropriate Response by Law Enforcement and Risk Assessment Bodies**

Pursuant to the Criminal Procedure Act<sup>191</sup>, the proceedings must be conducted without delay, and in proceedings in which the accused has been temporarily deprived of liberty, the court and state bodies will act with particular urgency. Regarding the collection of evidence, the police may, if there is a danger of delay, before the initiation of criminal proceedings for criminal offences punishable by imprisonment for up to five years, search, seize items, identify (a novelty introduced by amendments to the Criminal Procedure Act in 2019), perform on-site investigation, taking fingerprints and other body parts. For criminal offences punishable by imprisonment for more than five years, the police shall immediately notify the state attorney of the danger of delay and the need to perform evidentiary actions, except for performing evidentiary actions of temporary seizure and search. The state attorney may carry out the evidentiary actions himself or leave them to the police or order it to an investigator, and if there is a danger of delay, the state attorney may order the necessary expertise.

The body conducting the investigation and the body that determined the application of protective measures may apply all measures prescribed by the Criminal Procedure Act to the perpetrator. If there is a reasonable suspicion that a certain person has committed a criminal offence and if special circumstances indicate the danger that he or she will repeat the criminal offence, remand prison shall be ordered, or, if the same purpose can be achieved by precautionary measure, the application of one or more such measures shall be determined. In addition to legal acts, the actions of the police and other services that provide support and protection to victims of violence are prescribed by bylaws, such as the Protocol on the Procedure in Cases of Violence amongst Children and Youth<sup>192</sup>, Protocol on the Procedure in Case of Sexual Violence<sup>193</sup>, Ordinance on the Manner of Conduct of Police Officers<sup>194</sup> and others.

The victim of violence first contacts a police officer who, based on the first information gathered through an information interview, is obliged to acquaint the victim in an understandable and appropriate way with the rights that belong to him or her by law and the way he or she can exercise those rights. Also, immediately before the delivery of the notice of rights, police officers, in accordance with the Criminal Procedure Act, i.e., *Ordinance on the Manner of Conducting Individual*

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<sup>191</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19

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<https://mrosp.gov.hr/UserDocsImages/dokumenti/MDOMSP%20dokumenti/PROTOKOL%20O%20POSTUPANJU%20U%20SLUCAJU%20NASILJA%20U%20OBITELJI.pdf>

<sup>193</sup> Official Gazette, No. 70/18

<sup>194</sup> Official Gazette, No. 89/10



*Victim Assessment*<sup>195</sup> conduct an individual victim assessment. All police administrations were instructed to act in accordance with the Ordinance and the obligation to submit the duly completed Form on the procedure of individual assessment of the victim's needs for protection together with the form of notification on the victim's rights to the competent judicial body to ensure timely exchange of information and comprehensive assessment of the need of the victim in each individual case. Following the entry into force of the Convention in relation to the Republic of Croatia in October 2018, the instruction to police administrations on the obligation to notify victims of their rights was repeated, providing notice on victims' rights, compliance with minimum standards in treatment of victims, including individual victim assessment. obligations that the implementation of the individual assessment of the victim is meaningfully applied in cases of violations of the Act on Protection against Domestic Violence.

Furthermore, police officers are obliged to assess the risk of severe violence, the severity of the situation, the risk of recurrence of violence and, according to the assessment, take measures aimed at preventing further violence by arresting perpetrators, imposing/proposing, and enforcing precautionary measures and proposing and executing protective measures and other measures to protect victims. Police officers are obliged to take measures and actions in order to establish all the circumstances and facts important for shedding light on the committed criminal offence. On that occasion, they are obliged, among other things, to determine whether it is a misdemeanour or a criminal offence with elements of violence, as well as to determine the perpetrator of the criminal offence. It is important to conduct a comprehensive criminal investigation impartially, objectively, and professionally, with sufficient sensitivity and respect for the rights of victims. Only then, based on the collected information and material and immaterial evidence, police officers file a criminal report against the perpetrator of domestic violence for the committed criminal offence or a proposal for indictment for the committed misdemeanour. To avoid shortcomings and errors in determining the circumstances and facts of criminal offences with elements of violence, as well as identifying perpetrators and victims, guidelines have been developed for police officers in dealing with cases of domestic violence, gender-based and other forms of violent behaviour.

### **B. Urgent Removal Order**

Precautions, including the prohibition on approaching, establishing, or maintaining contact with a particular person, removal from the home, are listed in Chapter IV Investigation, Prosecution, Procedural Law and Protective Measures, C Restraining Orders and Protection Orders.

### **C. Restraining Orders and Protection Orders**

Criminal Procedure Act<sup>196</sup> prescribes precautionary measures determined by the court and the state attorney, in cases where there are circumstances due to which it is possible to order remand prison or the remand prison has already been determined, if the same purpose can be achieved by precautionary measure. (See Chapter IV Protection and Support, A Support Services and Legislative Measures). In case of non-compliance with the imposed measure, it will be replaced by remand prison. Precautionary measures may last as long as necessary, and until the judgment becomes final. The duration of precautionary measures is not limited by the duration of remand prison, and every two months, counting from the day the precautionary decision becomes final, the body that determined the precautionary measure before the indictment or the court conducting the proceedings will examine *ex officio* whether there is still a need for as a precautionary measure and extend or cancel it by decision if it is no longer needed. In the event that there are circumstances for ordering remand prison, and the terms of remand prison have expired, the court may, by a decision, determine precautionary measures as independent precautionary measures. In doing so, the court will warn the

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<sup>195</sup> Official Gazette, No. 106/17

<sup>196</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19

accused that non-compliance with the imposed independent precautionary measure is a criminal offence.

The victim of a criminal offence against sexual liberty and a victim in relation to whom special protection needs have been identified have the right to refuse to answer questions that are not related to the criminal offence, and which relate to the strictly personal life of the victim<sup>197</sup>.

In the case of misdemeanours of domestic violence, the perpetrators may be subject to protective measures prescribed by the Misdemeanour Code<sup>198</sup>, i.e., the Act on Protection against Domestic Violence<sup>199</sup>. The Act on Protection against Domestic Violence prescribes protective measures that a court may impose on a perpetrator of domestic violence<sup>200</sup>. Police officers are obliged to supervise the implementation of protective measures prohibiting the approach, harassment or stalking of victims of domestic violence, as well as removal from the shared household, therefore a new *Ordinance on the Implementation of Protective Measures Prohibiting Approach, Harassment or Stalking of Victims of Domestic Violence and Measures of Removal from a Shared Household*<sup>201</sup> was introduced. In the Ordinance, through a new concept, the focus of verification is placed on the perpetrator, whereby the implementation is adjusted to each individual case, i.e., the security assessment is the basis for determining the dynamics and manner of implementation of the protective measure.

Furthermore, the Misdemeanour Code prescribes precautionary measures that the court may apply *ex officio* or at the request of the prosecutor against the perpetrator of a domestic violence offence - prohibition on approaching a certain person and prohibition on establishing or maintaining contact with a certain person<sup>202</sup>, warning measures - reprimand and suspended sentence<sup>203</sup> and special obligation with a suspended sentence<sup>204</sup>.

In order to eliminate the immediate danger, but also the immediate protection of the victim of violent behaviour, the Misdemeanour Code allows the police to temporarily, but for up to eight days, order one or more precautionary measures against a person suspected of being a perpetrator. After issuing the order, the police officers submit a Proposal for indictment against the perpetrator to the competent court, proposing that the imposed precautionary measure be extended and that one or more proposed protective measures be applied to the perpetrator.

Table 3 Precautionary measures ordered by the police in accordance with Art. 130 of the Misdemeanour Code

Year	Precautionary measures of prohibition on approaching a certain person and prohibition on establishing or maintaining contact with a certain person
2019	2 445
2020	2 647

In order to implement the said measures, police officers shall act in accordance with the provisions of the aforementioned Ordinance, but also in accordance with the provisions of the *Ordinance on the Manner of Execution of Precautionary Measures*<sup>205</sup>. Also, police officers execute security measures

<sup>197</sup> Article 44

<sup>198</sup> Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/17

<sup>199</sup> Official Gazette, No. 70/17, 126/19, 84/21

<sup>200</sup> Article 13

<sup>201</sup> Official Gazette, No. 28/19

<sup>202</sup> Article 130

<sup>203</sup> Article 41

<sup>204</sup> Article 45

<sup>205</sup> Official Gazette, No. 92/09, 66/14, 73/21

imposed on the perpetrator of criminal offences with elements of violence, in accordance with the provisions of the Ordinance on the Manner of Execution of Security Measures Prohibiting Approach and Removal from the Shared Household<sup>206</sup>.

#### **D. Data on Administrative and Judicial Proceedings**

Appendix 2 presents statistical data/graphs of the Ministry of the Interior related to proposed and implemented protective measures in accordance with the Act on Protection against Domestic Violence, precautionary measures from the Criminal Procedure Act and security measures under the Criminal Code for the Period from 2019 to October 2021.

Appendix 3 presents statistical data/tables of the Ministry of Justice and Administration on precautionary measures and protective measures imposed by courts for 2019 and 2020.

#### **E. Ex Officio Proceedings**

According to the Criminal Procedure Act<sup>207</sup> criminal proceedings are conducted at the request of the authorised prosecutor. For acts for which criminal proceedings are instituted *ex officio*, the authorised prosecutor is the state attorney, and for acts for which criminal proceedings are instituted by a private lawsuit, the authorised prosecutor is the private prosecutor. For criminal offences for which this is prescribed by law, the state attorney initiates criminal proceedings only at the proposal of the victim. Unless otherwise prescribed by law, the state attorney is obliged to initiate criminal proceedings if there is a reasonable suspicion that a certain person has committed a criminal offence for which criminal proceedings are initiated *ex officio*, and there are no legal obstacles to prosecuting that person.

#### **F. Ex Parte Proceedings**

If the state attorney finds that there are no grounds for initiating or conducting criminal prosecution, he or she may be replaced by a victim in the role of the injured party as a plaintiff under the conditions determined by the Criminal Procedure Act<sup>208</sup>.

#### **G. Support for Victims in Legal Proceedings**

The victim of a criminal offence has the right to effective psychological and other professional assistance and support from the body, organisation, or institution for assistance to victims of criminal offences in accordance with the provisions of the Criminal Procedure Act<sup>209</sup>. Accordingly, the victim has the right to access to crime victim support services, the right to effective psychological and other professional assistance and the support of bodies, organisations, or institutions for assistance of victims of crime in accordance with the law. The court, the state attorney's office, the investigator, and the police are, when taking the very first action, obliged to notify the victim about this right in an understandable way and to make sure that the victim understands the given information.

Furthermore, under the Act on Protection against Domestic Violence<sup>210</sup> a victim of domestic violence has the right to access victim support services, the right to effective psychological and other professional assistance and the support of a body, organisation, or institution for assistance to victims of domestic violence. Bodies dealing with domestic violence are, when taking the very first action, obliged to inform the victim about this right in a way that is understandable to the victim and to make sure that the victim understands the given information about the rights.

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<sup>206</sup> Official Gazette, No. 76/13

<sup>207</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19, Article 2

<sup>208</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19, Article 2 paragraph 4

<sup>209</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19, Article 43 paragraph 1 item 2

<sup>210</sup> Official Gazette, No. 70/17, 126/19, 84/21, Article 6

These legal provisions provide an opportunity for representatives of civil society organisations to provide support to victims in legal proceedings. The Republic of Croatia provides the above through the Network of Support and Cooperation for Victims of and Witnesses to a Crime. A more detailed description is given in area IV Protection and Support, A. Information on Support Services and Legal Measures.

#### **H. Protective measures During Investigation and Court Proceedings**

Victim/witness protection actions in the Republic of Croatia can be systematised into several categories:

##### Protection of Victims of Criminal Offences and Other Persons

According to the provision of the Article 156 Ordinance on the Manner of Conduct of Police Officers<sup>211</sup>, and according to the provision of the Article 99 of the Police Duties and Powers Act<sup>212</sup> protection measures conducted by police officers are prescribed to protect victims who are in danger of the perpetrator of a criminal offence. The protection measures implemented by the police in this case are physical protection, technical protection and placement of the endangered person in a safe shelter. When issuing the above measures, the victim, the injured party, or another person will be informed about the content of the protection measures and their obligations during their implementation.

##### Procedural Measures of Protection of Witnesses and Victims

Procedural measures for the protection of witnesses and victims of criminal offences are prescribed by the Criminal Procedure Act<sup>213</sup>, and are taken precisely for the protection of certain categories of sensitive and endangered witnesses and victims of criminal offences.

##### Inclusion of the Victim as a Witness in the Protection Programme

A victim of a criminal offence may also be included in the Witness Protection Programme, pursuant to the *Witness Protection Act*<sup>214</sup> if proving the criminal offence would be associated with disproportionate difficulties or could not be carried out otherwise without the testimony of that person as a witness who, due to endangerment, will not testify freely in criminal proceedings for criminal offences against the Republic of Croatia, against values protected by international law, against organised crime and criminal offences for which, according to the law, imprisonment of 5 years or a more serious sentence may be imposed.

Attorney General may, at the proposal of the competent state attorney or the endangered person, submit a request to the Commission for the Inclusion of the Endangered Person in the Protection Programme. The proposal must, among other things, contain a description and assessment of the danger that threatens the endangered person.

The Witness Protection Programme is a measure and action that can last a long time and is implemented and organised independently by a special organisational Witness Protection Unit within the Criminal Police Directorate of the General Police Directorate established in March 2004, and for persons deprived of liberty in cooperation with the Prison System Administration of the Ministry of Justice and Administration. The basic condition for the inclusion of witnesses in the Protection Programme is the principle of voluntariness by the person involved in the protection programme, and from the point of view of the state, it is the importance of the testimony of witnesses for evidence in criminal proceedings.

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<sup>211</sup> Official Gazette, No. 89/10, 76/15

<sup>212</sup> Official Gazette, No. 76/09, 92/14, 70/19

<sup>213</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19

<sup>214</sup> Official Gazette, No. 163/03, 18/11 and 73/17

Measures to protect endangered persons include physical and technical protection, relocation, measures to conceal identity and property, and change of identity. In the procedure of providing protection to endangered persons, it is possible to apply one or more measures, and the decision on the type of application of the measure is made by the Witness Protection Unit, except for the identity change measure whose application is decided by the Commission. The Witness Protection Unit provides the necessary psychological and legal assistance to the person involved, as well as economic and social support, which must not exceed the amount sufficient to cover living expenses and inclusion in the new living environment, until the moment of independence.

All the above in the part of including the victim as a witness in the protection programme also applies to children who may be included as a close person in the witness protection programme.

Furthermore, in accordance with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime and amending Council Framework Decision 2001/220/JHA, which has been transposed into Croatian law, victims also have the following rights, in accordance with the Criminal Procedure Act<sup>215</sup>:

- the right, at his or her request, to be informed, without undue delay, of the termination of the detention or remand prison, escape of the convict or release of a convict from prison and measures taken for the protection of the victim, the right to be informed at her request of any legally binding decision terminating criminal proceedings and other rights prescribed by law<sup>216</sup>;
- the right to be questioned without undue delay after filing the report, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings, the right to being accompanied by a person of trust in taking all actions in which he or she participates, the right to be informed at her request of any legally binding decision terminating criminal proceedings and other rights prescribed by law<sup>217</sup>;
- the right of access to support services for victims of domestic violence, the right to effective psychological and other professional assistance and support from bodies, organisations or institutions for assistance to victims of domestic violence in accordance with the law, the right to protection against intimidation and retaliation, the right to protection of dignity during the questioning of the victim as a witness, the right to being accompanied by a person of trust in taking all actions in which he or she participates, and other rights prescribed by law<sup>218</sup>;
- conduction of the individual assessment of the victim. Prior to the questioning of the victim, the body conducting the questioning shall, in cooperation with the bodies, organisations or institutions for assistance and support to victims of criminal offences, conduct an individual assessment of the victim. The individual assessment of the victim includes determining whether there is a need for special protective measures in relation to the victim and, if so, which special protective measures should be applied (special questioning of the victim, use of communication technologies to avoid visual contact with the perpetrator and other legal measures prescribed by law). When the victim of a crime is a child, it shall be assumed that there is a need to apply special protective measures and determine which special protective measures should be applied.<sup>219</sup> The victim of a criminal offence against sexual liberty and a victim in relation to whom special protection needs have been identified has the right to request to be questioned<sup>220</sup> by means of an audio-visual device.

The right to avoid contact with the perpetrator before and during the proceedings, unless the misdemeanour proceedings require such contact, is prescribed by the Act on Protection against Domestic Violence<sup>221</sup>.

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<sup>215</sup> Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19

<sup>216</sup> Article 43 paragraph 1 items 10 and 11

<sup>217</sup> Article 43 paragraph 1 items 5, 6, 11 and 12

<sup>218</sup> Article 43 paragraph 1 items 1, 2, 3, 4, 6 and 12

<sup>219</sup> Article 43a paragraph 1

<sup>220</sup> Article 44

Furthermore, in the event that it is necessary to question a child victim of domestic violence, during individual assessment of a victim, it shall be assumed that there is a need for special protective measures, and it shall be determined which special protective measures need to be applied. A child as a victim of a criminal offence has, in addition to the general rights of all victims and the special rights of the victim in relation to which special protection needs have been identified, the right to a proxy at the expense of the budget, the confidentiality of personal data and the exclusion of the public. The court, the state attorney's office, the investigator, and the police are obliged to treat the child as a victim of a crime with special care, taking into account age, personality and other circumstances in order to avoid harmful consequences for the child's upbringing and development. When treating a child victim, the competent bodies will primarily be guided by the best interests of the child<sup>222</sup>.

### **I. Free Legal Aid**

In addition to primary legal aid, which is described in the response under Chapter IV Protection and Support, C Individual/Collective Complaints, the Act on Free Legal Aid<sup>223</sup> also prescribes the exercise of the right to secondary legal aid.

Secondary legal aid includes legal advice, drafting submissions and representation in court proceedings, and legal assistance in the peaceful settlement of disputes. These forms of secondary legal aid are provided by lawyers. In addition, secondary legal aid includes exemption from court costs and exemption from court fees.

Secondary legal aid in the form of representation in court proceedings may be granted if the proceedings are more complex, if the applicant does not have the ability to represent himself or herself, if the applicant's financial situation is such that payment of necessary professional legal aid could jeopardize the livelihood of the applicant and household members, in accordance with the special preconditions set out in the Act, if it is not a case of vexatious litigation and if the applicant has not been provided with legal aid on the basis of special regulations. Depending on the type of proceedings, secondary legal aid may be granted in proceedings related to property rights, employment, family relations, enforcement proceedings and insurance proceedings in the case of forced enforcement or securing a claim arising from proceedings for which, according to the provisions of the Act on Free Legal Aid, legal aid may be granted, amicable settlement of disputes and exceptionally, in all other administrative and civil court proceedings when such a need arises from the specific life circumstances of the applicant and household members, and in accordance with the fundamental purpose of the Act.

Secondary legal aid is granted, as a rule, if the preconditions relating to the applicant's financial situation are met. If the applicant is a victim of the criminal offence of violence in the proceedings for the purpose of exercising the right to compensation for the damage caused by the commission of the criminal offence, secondary legal aid is granted without determining the financial situation. The procedure for granting secondary legal aid is initiated by applying to the competent administrative body of the county or the City of Zagreb, on the prescribed form, which includes the consent of the applicant and household members to allow access to all data on total income and assets, in which the applicant confirms that all data provided is accurate and complete.

In 2019, a total of 4,109 requests for secondary legal aid were approved, which, given the type of proceedings, was most often approved in family relations proceedings. In 2020, 3,016 applications for secondary legal aid were approved and, depending on the type of proceedings, for more than half of the cases in family relations proceedings secondary legal aid was approved.

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<sup>221</sup> Official Gazette No. 70/17, 126/19, 84/21; Article 6 paragraph 1 item 12

<sup>222</sup> Article 44

<sup>223</sup> Official Gazette, No. 143/13, 98/19

## **J. Investigation, Prosecutions, Procedural Law and Protective Measures Related to Violence against Women**

In addition to the criminal prosecution of perpetrators of domestic violence, in the case of a violation of Act on Protection against Domestic Violence<sup>224</sup>, the perpetrator will be prosecuted as part of misdemeanour proceedings. All bodies dealing with domestic violence are obliged to act urgently and all proceedings initiated under the Act on Protection against Domestic Violence are urgent. All bodies dealing with domestic violence are obliged to treat the victim of domestic violence with special consideration and to take appropriate care of the victim's rights when taking action.

A victim of domestic violence has the following rights under the Act on Protection against Domestic Violence: the right to access services for support to victims of domestic violence, the right to effective psychological and other professional assistance and support from bodies, organisations or institutions for assistance to victims of domestic violence, the right to protection against intimidation and retaliation, the right to protection of dignity during the questioning of the victim as a witness, the right to be accompanied by a person of trust in taking all actions in which he or she participates, the right, at his or her request, to be informed, without undue delay, of the termination of the detention or escape of the accused and of the repeal of the decision to impose protective measures and the suspension of precautionary measures imposed for his or her protection or release of a convict from prison, the right to confidentiality of information the disclosure of which could endanger his or her safety or the safety of persons to whom the Act on Protection against Domestic Violence applies, and the right to demand the exclusion of the public in court proceedings, the right to a proxy, the right to be informed at his or her own request on the actions taken regarding the application and on the outcome of the proceedings, the right to be questioned without undue delay after the filing of the report, the right to request to be questioned in court and the right to be further questioned only to the extent necessary for misdemeanour proceedings, the right to be questioned by the person of the same gender at the police, the right to avoid contact with the perpetrator before and during the proceedings, unless the misdemeanour proceedings require such contact, the right to temporary accommodation in an appropriate institution in accordance with a special law, the right to police protection and insurance, by court order, for the purpose of unhindered taking of personal belongings when leaving the shared household, other rights prescribed by the law governing criminal proceedings, except those rights which, by the nature of things, can only a victim of a criminal offence have<sup>225</sup>.

The protective measures that the court may determine based on the Act on Protection against Domestic Violence and the protective measures, precautionary measures and warning measures that it may determine on the basis of the Misdemeanour Code are described in IV Investigation, Prosecution, Procedural Law and Protective Measures, C Restraining Orders and Protection Orders.

## **VII MIGRATION AND ASYLUM**

(Chapter VII of the Convention, Articles 59 to 61)

### **A. Autonomous Residence Permit**

The previously valid Law on Foreigners<sup>226</sup>, which was in force until 31 December 2020, provided for the possibility of granting temporary residence to a third-country national for serious justified grounds of a humanitarian nature, pursuant to Article 65, paragraph 1, item 5.

The new Law on Foreigners<sup>227</sup>, in force since 1 January 2021, also prescribes provisions for granting temporary residence for serious justified grounds of a humanitarian nature (Article 79, paragraph 1, item 6).

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<sup>224</sup> Official Gazette, No. 70/17, 126/19, 84/21

<sup>225</sup> Article 6.

<sup>226</sup> Official Gazette, No. 130/11, 74/13, 69/17, 46/18, 53/20

<sup>227</sup> Official Gazette, No. 133/20

Furthermore, Ordinance on the Status and Work of Third-Country Nationals in the Republic of Croatia <sup>228</sup> stipulates that a temporary stay on humanitarian grounds due to the existence of serious justified grounds of a humanitarian nature, a third-country national proves with documentation that can be used to establish the existence of humanitarian grounds, including that the person is a victim of domestic violence who remained without appropriate care. Based on the above, victims of violence can regulate temporary stay in the Republic of Croatia for serious justified grounds of a humanitarian nature, under more favourable conditions than other purposes of temporary residence (without attaching evidence of means of subsistence and health insurance). This specifically means that the victim of violence encloses with the application for temporary residence a valid travel document and evidence proving that he or she is a victim of violence, i.e., that the circumstances referred to in Article 59 of the Convention have occurred. At the same time, it is pointed out that victims of violence can be granted temporary residence for serious justified grounds of a humanitarian nature, regardless of the duration of the marriage or relationship.

The Ministry of the Interior keeps official records of approved temporary residence for serious justified humanitarian grounds, but records are kept collectively for all cases, i.e., other cases are included, such as foreigners who have lived in the Republic of Croatia for many years and have no legal basis to regulate temporary residence on another basis and no longer have a link with their home country. Based on the above, we point out that there are no separate numerical indicators according to the categories listed in the questionnaire, as residence is not recorded according to the seeker (victim of violence) and the circumstances for which they submit applications.

### **B. Gender-Based Asylum Claims**

The Act on International and Temporary Protection<sup>229</sup> prescribes provisions to ensure a gender-sensitive interpretation of the form of persecution referred to in Article 1A (2) of the 1951 Convention relating to the Status of Refugees. The Act recognizes vulnerable groups as persons deprived of legal capacity, minors, unaccompanied minors, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in human beings, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation.<sup>230</sup>

The Act provides vulnerable groups with special procedural and reception guarantees<sup>231</sup>, that is, it provides them with appropriate support given their personal circumstances. The process of recognizing the personal circumstances of vulnerable groups is continuously carried out by trained police officers, employees of the Ministry of the Interior and other competent bodies, from the expressed intention to the delivery of the decision on the request.

The Act further prescribes the grounds for persecution<sup>232</sup> and states that gender-related characteristics, including gender identity, must be considered for the purpose of determining affiliation with a particular social group or determining the characteristics of such a group. Regarding acts of persecution<sup>233</sup>, the Act states that they may include, *inter alia*, physical, and psychological violence, including sexual violence and acts that are specific in nature to gender or children.

During 2019, 2020 and 2021, a total of 2,643 women applied for international protection, of which 111 were granted asylum applications and 2 applications for subsidiary protection. The Ministry of the Interior does not keep separate data on the number of granted protection requests based on

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<sup>228</sup> Official Gazette, No. 52/1

2, 81/13, 38/15, 100/17, 61/18, 116/18 and 146/20, Article 16, paragraph 1

<sup>229</sup> Official Gazette, No. 70/15 and 127/17

<sup>230</sup> Article 4 paragraph 14

<sup>231</sup> Article 15

<sup>232</sup> Article 22, item 5 Grounds for Persecution

<sup>233</sup> Article 23 paragraph 2 items 1 and 6 – Acts of Persecution



gender-based violence. However, women recognized as victims of gender-based violence have been granted asylum status. Official records do not contain grounds for granting subsidiary protection.

### **C. Gender Sensitive Procedures**

Gender-sensitive procedures for reception, accommodation, and support services for seekers for international protection are prescribed by the Act on International and Temporary Protection<sup>234</sup> and the Ordinance on Material Conditions of Reception<sup>235</sup>.

The Act on International and Temporary Protection states which seekers are considered members of vulnerable groups<sup>236</sup> and who are entitled to special reception and procedural guarantees. It additionally stipulates those seekers will be provided with an interpreter of the same gender in order to ensure a full account of the grounds for the application or for other justified grounds. The Ordinance on the Material Conditions of Reception prescribes the obligation to take special care of the gender, age, position of vulnerable groups as well as seekers with special reception needs and family integrity when accommodating seekers.

Furthermore, shelter staff are additionally trained for gender-sensitive treatment and regularly work on identifying victims of violence. Separate accommodation for men and women is provided in the shelters, and an additional possibility for the accommodation of women victims of violence is in the Asylum Seekers Reception Centre in Kutina, which is specially designed to accommodate vulnerable groups of seekers. In addition, the shelters provide separate toilets and different schedules for men and women, rooms that beneficiaries can lock, adequate lighting, guard protection that includes female guards, code of conduct, formal intervention and protection arrangements, and providing information to women and girls on gender-based violence and available forms of assistance. Measures have been taken to provide victims of violence with adequate psychosocial assistance and support as well as health care. During the international protection procedure, women receive information on the procedure of obtaining international protection separately and individually, in the presence of an interpreter, and they apply for a record (interview) without the presence of other family members. On this occasion, women have the opportunity to express the need for protection and gender-specific grounds that may lead to a separate application in relation to the spouse or extramarital partner. The application for international protection is attended by a shelter employee and a translator of the same gender, i.e., the gender preferred by the victim of violence, if this is feasible given the limited number of available translators. The procedure involves respecting the confidentiality of information collected during the application. An application submitted by a woman is considered independently of the actions of her spouse or extramarital partner.

### **D. Non-Refoulement**

An application for international protection will not be denied to women whose lives would be endangered or who may be subjected to abuse by returning to a particular country. The principle of non-refoulement<sup>237</sup> is prescribed in the Act on International and Temporary Protection, which prohibits the forcible removal or in any way returning a third-country national or stateless person to a country where his or her life or liberty would be jeopardized by racial, religious or nationality, belonging to a particular social group or political opinion or in which he or she may be subjected to torture, inhuman or degrading treatment or extradited to another country where life or liberty may be endangered or may be subjected to torture and other degrading treatment.

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<sup>234</sup> Official Gazette, No. 70/15, 127/17

<sup>235</sup> Official Gazette, No. 135/15, 61/19

<sup>236</sup> Article 4, item 14

<sup>237</sup> Article 6, paragraph 1

## E. Other Measures

The Law on Foreigners<sup>238</sup> stipulates that when applying measures to ensure the return of third-country nationals, the best interests of minors and the needs of other vulnerable persons, family life and health status of the third-country national against whom measures are taken will be taken into account and that vulnerable persons are considered the victims of trafficking in human beings, victims of torture, rape or other forms of psychological, physical or sexual violence, such as victims of female genital mutilation.<sup>239</sup>

The Act further prohibits the forcible removal of a third-country national to a country where his or her life or liberty are jeopardized due to his or her race, religion or nationality, affiliation to a particular social group or political opinion or to a country in which he or she may be subject to torture or inhumane and degrading treatment or punishment or in which he or she may be subject to death penalty, as well as to a country in which he or she faces threat of being forcibly removed to such a country<sup>240</sup>.

Furthermore, the temporary postponement of forcible removal is prescribed, *inter alia*, in the case where there is a prohibition on forcible removal<sup>241</sup>.

During 2021 in collaboration with the United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), Croatian Red Cross (HCK), Médecins du Monde-Belgique (Doctors of the World, MdM-BE), Croatian Law Centre, Jesuit Refugee Service Croatia, and the Society for Psychological Assistance *Standard Operating Procedure for Prevention and Response in Cases of Sexual and Gender-Based Violence in Shelters for International Protection Seekers*. The aforementioned Standard Operating Procedure, among other things, contains guiding principles for dealing with sexual and gender-based violence in shelters in Croatia and defines service providers and persons in charge of prevention, detection and treatment in cases of sexual and gender-based violence. By applying the above-mentioned Standard Operating Procedure in their daily work, shelter employees are primarily in charge of prevention, and in case of occurrence or detection of gender-based violence or domestic violence, they are obliged to act in accordance with the applicable Standard Operating Procedure. The section on procedural steps describes in more detail how to treat a victim of violence. Coordinators for sexual and gender-based violence employed in shelters appointed by the Ministry of the Interior play an important role in this process. The coordinator is a social worker who, among other things, is trained to work with children. In case of violence, the coordinator is obliged to inform the head of the shelter and, if necessary, interview the survivor of the violence and conduct an initial assessment (if the service provider has not done so), provide the necessary information about his or her rights and available services, without discrimination, including the right to information and the right to make informed decisions and referrals to different service providers taking into account the physical and mental condition of the survivor of the violence. The coordinator is obliged to refer the person who has survived the violence and wishes to report the perpetrators to the competent police station and to contact the police station and the social welfare centre, if necessary, in accordance with national legislation. If necessary, and depending on each case, the victim will be provided with medical and health care, mental health and psychosocial care, security and protection in the form of additional alternative accommodation and legal protection in the form of legal advice. Accommodation for victims of violence is provided in the Asylum Seekers Reception Centre in Kutina, which is intended for accommodation of vulnerable groups of seekers, and if necessary, the victim can be accommodated in the social welfare system in the shelter for victims of violence. The standard operating procedure also contains a list of categories of sexual and gender-based violence, as well as a list of service providers and their contact details to make dealing with violence faster and more efficient.

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<sup>238</sup> Official Gazette, No. 133/20

<sup>239</sup> Law on Foreigners, Article 182

<sup>240</sup> Law on Foreigners, Article 207

<sup>241</sup> Law on Foreigners, Article 224

Women seekers fleeing gender-based violence, whether in the country of origin, while traveling or in the Republic of Croatia, will be guaranteed all the rights prescribed by national legislation. Depending on individual needs and in accordance with the Standard Operating Procedure for Prevention and Response to Sexual and Gender-Based Violence in Shelters for International Protection Seekers, the right to medical and health care, the right to psychosocial care and mental health care, the right to security and protection in the form of additional alternative accommodation and legal protection in the form of legal advice.

Regarding the protection of women international protection seekers and refugee law, when deciding on their application for international protection on the basis of gender-based violence, the Decision of the Constitutional Court of the Republic of Croatia<sup>242</sup>, of 11 September 2019 is taken into account, which determines the conduct of official bodies in assessing the requests of women victims of domestic violence and compliance with minimum international standards that enable fair and effective treatment.

Several laws and strategic documents in the Republic of Croatia regulate combating violence against women and domestic violence, which apply to women who have been granted international protection in the Republic of Croatia as well as to Croatian citizens victims of violence. A woman victim of domestic violence can report violence to a police station, state attorney's office or social welfare centre, and victims are provided help by several civil society institutions and organisations. Health workers, workers in social welfare institutions, religious institutions, humanitarian organisations or civil society organisations, educational institutions and all other professionals who come into contact with victims of domestic violence which they found out about in the course of their work are obliged to report the commission of domestic violence to the police or the state attorney's office.

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<sup>242</sup> No.: U-III-557/2019

VIII APPENDICES

APPENDIX 1

*Table 1: Initial Professional Development (Education or Vocational Training)*

	PREVENTION AND DETECTION OF VIOLENCE	INTERVENTION STANDARDS	EQUALITY BETWEEN WOMEN AND MEN	THE NEEDS AND RIGHTS OF VICTIMS	PREVENTION OF SECONDARY VICTIMISATION	MULTIAGENCY COOPERATION	KNOWLEDGE NEEDED TO QUALIFY TO PERFORM A CERTAIN PROFESSION	CURRICULUM DURATION
<b>Police and other law enforcement officers</b>	yes	yes	yes	yes	yes	yes	yes	Professional Study of Criminology - one semester, 60 teaching hours  Specialist professional study of criminology - one semester, 45 teaching hours
<b>Defendants</b>								
<b>Judges</b>								

<b>Social workers</b>	yes	yes	yes	yes	yes	yes		30 hours
<b>Social pedagogues</b>	yes	yes	yes	yes	yes	yes	yes	Undergraduate study 26 ECTS credits Graduate Studies 49 ECTS credits
<b>Doctors</b>								
<b>Nurses and midwives</b>								
<b>Psychologists</b>	yes	yes	yes	yes	yes	no	yes	16 hours
<b>Immigration/Asylum Officers</b>								
<b>Educational workers and school administration</b>  - Expert associates of primary and secondary schools, teachers, educators in dormitories and principals  - Professional associates and other educational workers  - Training related to Civic Education  - Educational	yes	yes	yes	yes	yes	no	yes	16 hours  112 hours  37 hours 18 hours

workers in preschool, primary and secondary schools  - Professional training related to the development of prevention strategy and implementation of prevention programmes in educational institutions								80 hours
<b>Journalists and other media experts</b>	yes	yes	yes	yes	yes	yes		30 hours
<b>Soldiers</b>								
<b>Any other relevant category</b>	yes	yes	yes	yes	yes	yes		30 hours

**Table 2: Professional Training**

	<b>NUMBER OF EXPERTS IN TRAINING</b>	<b>THE NATURE OF THE OBLIGATION</b>	<b>AVERAGE CURRICULUM DURATION</b>	<b>PERIODICITY</b>	<b>SOURCE OF FUNDING</b>	<b>BODY RESPONSIBLE FOR CONDUCTING/ISSUING CERTIFICATES ON PROFESSIONAL TRAINING</b>	<b>TRAINING SUPPORTED BY GUIDELINES AND PROTOCOLS</b>
<b>Police and other law enforcement officers</b> - Specialist course for Juvenile Delinquency and Crime against Youth and Family  - The Course on Managing the Procedure of the Police in Cases of Domestic Violence  - Workshop for police officers and judicial officials on the provisions of domestic and European legislation  - Training on gender-based violence, domestic violence, and violence against women	N= 627	Mandatory	7 weeks - 250 teaching hours		State budget	Ministry of the Interior - Police Academy	yes
	45						
	409						
	132		workshop		State budget	Ministry of the Interior - Police Academy	yes
41	Optional	2-3 days - 30 hours		State Budget and EU Project "Stop Violence against Women and Domestic Violence - No Justification for	Ministry of Labour, Pension System, Family and Social Policy	yes	

<ul style="list-style-type: none"> <li>- Expert seminars "Hate Crime and Hate Speech"</li> </ul>	26	Optional	1 day	1 cycle per year	Violence" State budget	Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, Judicial Academy, Centre for Peace Studies	yes
<p><b>Defendants/ State Attorneys/ State Attorney Advisors</b></p> <ul style="list-style-type: none"> <li>- Expert seminars "Hate Crime and Hate Speech"</li> <li>- Professional seminars "Combating Trafficking in Human Beings"</li> </ul>	<p>N= 133</p> <p>88</p> <p>21 (state attorneys) 3 (advisors)</p> <p>17 (Deputy State Attorneys) 4 (advisors)</p>	Optional	1-2 days	Several times a year	State budget and Eu programs	Judicial Academy	yes
<p><b>Judges Court Advisors</b></p> <ul style="list-style-type: none"> <li>- Expert seminars "Hate Crime and Hate Speech"</li> <li>- Expert seminars "Elimination of Trafficking in</li> </ul>	<p>N=253</p> <p>107</p> <p>49</p> <p>17 (judges) 10 (court advisers)</p> <p>9 (judges) 3 (court advisers)</p>	Optional	1-2 days	Several times a year	State budget and EU programmes	Judicial Academy	yes



<b>Human Beings"</b> - Training on gender-based violence, domestic violence, and violence against women	58	Optional	2-3 days - 30 hours	Several cycles a year	State budget and EU programmes EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	for Peace Studies Ministry of Labour, Pension System, Family and Social Policy	yes
<b>Social workers</b> - Training on gender-based violence, domestic violence, and violence against women	341	Optional	2-3 days - 30 hours	Several cycles a year	State budget and EU programmes EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	Ministry of Labour, Pension System, Family and Social Policy	yes
<b>Social pedagogues</b>	163	Optional	20 hours		State budget	Education and Teacher Training Agency	yes
<b>Doctors</b> - Training on gender-based violence, domestic violence, and violence against women	3	Optional	2-3 days - 30 hours	Several cycles a year	State budget and EU programmes EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	Ministry of Labour, Pension System, Family and Social Policy	yes
<b>Nurses and midwives</b> - Training on	3	Optional	2-3 days - 30	Several cycles a	State budget and EU programmes	Ministry of Labour,	

gender-based violence, domestic violence, and violence against women			hours	year	EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	Pension System, Family and Social Policy	yes
<b>Psychologists</b>	N=158						
	44	Optional/ voluntarily	16 hours		EU Funds - Project Education and Raising Awareness in Schools to Prevent and Encounter Gender-Based Violence	Education and Teacher Training Agency	yes
- Training on gender-based violence, domestic violence, and violence against women	114		2-3 days - 30 hours	Several cycles a year	EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	Ministry of Labour, Pension System, Family and Social Policy	yes
<b>Immigration/Asylum Officers</b>							

<b>Educational workers and school administration</b> - Expert associates of primary and secondary schools, teachers, educators in dormitories and principals  - Expert associates and other educational workers  - Training related to the development of prevention strategy and implementation of prevention programmes in educational institutions  - Training related to Civic Education  - Educational workers in preschool, primary and secondary schools  - Training on gender-based violence, domestic violence, and violence against women	N=5 362	Optional/ voluntarily					
	94		16 hours		EU Funds - The Education and Raising Awareness in Schools to Prevent and Encounter Gender-Based Violence Project	Education and Teacher Training Agency	yes
	700		12-26 hours				
	824		4 hours		State budget	Education and Teacher Training Agency	yes
	1200		8 hours		State budget	Education and Teacher Training Agency	yes
	900		18 hours		State budget	Education and Teacher Training Agency	yes
12	2-3 days - 30 hours	Several cycles a year	State Budget and the EU Project "Stop Violence against Women and Domestic Violence - No Justification for Violence"	Ministry of Labour, Pension System, Family and Social Policy	yes		
120	1 day train the trainer		State budget	Croatian National Institute of Public Health	yes		

<ul style="list-style-type: none"> <li>- Training on gender-based violence "SNEP - Sexual Violence – Educational and Prevention Programme"</li> <li>- Prevention of violence, including sexual violence</li> <li>- Educational programme HELP To (PoMoZi Da) for educational workers</li> <li>- Training of educational workers on psychological first aid</li> <li>- Training on the prevention of sexual violence "Violence in Youth Relationships"</li> </ul>	419		course 10 hours - train the trainer course		State budget	Education and Teacher Training Agency in cooperation with the Ministry of Science and Education and the Women's Room	yes
	36		24 hours		State budget	Education and Teacher Training Agency	yes
	899		3 days of basic online training		European Social Fund "Living Healthy" project	Croatian Institute of Public Health	yes
	59		Three-day advanced level workshop		European Social Fund "Living Healthy" project	Croatian Institute of Public Health	yes
	99		10 hours - train the trainer course			Education and Teacher Training Agency	yes
<b>Journalists and other media experts</b> Training on gender-based violence, domestic violence and violence against women	1	Optional	2-3 days - 30 hours	Several cycles a year	State budget and EU programmes EU Project "Stop Violence against Women and Domestic Violence - No	Ministry of Labour, Pension System, Family and Social Policy	yes

					Justification for Violence"		
<b>Soldiers</b>							
<b>Any other relevant category</b> - Expert seminars "Hate Crime and Hate Speech" - lawyers - legal advisers in NGOs - representatives of NGOs - civil servants  - Professional seminars "Combating Trafficking in Human Beings" - tourism workers	N= 129	Optional	1 day	1 cycle per year	State budget	Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, Judicial Academy, Centre for Peace Studies	yes
	7 4 4 6						
	108	Optional	1 day	1 cycle per year	State budget	Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, Association of Employers in the Croatian Hotel Industry	yes

## APPENDIX 2

### STATISTICAL DATA OF THE MINISTRY OF THE INTERIOR

#### Chapter V Substantive Law - O. Administrative and Judicial Data

**Table 1 Victim of the most common crimes committed against close persons, disaggregated by gender**

CRIMINAL ACT GENDER OF THE VICTIM	2019			2020			January - October 2021		
	Total	M	F	Total	M	F	Total	M	F
<b>Bodily injury</b>	610	157	453	1 061	337	724	973	255	718
<b>Serious bodily injury*</b>	111	41	70	135	61	74	132	58	74
<b>Threat</b>	2 545	620	1 925	2 943	777	2 166	2 796	657	2 139
<b>Domestic violence</b>	1 134	142	992	1 578	248	1 330	1 418	194	1 224

\* Note: Data on criminal offences refer to committed criminal offences and to attempted criminal offences.

**Table 2 Perpetrators and victims of domestic violence misdemeanour**

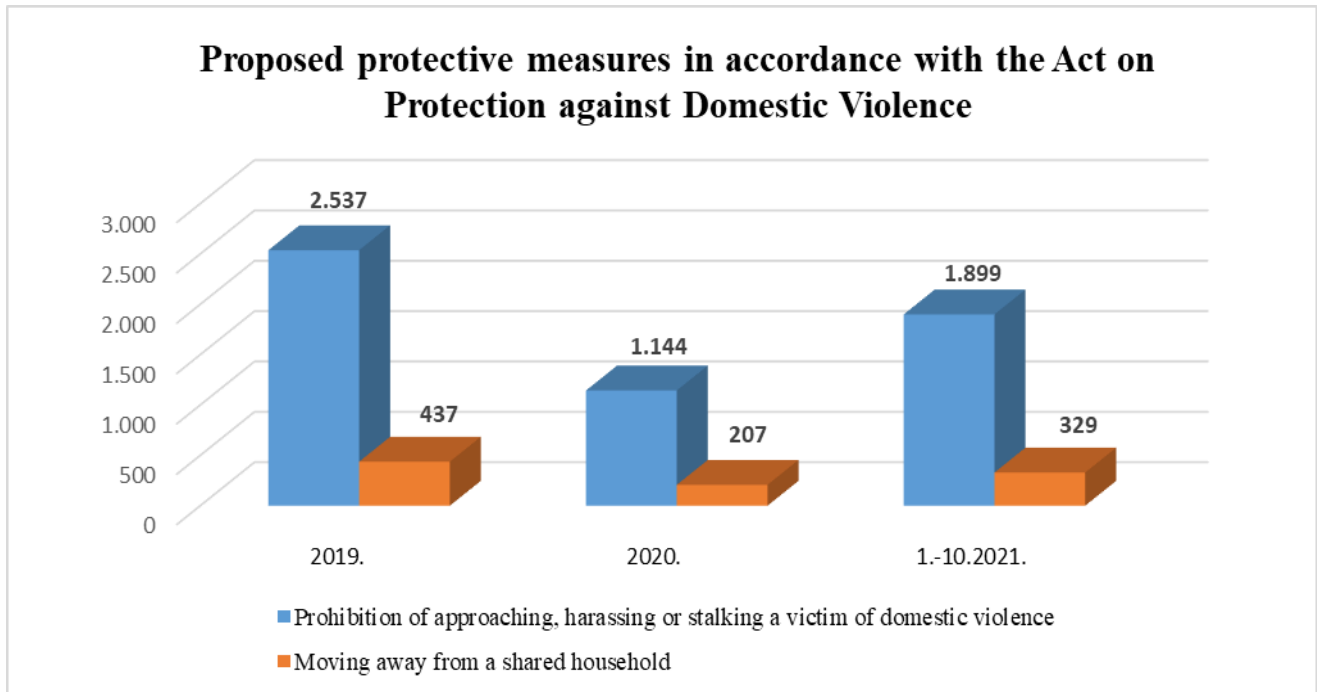
YEAR	PERPETRATORS			VICTIMS		
	Total	F	M	Total	F	M
<b>2019</b>	9 626	2 123	7 503	10 674	6 929	3 745
<b>2020</b>	8 539	1 938	6 601	9 888	6 270	3 618
<b>January - October 2021</b>	6 821	1,586	5 235	7 796	4 987	2 809

**Table 3 Homicides committed in the Republic of Croatia**

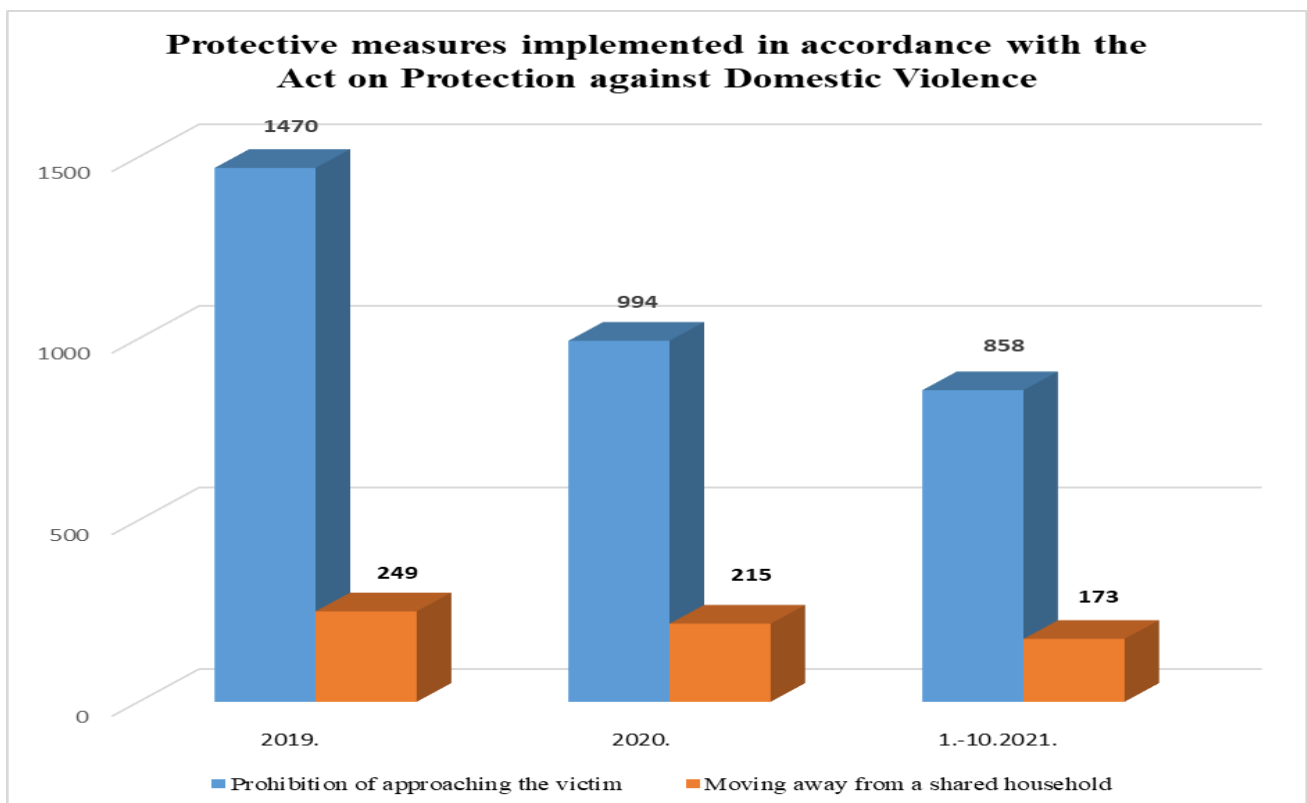
Year	Total homicides	Total homicides of WOMEN	Total homicides AMONG CLOSE persons	Total homicides of WOMEN by CLOSE persons	Total homicides of WOMEN by INTIMATE partners	SHARE of homicides of women by intimate partners in relation to the total number of homicides of women
<b>2019</b>	30	13	12	7	6	46.2%
<b>2020</b>	36	19	16	14	9	47.4%
<b>January - October 2021</b>	26	11	14	8	3	27.3%

**Chapter VI Investigation, Prosecution, Procedural Law and Protective Measures - D. Administrative and Judicial Data**

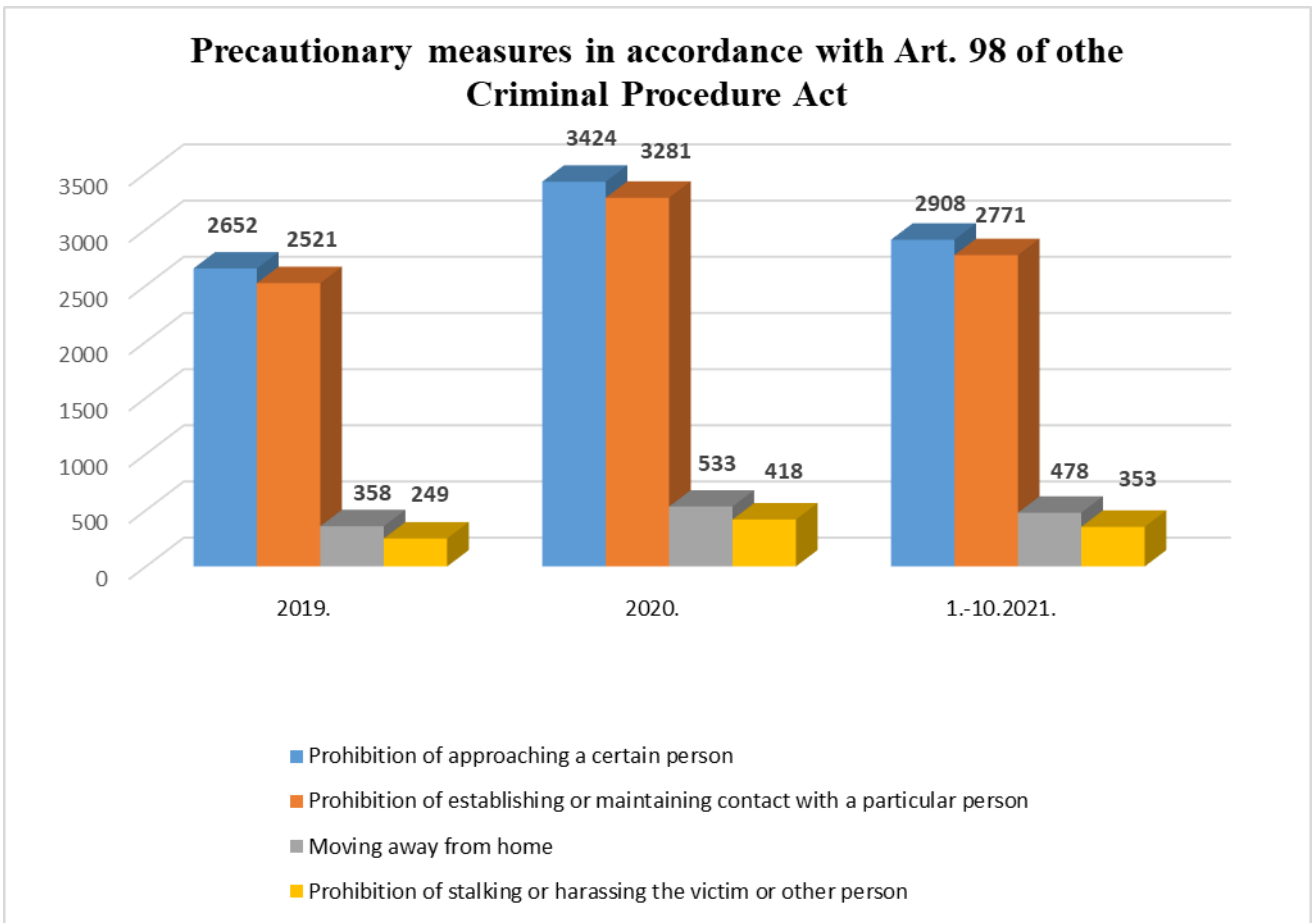
**Graph 1 Proposed protective measures in accordance with the Act on protection against Domestic violence**



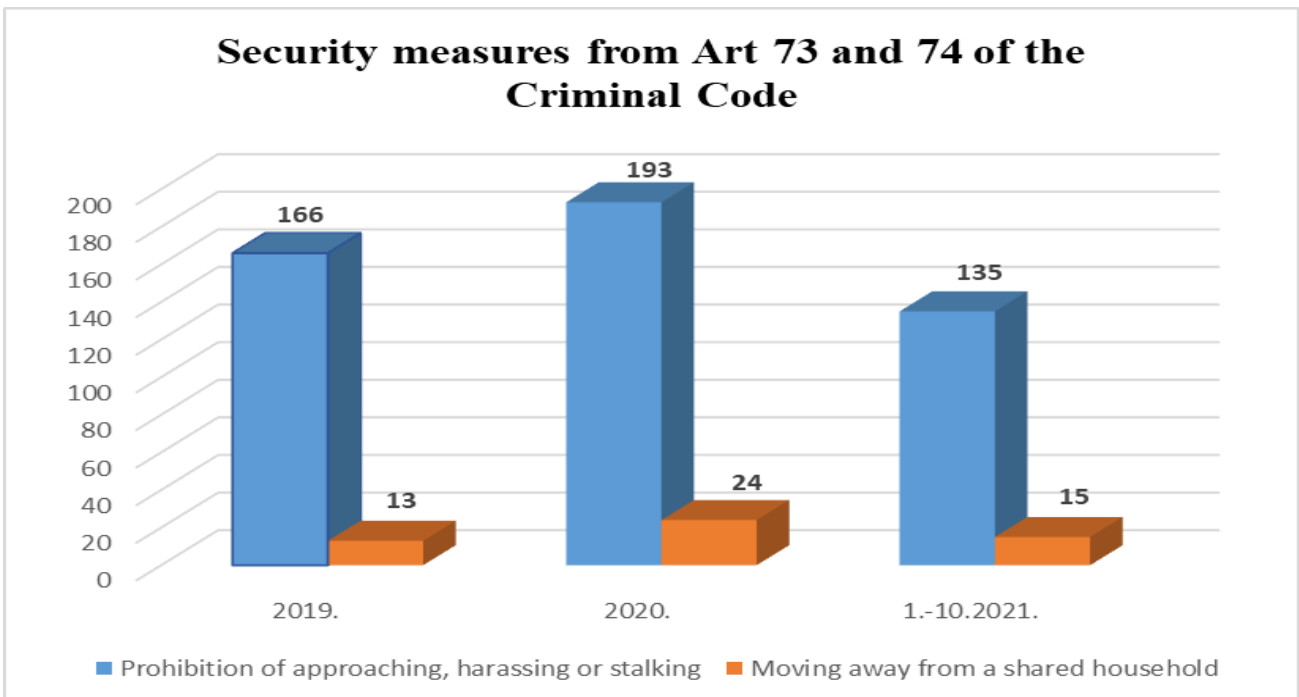
**Graph 2 Protective measures implemented in accordance with the Act on protection against Domestic Violence**



**Graph 3 Precautionary measures in accordance with Art. 98 of the Criminal Procedure Act**



**Graph 4 Security measures from Art 73 and 74 of the Criminal code**





APPENDIX 3

STATISTICAL DATA OF THE MINISTRY OF JUSTICE AND ADMINISTRATION – COURT CASES AND CASES OF THE STATE ATTORNEY’S OFFICE

Chapter V Substantive Law – O. Administrative and Judicial Data

Table 4 Cases founded

Criminal offence under the Criminal Code	2019	2020
Homicide (Art. 110)	41	39
Aggravated homicide (Art. 111)	27	24
Serious bodily injury resulting in death (Art. 120)	3	2
Attempted homicide (Art. 110 in connection with Art. 34)	37	26
Aggravated attempted homicide (Art. in connection with Art. 34)	1	0

Table 5 Final judgements\*

Criminal offence under Criminal Code	2019		2020	
	total	types of judgement	total	types of judgement
Homicide (Art. 110)	42	35 convictions 2 acquittals 2 determinatives (lack of criminal responsibility) 1 dismissing 2 suspensions of proceedings	27	24 convictions 1 acquittal 2 determinatives (lack of criminal responsibility)
Aggravated homicide (Art. 111)	24	20 convictions 2 determinatives (lack of criminal responsibility)	10	9 convictions 1 determinative (lack of criminal responsibility)
Serious bodily injury resulting in death (Art. 120)	1	1 conviction	2	2 convictions
Attempted homicide (Art. 110 in connection with Art. 34)	27	26 convictions 1 acquittal	21	18 convictions 2 determinatives (lack of criminal responsibility) 1 dismissing
Aggravated attempted homicide (Art. in connection with Art. 34)	0		0	

**\*Final judgements are the decisions that became final in the year in question, regardless of the year in which they were passed**

**Table 6 Criminal offence of domestic violence – Art. 179a of the Criminal Code**

Court cases	2019	2020
Received	281 (242 final)	391 (268 final)
Cases referred to another court	4	2
<b>Types of judgement</b>		
Resolved/judgments passed	248 convictions (213 final) 4 dismissing (all final) 8 determinatives (lack of criminal responsibility) final) 5 acquittals (2 final) 12 suspension decisions (11 final)	349 convictions (242 final) 5 dismissing (all final) 18 determinatives (lack of criminal responsibility) 9 acquittals (2 final) 8 suspension decisions (all final)

**Table 7 Misdemeanour criminal offence of domestic violence – Art. 10 of the Act on Protection against Domestic Violence<sup>243</sup>**

	2019			2020		
	Total	M	F	Total	M	F
<b>Accused</b>	7 809	6 090	1 719	6 881	5 411	1 470
<b>Sanctions imposed</b>						
Suspended prison sentence	2 129	1 733	396	1 844	1 538	306
Unconditional prison sentence	731	551	24	485	460	25
Fine	3 340	2 642	698	3 187	2 549	638
Special obligation in addition to suspended sentence	84	80	4	58	52	6
Protective measures	2 521	2 153	368	2 151	1 888	263

<sup>243</sup>Article 10 of the Act on Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

	2019			2020		
	Total	M	F	Total	M	F
<b>Victims</b>	7 717	2 720	4 997	6 770	2 326	4442
Persons with disabilities (share)	32	13	19	27	9	18
Children and minors (share)	474	240	234	341	172	169
Elderly people (share)	247	65	182	314	98	216

**Table 8 Hate Crime Cases<sup>244</sup>**

<b>Hate Crime*</b>	<b>2019</b>		<b>2020</b>	
	<b>total</b>	<b>types of judgement</b>	<b>total</b>	<b>type of judgement</b>
<b>Religion</b>	2	2 convictions	3	2 convictions
<b>National origin</b>	6	4 convictions 1 acquittal	25	10 convictions 1 determinative (lack of criminal responsibility)
<b>Gender identity</b>	0	0	1	1 conviction
<b>Sexual orientation</b>	6	3 convictions	3	1 conviction
<b>Other</b>	3	1 conviction	1	0
<b>Total</b>	15	11	33	15

\*A hate crime is a criminal offence committed due to race, colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person. Such conduct shall be taken as an aggravating circumstance if this Code does not explicitly prescribe a more severe punishment.

<sup>244</sup>Article 87 para. 21 of the Criminal Code ("Official Gazette", No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

**Chapter VI Investigation, Prosecution, procedural Law and Protective Measures – D-Administrative and Judicial Data**

Data from the Ministry of Justice and Administration on precautionary measures and protective measures imposed by courts for 2019 and 2020:

2019

Precautionary measures								Detention <sup>245</sup>			
According to Article 130 para. 2, item 2 of the Misdemeanour Code <sup>246</sup>				According to Article 130 para. 2, item 3 of the Misdemeanour Code <sup>247</sup>							
<i>Ex officio</i>		At the proposal of an authorised prosecutor		<i>Ex officio</i>		At the proposal of an authorised prosecutor		<i>Ex officio</i>		At the proposal of an authorised prosecutor	
M	F	M	F	M	F	M	F	M	F	M	F
3	1	23	2	31	4	340	69	545	73	331	59

Protective measure <sup>248</sup>	Number of protective measures imposed	Number of protective measures implemented
Mandatory psychosocial treatment	481	285
Prohibition to approach, harass or stalk victims of domestic violence	1 254	884
Removal from a shared household	92	92
Mandatory addiction treatment	528	3
Total	2 355	1 264

Number of fines or imprisonment imposed against the perpetrator of violence under Article 24 of the Act on Protection against Domestic Violence	193
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<sup>245</sup>Article 176 of the Misdemeanour Code, Official Gazette No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18

<sup>246</sup>a prohibition on visiting certain places or areas

<sup>247</sup>a prohibition on approaching certain people and a prohibition on establishing or maintaining contact with certain people

<sup>248</sup>The courts impose based on the Act on Protection against Domestic Violence, Official Gazette, No. 70/17, 126/19, 84/21

Precautionary measures								Detention			
According to Article 130 para. 2, item 2 of the Misdemeanour Code				According to Article 130 para. 2, item 3 of the Misdemeanour Code							
<i>Ex officio</i>		At the proposal of an authorised prosecutor		<i>Ex officio</i>		At the proposal of an authorised prosecutor		<i>Ex officio</i>		At the proposal of an authorised prosecutor	
M	F	M	F	M	F	M	F	M	F	M	F
2	0	18	1	25	2	362	88	488	59	311	57

Protective measure	Number of protective measures imposed	Number of protective measures implemented
Mandatory psychosocial treatment	292	265
Prohibition to approach, harass or stalk victims of domestic violence	1 162	827
Removal from a shared household	96	96
Mandatory addiction treatment	459	4
Total	2 009	1 192

Number of pecuniary fines or imprisonment imposed against the perpetrator of violence under Article 24 of the Act on Protection against Domestic Violence	154
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## STATISTICAL DATA OF THE STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA

### Chapter V Substantive Law – O. Administrative and Judicial Data

#### Number of accused against whom proposals for indictment have been filed before a misdemeanour court

Number of accused persons	2019			2020		
	Total	M	F	Total	M	F
	16	11	5	19	15	4

## Proposal for indictment under Article 10 of the Act on Protection against Domestic Violence in 2019 and 2020

Article 10 of the Act on Protection against Domestic Violence	Number of proposals for indictment filed in 2019	Number of proposals for indictment filed in 2020
Physical violence - paragraph 1	4	4
Corporal punishment or other degrading treatment of children - paragraph 2.	8	10
Psychological violence - paragraph 3	4	5
Total	16	19

### APPENDIX 4

#### RELEVANT ARTICLES OF CROATIAN LEGISLATION IN RELATION TO ARTICLES OF THE CONVENTION

##### Chapter I Purposes, Definitions, Equality and Non-Discrimination, General Obligations

##### Article 3 – Definitions

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

##### Article 1

This Act prescribes the rights of victims of domestic violence, the circle of persons to whom the Act applies, determines the forms of domestic violence, misdemeanour and legal sanctions for protection against domestic violence, collection of data on the application of the Act, establishment of Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence and misdemeanour provisions.

##### Article 8

(1) The persons to whom this Act applies are spouse, extramarital partner, life partner, informal life partner, children they have together and children of each of them, blood relatives in the direct line, relatives in the collateral line up to the third degree, relatives by marriage up to the second degree, adopter and adoptee.

(2) The provisions of this Act also apply to a former spouse, former extramarital partner, former life partner, former informal life partner, current or former intimate partner, persons having a child together and persons living in a shared household.

(3) The persons with disabilities and the elderly referred to in paragraphs 1 and 2 of this Article as victims of domestic violence shall enjoy special protection under this Act.

(4) An extramarital partner is a person who lives in an extramarital union which has a more permanent character, or which lasts for a shorter period of time if a child they have together was born in it.

(5) An informal life partner within the meaning of this Act is a person living in a same-gender community that has a more permanent character.

(6) A child is a person who has not reached the age of eighteen.

(7) A victim of domestic violence is a person who suffers physical or psychological consequences, property damage or significant violation of fundamental rights and freedoms due to the commission of domestic violence.

(8) A person of trust is a legal representative or other adult of choice of the victim of domestic violence, unless the person has been proposed or called as a witness.

(9) A person with a disability is a person who has long-term physical, mental, intellectual or sensory impairments which, in interaction with various obstacles, may prevent his or her full and effective participation in society on an equal basis with others.

(10) An elderly person is a person aged 65 and over.

#### Article 9

Terms used in this Act that have a gender meaning are used neutrally and refer equally to male and female gender.

#### Article 10

Domestic violence denotes:

1 application of physical force as a result of which no bodily injury occurred

2 corporal punishment or other forms of degrading treatment of children

3 psychological violence that has caused a violation of the victim's dignity or distress

4 sexual harassment

5 economic violence such as the prohibition or disabling of the use of shared or personal property, the disposition of personal income or property acquired through personal work or inheritance, the disabling of employment, the denial of funds for the maintenance of a shared household and childcare

6 neglecting the needs of persons with a disability or elderly persons which leads to their distress or insults their dignity and thus causes them physical or mental suffering.

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

##### Article 87 (excerpt from the Article)

(7) A child shall mean a person who has not attained the age of eighteen years.

(9) Close persons are family members, a former spouse or extramarital partner, former life partner or informal life partner, current or former partner in an intimate relationship, persons who have a child together and persons living in a shared household.

(21) Hate crime is a criminal offence committed due to race, colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person. Such conduct shall be taken as an aggravating circumstance if this Code does not explicitly prescribe more severe punishment.

(25) A victim of a criminal offence is a natural person who has suffered physical and mental consequences, property damage or significant violation of fundamental rights and freedoms which are a direct consequence of the criminal offence. The victim of a criminal offence is considered to be a spouse, extramarital partner or informal life partner and descendant, and if there are none, the ancestor, a sibling of the person whose death was directly caused by the criminal offence and the person he or she was legally obliged to support.

(26) Words and terms that have a gender meaning, regardless of whether they are used in this Act in the masculine or feminine gender, refer equally to the masculine and feminine gender.

#### Domestic Violence – Article 179a

Whoever seriously violates the regulations on protection against domestic violence and thus causes fear for the safety of the family member or close person or puts them in a degrading position or a state of long-term suffering, and thus has not committed a serious crime, will be sentenced to one to three years of imprisonment.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

Article 202 (excerpt from the Article)

(11) A victim of a criminal offence is a natural person who has suffered physical and mental consequences, property damage or significant violation of fundamental rights and freedoms which are a direct consequence of the criminal offence. The victim of a criminal offence is considered to be a spouse, extramarital partner or informal life partner and descendant, and if there are none, the ancestor, a sibling of the person whose death was directly caused by the criminal offence and the person he or she was legally obliged to support.

Gender Equality Act (Official Gazette, No. 82/08, 69/17)

Article 6

(1) Discrimination on the grounds of gender (hereinafter referred to as “discrimination”) refers to any difference, exclusion or restriction made on the grounds of gender with the effect or purpose to jeopardise or frustrate recognising, benefiting from or exercising human rights and fundamental freedoms in the political, economic, social, educational, cultural, civil or other area on the grounds of equality between men and women.

(2) There shall be no discrimination on the grounds of marital or family status. Less favourable treatment of women for reasons of pregnancy and maternity shall be deemed to be discrimination.

(3) There shall be no discrimination based on sexual orientation.

(4) There shall be no discrimination with regard to access to and supply of goods and services.

(5) An instruction to discriminate, if it is done intentionally, shall be deemed to be discrimination within the meaning of this Act.

Article 8

(1) Harassment and sexual harassment shall be deemed to be discrimination within the meaning of this Act.

(2) Harassment is any unwanted conduct related to the gender of a person that occurs with the purpose or effect of violating the dignity of a person and of creating an unpleasant, hostile, degrading or offensive environment.

(3) Sexual harassment is any form of unwanted verbal, nonverbal or physical conduct of a sexual nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment.

Anti-Discrimination Act (Official Gazette 85/08, 112/12)

I General Provisions

Purpose of the Act – Article 1

(1) This Act ensures the protection and promotion of equality as the highest value of the constitutional order of the Republic of Croatia, creates preconditions for achieving equal opportunities and regulates protection against discrimination based on race or ethnicity or skin color, gender, language, religion, political or other beliefs, national or social origin, financial status, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity, expression or sexual orientation.

(2) Discrimination within the meaning of this Act shall be deemed to place in a less favorable position any person on the grounds referred to in paragraph 1 of this Article, as well as persons related to him or her by family or other ties.

(3) Discrimination shall also be deemed to place a person at a disadvantage based on a misconception of the existence of grounds for discrimination referred to in paragraph 1 of this Article.



### Harassment and Sexual Harassment – Article 3

(1) Harassment is any unwanted conduct caused by any of the grounds referred to in Article 1, paragraph 1 of this Act which has the purpose or actually constitutes a violation of the dignity of a person, and which causes fear, hostile, humiliating or offensive environment.

(2) Sexual harassment is any verbal, non-verbal, or physical conduct of a sexual nature which has the object or effect of violating the dignity of a person, and in particular if it creates an intimidating, hostile, humiliating, degrading or abusive environment.

(3) The provisions of this Act relating to discrimination shall apply to harassment and sexual harassment in an appropriate manner.

### **Article 5 – Obligations of the State and Due Diligence**

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

##### Sexual Harassment – Article 156

(1) Whoever sexually harasses another person who is his or her subordinate or who is in a situation of dependence with respect to him or her, or who is especially vulnerable due to age, illness, disability, addiction, pregnancy, a severe physical or mental disability, shall be sentenced to imprisonment for up to two years.

(2) Sexual harassment shall mean 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, which creates an intimidating, hostile, degrading or offensive environment.

##### Protective Supervision After Full Execution of Imprisonment – Article 76 (excerpt from the Article)

(1) The court shall impose a security measure of protective supervision after the full execution of imprisonment on the perpetrator if he or she has been sentenced to five or more years of imprisonment for an intentional criminal offence or two or more years for an intentional criminal offence characterized by violence, or to imprisonment for another criminal offence under Title XVI or XVII of this Code, provided that the sentence is fully served because the convict has not been granted suspended sentence.

### **Chapter II Integrated policies and data collection**

#### **Article 11 – Data Collection**

##### Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

##### Data Collection – Article 20

(1) The ministry competent for justice, the ministry competent for social welfare, the ministry competent for internal affairs, the ministry competent for health and the ministry competent for education are obliged to collect data on the application of this Act and the Criminal Code and on the basis of the collected data compile annual reports from its scope and submit them to the Commission referred to in Article 21 of this Act by the end of March of the current year for the previous year.

(2) The minister competent for judicial affairs shall prescribe by an ordinance the manner of collecting, processing and submitting statistical data and reports compiled on the basis of the collected data.

#### Title IV

##### Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence – Article 21

(1) Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence (hereinafter: the Commission) shall be established within the ministry competent for judicial affairs.

(2) The Commission has 11 members elected from among judges, state attorneys, attorneys, civil servants of the ministry competent for internal affairs, civil servants of the ministry competent for justice, civil servants of the ministry competent for social welfare, civil servants of the ministry competent for health, civil servants of the ministry competent for education and a representative of civil society.

(3) In accordance with Article 20, paragraph 1 of this Act, the Commission shall collect reports from the competent authorities, review the submitted reports and monitor the situation on the basis thereof. Based on the collected reports and other necessary data, the Commission prepares an annual report on the application of this Act and gives proposals and opinions regarding the application of this Act and the Criminal Code.

(4) The Commission shall submit the annual report to the ministry competent for justice and then publish it on the website of the ministry competent for justice by the end of June of the current year for the previous year.

(5) The president and members of the Commission shall be appointed by a decision of the minister competent for judicial affairs for a term of four years.

(6) The minister competent for judicial affairs shall adopt the rules of procedure of the Commission.

(7) The tasks of coordination of the work of the Commission and administrative tasks for the Commission shall be performed by the ministry competent judicial affairs.

### **Chapter III Prevention**

#### **Article 12 – General Obligations**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

Article 8 (excerpt from the Article)

(3) Persons with disabilities and the elderly referred to in paragraphs 1 and 2 of this Article as victims of domestic violence shall enjoy special protection under this Act.

Article 22 (excerpt from the Article)

(3) Whoever commits the violence referred to in Article 10 of this Act in the presence of a child or a person with a disability or an elderly person, shall be punished by a fine of at least HRK 7,000.00 or by imprisonment for a duration of no less than 45 days.

(5) If the violence referred to in paragraph 1 of this Article is committed to the detriment of a child or a person with a disability or an elderly person, the perpetrator shall be punished by a fine of at least HRK 12,000.00 or imprisonment for a duration of no less than 70 days.

#### **Article 16 – Preventive Intervention and Treatment Programmes**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

Protective measures – Article 12

(1) The purpose of protective measures is to prevent domestic violence, ensure the protection of the health and safety of victims of domestic violence and eliminate circumstances that favour or encourage the commission of a new offence, and are imposed to eliminate the endangerment of victims of domestic violence.

(2) Protective measures may be imposed independently and without the imposition of a sentence or other misdemeanour and legal sanction.

(3) Protective measures may be imposed *ex officio*, at the proposal of the authorised prosecutor, victim or social welfare centre.

(4) At the proposal of the victim or other authorised prosecutor, the court may, even before the expiration of the time for which the protective measure was imposed, review the justification of the further course of the imposed protective measure and, if necessary, replace or revoke the imposed protective measure.

### Types of Protective Measures – Article 13

The court may impose the following protective measures on the perpetrator of domestic violence, in addition to the protective measures prescribed by the Misdemeanour Code:

- 1 mandatory psychosocial treatment
- 2 prohibition on approaching, harassing, or stalking a victim of domestic violence
- 3 removal from the shared household
- 4 mandatory addiction treatment.

### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

#### Mandatory Psychosocial Treatment – Article 70

(1) The court shall impose a security measure of mandatory psychosocial treatment on a perpetrator who has committed a criminal offence characterized by violence if there is a danger that he or she will commit the same or a similar offence.

(2) The measure referred to in paragraph 1 of this Article shall be executed in an institution for the execution of imprisonment or in a health institution or in a legal person or natural person specialized in eliminating violent behaviour under conditions determined by a special regulation.

(3) The measure referred to in paragraph 1 of this Article may last until the cessation of the execution of imprisonment or community service, the expiry of the suspended sentence period, or the expiry of the term of imprisonment corresponding to the imposed fine, for a maximum of two years.

(4) The court shall inform the competent probation body of the verdict by which the measure referred to in paragraph 1 of this Article was imposed in addition to a fine, community service or suspended sentence for further action prescribed by a special law and by-laws enacted on that basis.

#### Protective Supervision After Full Execution of Imprisonment – Article 76

(1) The court shall impose a security measure of protective supervision after the full execution of imprisonment on the perpetrator if he or she has been sentenced to imprisonment for a term of five years or more for an intentional criminal offence or for two or more years for an intentional criminal offence characterized by violence or imprisonment for another criminal offence under Title XVI or XVII of this Code, provided that the sentence is fully served because the convict has not been granted suspended release.

(2) Immediately after release from prison, the perpetrator shall be subjected to protective supervision in accordance with Article 64 of this Code and special obligations referred to in Article 62, paragraph 2, items 6 to 9, if imposed on him or her under protective supervision.

(3) When passing a verdict, the court may order that protective supervision is not carried out if there are grounds to believe that the person will not commit the criminal offence referred to in paragraph 1 of this Article again without its implementation.

(4) The probation period lasts from one to three years, unless the criminal offence referred to in paragraph 1 of this Article is committed to the detriment of a child, when the probation period lasts from one to five years. The court may extend the probation period for another year before its expiration at the proposal of the competent probation authority if, without protective supervision, there is a danger of re-offending one of the criminal offences referred to in paragraph 1 of this Article.

(5) After the expiration of the first year from the beginning of the implementation of protective supervision and then at least once a year, the execution court shall review the need for its further implementation and issue a decision thereon. At the request of the probation authority or the convict, this review may be carried out even sooner, but not before six months after the last review have passed. The court may suspend the implementation of protective supervision if it has grounds to believe that the convict will not commit the criminal offence referred to in paragraph 1 of this Article again without its further implementation.

### Ordinance on the Execution of Psychosocial Treatment Imposed on the Perpetrator of a Criminal Offence Characterized by Violence (Official Gazette, No. 103/18)

#### Article 4

(1) The Minister of Justice shall establish an Expert Commission for the Implementation, Monitoring and Supervision of the Execution of Psychosocial Treatment Imposed on the Perpetrator of a Criminal Offence Characterized by Violence (hereinafter: the Expert Commission).

(2) The Expert Commission has at least five members. The members of the Expert Commission are representatives of the ministry competent for justice, the ministry competent for health, the ministry competent for social welfare and professionals in the field of treatment of perpetrators of violence from scientific and educational institutions and organisations providing psychosocial treatment.

(3) The Expert Commission adopts Standards for the Implementation of Psychosocial Treatment (hereinafter: the Standards), improves the implementation of psychosocial treatment and drafts a proposal for an Agreement on the Execution of Psychosocial Treatment Imposed on a Perpetrator of a Criminal Offence Characterized by Violence (hereinafter: the Agreement).

(4) The work of the Expert Commission is regulated by the Rules of Procedure.

#### Article 6

(1) Legal or natural persons must have an approval for the execution of psychosocial treatment issued by a decision of the ministry competent for judicial affairs (hereinafter: approval).

(2) The ministry competent for judicial affairs shall grant the approval referred to in paragraph 1 of this Article to a legal or natural person upon fulfilment of the conditions referred to in the Standard.

(3) A legal or natural person who has an approval may enter into an Agreement with the ministry competent for judicial affairs.

#### Article 11

(1) The Expert Commission shall monitor the work of the legal or natural person with whom the ministry competent for judicial affairs has concluded an Agreement.

(2) The legal or natural person referred to in paragraph 1 of this Article shall submit a report on the execution of psychosocial treatment to the Expert Commission once a year or upon request.

### **Chapter IV Protection and Support**

#### **Article 19 – Information**

#### Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

#### Article 6

(1) A victim of domestic violence has the following rights:

1 the right of access to support services for victims of domestic violence

2 the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence

3 the right to protection against intimidation and retaliation

4 the right to protection of dignity during the questioning of the victim as a witness

5 the right to being accompanied by a person of trust in taking all actions in which he or she participates

6 the right, at his or her request, to be informed, without undue delay, of the termination of the detention or escape of the accused and of the repeal of the decision to impose protective measures and the suspension of precautionary measures imposed for his or her protection or release of a convict from prison.

7 the right to confidentiality of information the disclosure of which could endanger his or her safety or the safety of persons referred to in Article 8, paragraphs 1 and 2 of this Act, and the right to demand the exclusion of the public in court proceedings

8 the right to a proxy in the proceedings

9 the right, at his or her own request, to be informed of the actions taken in connection with the reporting an offence and of the outcome of the proceedings

10 the right to be questioned without undue delay after reporting the perpetrator, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings

11 the right to be questioned by the police by a person of the same gender

12 the right to avoid contact with the perpetrator before and during the proceedings, unless the misdemeanour proceedings require such contact

13 the right to temporary accommodation in an appropriate institution in accordance with a special law

14 the right to police protection and security, by order of a court, for the purpose of unhindered collection of personal belongings when leaving a shared household

15 other rights prescribed by the law governing criminal proceedings, except for those rights which, by the nature of things, can only be enjoyed by the victim of a criminal offence.

(2) Bodies acting on domestic violence are obliged to inform the victim in an understandable manner of all rights he or she has in accordance with the provisions of this Act and the law governing criminal proceedings when taking the first action in which the victim participates.

(3) The bodies referred to in paragraph 2 of this Article shall be convinced that the victim has understood the given notice of rights.

(4) In the event that it is necessary to question a child victim of domestic violence, the bodies referred to in paragraph 2 of this Article shall question the child victim in accordance with the provisions of the law governing criminal proceedings on special questioning of children.

(5) If a child is a victim of domestic violence and the interests of the child are in conflict with the interests of the parents, the competent body shall invite the competent social welfare body to appoint a special guardian. The special guardian is authorised to make all statements and take all actions to which the victim is authorised. Exceptionally, a child victim of domestic violence who has reached the age of 16 may independently make statements and take actions in the proceedings.

(6) If the victim of domestic violence is a child, the information referred to in paragraph 1, items 6 and 9 of this Article shall be given *ex officio*.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

#### Article 16

(1) The victim and the injured party have rights in criminal proceedings in accordance with this Act.

(2) The police, the investigator, the state attorney's office and the court shall treat the victim of a criminal offence with special regard.

(3) The bodies referred to in paragraph 2 of this Article shall inform the victim and the injured party of their rights in the proceedings in accordance with this Act and take appropriate care of their rights when taking action.

#### Article 43

(1) A victim of a criminal offence has, according to this Act:

1) the right of access to support services for victims of domestic violence,

2) the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence in accordance with the law,

3) the right to protection against intimidation and retaliation,

4) the right to protection of dignity during the questioning of the victim as a witness,

5) the right to be questioned without undue delay after filing the report, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings,

6) the right to being accompanied by a person of trust in taking all actions in which he or she participates,

7) the right to have medical interventions against the victim taken to a minimum and only if they are strictly necessary for the purposes of criminal proceedings,

8) the right to file a proposal for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as a victim, the right to be informed of the rejection of criminal charges (Article 206, paragraph 3 of this Act) and withdrawal of the state attorney 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 of the actions taken in connection with his or her report (Article 206a of this Act) and to file a lawsuit with the senior state attorney (Article 206b of this Act),

10) the right, at his or her request, to be informed, without undue delay, of the termination of the detention or remand prison, escape of the accused or release of a convict from prison and measures taken for the protection of the victim,

11) the right to be informed at her request of any legally binding decision terminating criminal proceedings,

12) other rights prescribed by law.

(2) A victim of a criminal offence punishable by imprisonment for up to five years, if he or she suffers serious consequences of the criminal offence, shall be entitled to professional assistance of counsellors at the expense of budgetary funds when submitting a property claim.

(3) The victim of a criminal offence of violence committed with intent shall be entitled to pecuniary compensation from the state budget in accordance with a special law. If the victim has previously realized a property claim, the amount will be taken into account when determining the pecuniary compensation, and the court will do the same when awarding the property claim if the victim has previously obtained pecuniary compensation from the state budget.

(4) The court, the state attorney's office, the investigator and the police shall be obliged to inform the victim in a manner understandable to him or her when taking the first action in which he or she participates:

1) on the rights referred to in paragraphs 1, 2 and 3 of this Article and Article 44 of this Act

2) on the rights he or she has as an injured party.

(5) The bodies referred to in paragraph 4 of this Article shall treat the victim with consideration and ensure that the victim understands the given notice on rights.

(6) The bodies referred to in paragraph 4 of this Article shall instruct the victim in an understandable manner on the meaning of participation in the proceedings in the capacity of the injured party. The record will include the notice given and the victim's statement as to whether he or she wishes to participate in the proceedings as an injured party.

(7) The rights referred to in paragraph 1, items 8, 9 and 11 of this Article shall also belong to the legal person to whose detriment the criminal offence was committed. The provisions of this Act which regulate the exercise of the aforementioned rights by the victim of a criminal offence shall apply *mutatis mutandis* to the legal person to whose detriment the criminal offence was committed.

#### Article 43a

(1) Prior to the questioning of the victim, the body conducting the questioning shall, in cooperation with the bodies, organisations or institutions for assistance and support to victims of criminal offences, conduct an individual assessment of the victim. The individual assessment of the victim includes determining whether there is a need for special protective measures in relation to the victim and, if so, which special protective measures should be applied (special questioning of the victim, use of communication technologies to avoid visual contact with the perpetrator and other legal measures prescribed by law). When the victim of a crime is a child, it shall be assumed that there is a need to apply special protective measures and determine which special protective measures should be applied.

(2) In undertaking an individual assessment of the victim, special account shall be taken of the personal characteristics of the victim, the type or nature of the criminal offence and the circumstances of the commission of the criminal offence. Special attention is paid to victims who have suffered significant damage due to the gravity of the criminal offence, victims of criminal offence committed due to a personal characteristic of the victim, and victims whose relationship with the perpetrator makes them particularly vulnerable.

(3) For the purposes of paragraph 2 of this Article, the individual assessment of the victim shall appropriately include, in particular, victims of terrorism, organised crime, trafficking in human beings, gender-based violence, intimate relationship violence, sexual violence and sexual exploitation or hate crimes, as well as victims with disabilities.

(4) The individual assessment of the victim shall be carried out with the participation of the victim and considering his or her wishes, including the wish not to use special protective measures prescribed by law.

(5) The body conducting the proceedings shall reduce the number of questionings of the victim for whom a special need for protection has been determined. The state attorney may propose that such a witness be questioned at an evidentiary hearing.

(6) The minister competent for judicial affairs shall, with the prior consent of the minister competent for the interior, issue an ordinance on the manner of conducting the individual assessment of the victim referred to in paragraph 1 of this Article.

#### Article 44

(1) A child as a victim of a criminal offence has, in addition to the rights that belong to the victim in accordance with this Article and other provisions of this Act, also the right to:

- 1) proxy at the expense of budget funds,
- 2) confidentiality of personal data,
- 3) exclusion of the public.

(2) The court, the state attorney's office, the investigator and the police shall treat the child as a victim of a criminal offence with special consideration, taking into account age, personality and other circumstances in order to avoid harmful consequences for the child's upbringing and development. When treating a child victim, the competent bodies will primarily be guided by the best interests of the child.

(3) If the age of the victim is not known, it shall be presumed that it is a child if there is a probability that the victim has not reached the age of eighteen.

(4) The victim of a criminal offence against gender liberty and a victim of the criminal offence of trafficking in human beings shall have, in addition to the rights that belong to a victim in accordance with Article 43 of this Act, the following rights:

- 1) before the questioning, to talk to the advisor, at the expense of budgetary funds,
- 2) to the proxy at the expense of budgetary funds,
- 3) to be questioned by a person of the same gender by the police and the state attorney's office and, if possible, to be questioned by the same person in case of re-questioning,
- 4) refuse to answer questions that are not related to the criminal offence, and relate to the strictly personal life of the victim,
- 5) request to be questioned by means of an audio-visual device (Article 292, paragraph 4 of this Act),
- 6) the confidentiality of personal data,
- 7) demand the exclusion of the public from the proceedings.

(5) A victim in respect of whom special protection needs have been identified in accordance with Article 43a of this Act has, in addition to the rights that belong to the victim in accordance with Article 43 of this Act, also the following rights:

- 1) before the questioning, to talk to the advisor, at the expense of budgetary funds,
- 2) to be questioned by the police and the state attorney's office by a person of the same gender and, if possible, to be questioned by the same person in case of re-questioning,
- 3) refuse to answer questions that are not related to the criminal offence, and relate to the strictly personal life of the victim,
- 4) request to be questioned by means of an audio-visual device (Article 292, paragraph 4 of this Act),
- 5) the confidentiality of personal data,
- 6) demand the exclusion of the public from the proceedings.

## **Article 20 – General Support Services**

Social Welfare Act (Official Gazette, No. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20, 138/20)

### IV Social Welfare Beneficiaries

#### Article 21 (excerpt from the Article)

(1) Social welfare beneficiaries are:

- child without parents or without adequate parental care, young adult, child victim of domestic, peer or other violence, child victim of trafficking in human beings, child with disabilities, child and young adult of age with behavioural problems, unaccompanied child found outside the place of its residence without the supervision of a parent or other adult responsible for caring for it and a child foreign citizen found in the territory of the Republic of Croatia without the supervision of a parent or other adult responsible for caring for it
- an adult victim of domestic or other violence and a victim of trafficking in human beings

#### Article 22

(1) The following have the rights in the social welfare system under the conditions prescribed by this Act:

- a Croatian citizen residing in the Republic of Croatia
- a foreigner and a person without citizenship with a permanent temporary resident status in the Republic of Croatia

(2) A foreigner under subsidiary protection, a foreigner with an established status of a victim of trafficking in human beings, an asylum seeker and a member of his or her family legally residing in the Republic of Croatia, has rights in the social welfare system under the conditions prescribed by this Act and special regulations.

(3) Exceptionally, a person who is not covered by paragraphs 1 and 2 of this Article may exercise the right to a one-time compensation and temporary accommodation under the conditions prescribed by this Act if the life circumstances in which he or she finds himself or herself so require.

## V RIGHTS IN THE SOCIAL WELFARE SYSTEM

### Article 25

The rights in the social welfare system under this Act are:

-guaranteed minimum benefit, compensation for housing costs, right to heating costs, compensation for personal needs of accommodation of beneficiaries, one-time benefit, education benefits, personal disability allowance, allowance for assistance and care, parent caregiver or caregiver status, employment benefits, social services and benefits for vulnerable energy source customers.

#### 1 Guaranteed Minimum Benefit – Article 26

The guaranteed minimum benefit is the right to a monetary amount that ensures the basic living needs of a single person or a household that does not have sufficient funds to meet basic living needs.

#### 5 One-Time Benefit – Article 46 (excerpt from the Article)

(1) One-time benefit is granted to a single person or household who is unable to meet basic living needs due to the birth or schooling of a child, illness or death of a family member, natural disasters and the like due to current financial difficulties.

(4) One-time benefit may be granted to beneficiaries of temporary accommodation in crisis situations for the purpose of reimbursement of transport costs to the place of residence, own or foster family, social welfare home, to another service provider or other institution.

#### 5.1 Increased One-Time Benefit – Article 49 (excerpt from the Article)

(1) In particularly justified cases, the social welfare centre may award an increased one-time benefit with the prior consent of the Ministry.



(2) In addition to the request for prior consent referred to in paragraph 1 of this Article, the social welfare centre shall enclose socio-anamnestic data, evidence of the justification of the request and the amount by which the need can be met.

(3) Increased one-time benefit may be awarded in the maximum amount of up to HRK 10,000.00.

## 11 Social Services

### Article 74 (excerpt from the Article)

(1) Social services, according to this Act, are:

1 first social service (information, identification and initial needs assessment)

2 counselling and assistance

3 home assistance

4 psychosocial support

5 early intervention

6 assistance in inclusion in education programmes (integration)

7 stay

8 accommodation

9 family mediation

10 organised housing

### 11.1 First Social Service – Article 76

(1) The first social service includes informing the beneficiary about social services and service providers, assisting the beneficiary in determining his or her needs, initial assessment of the beneficiary's capabilities and support and assistance in choosing the right in the social welfare system.

(2) The service referred to in paragraph 1 of this Article shall be provided by professional employees of the social welfare centre.

### 11.2 Counselling and Assistance

#### 11.2.1 Counselling and Assistance for an Individual – Article 77 (excerpt from the Article)

(1) Counselling and assistance to an individual is a social service of systematic professional assistance which provides assistance to the individual in order to overcome difficulties and create conditions for preserving and developing personal opportunities and responsible attitude of the individual towards himself or herself, family and society.

(2) Counselling and assistance referred to in paragraph 1 of this Article shall be provided to the beneficiary in order to overcome difficulties related to illness, old age, death of a family member, disability, developmental difficulties, inclusion in everyday life after a long stay in a social welfare home or other social services provider, a health or penal institution, and to other adverse circumstances or crisis situations.

#### 11.2.2 Counselling and Assistance for a Family – Article 78

(1) Counselling and assistance for a family is a social service that includes all forms of professional assistance in overcoming family and parental difficulties in the upbringing and care of children, and enables families to function in daily life.

(2) Counselling and assistance for a family includes family support, intensive family support in crisis and long-term work with family members aimed at improving family relationships. Counselling and assistance for a family also includes the psychological preparation of a child for the departure of a parent to serve the imprisonment and for the child's contacts with the parent prisoner in a penal institution.

(3) The intensive support service for families in crisis is a counselling-therapeutic and social-educational service provided to families in crisis, as well as foster families with the aim of improving family relationships, overcoming crisis situations, and acquiring knowledge and skills for successful parenting and fostering.

(4) The service referred to in paragraph 3 of this Article shall be provided after a comprehensive assessment of family risks, strengths and needs, in accordance with the change plan and intervention

plan which are, in a limited period of up to six months, expected to empower families to change and train parents for care about children in the family.

#### Article 79

The counselling and assistance service is provided by professional employees of the social welfare centre, social welfare home, community service centre, other service providers referred to in Article 169 of this Act and natural persons referred to in Article 172, paragraph 1 of this Act who provide counselling services in a counselling centre, in collaboration with other community service providers and other people who may be influencing the family.

#### 11.4 Psychosocial Support – Article 83 (excerpt from the Article)

(1) Psychosocial support is a social service that includes rehabilitation that encourages the development of cognitive, functional, communication or social skills of beneficiaries.

(2) Psychosocial support shall be granted to a child with disabilities, an adult with a disability, an addict, a victim of domestic violence and all other persons in need, according to the assessment of the professional team of the competent social welfare centre.

(3) Psychosocial support may be provided individually and in groups.

#### 11.8 Accommodation

##### 11.8.1.1 Temporary Accommodation in Crisis Situations – Article 89 (excerpt from the Article)

(1) Temporary accommodation in crisis situations shall be granted to a child who is found without parental supervision or wandering, an adult who is found outside the place of residence or temporary residence, or has no residence or temporary residence and is unable to take care of himself or herself, a homeless person, pregnant woman or a parent with a child up to one year of age, children and adults - victims of domestic violence and victims of trafficking in human beings, adults whose lives, health and safety are endangered due to illness, infirmity, addiction or social exclusion.

(2) Temporary accommodation of persons referred to in paragraph 1 of this Article may last until they return to their own or a foster family or accommodation is provided for them in another way, for a maximum of six months.

(3) Exceptionally, temporary accommodation referred to in paragraph 1 of this Article may last up to one year for:

- a pregnant woman or a parent with a child up to one year of age, who does not have an apartment, i.e., does not have secured housing or cannot stay with the child in the family due to disturbed family relations
- children and adults - victims of domestic violence
- children and adults - victims of trafficking in human beings
- a homeless person.

#### Act on Housing Care in Assisted Areas (Official Gazette, No. 106/18, 98/19)

##### XI VICTIMS OF DOMESTIC VIOLENCE

#### Article 45

(1) A victim of domestic violence shall submit a request for housing care to the competent state administration office in the county or to the competent administrative body of the City of Zagreb.

(2) The conditions for exercising the rights referred to in paragraph 1 of this Article are:

- a final court judgment on domestic violence against the applicant
- the person referred to in paragraph 1 of this Article does not own or co-own another habitable family house or apartment in the territory of the Republic of Croatia
- the person referred to in paragraph 1 of this Article does not have sufficient funds to provide an adequate housing unit necessary for housing, and cannot achieve it through his or her work, income from property, alimony payers or otherwise, or when the total income and earnings of the applicant and adult members of his or her household do not exceed the amount of one budgetary base per month per household member

- recommendation of the competent social welfare centre on the need for housing care of victims of domestic violence.

(3) The county state administration office or the competent administrative body of the City of Zagreb shall issue a decision on housing care for a victim of domestic violence for a maximum of two years and submit it to the Central State Office for execution.

(4) The Central State Office shall decide on the appeal against the decision referred to in paragraph 3 of this Article.

(5) Only the provisions relating to the rental of housing units shall apply to the beneficiaries referred to in paragraph 1 of this Article, except for Article 23, paragraphs 3, 4 and 5 of this Act.

(6) Funds for the costs of accommodation of beneficiaries referred to in paragraph 1 of this Article beneficiaries are provided from the state budget of the Republic of Croatia in positions of the Central State Office if the person referred to in paragraph 1 of this Article cannot bear them himself or herself.

(7) The county state administration Office or the administrative body of the City of Zagreb shall, every 12 months from the day of issuing the decision referred to in paragraph 3 of this Article, as well as at the request of the Central State Office, review the right to housing of victims of domestic violence and issue a new decision based on it and submit it to the Central State Office.

## **Article 27 – Reporting**

## **Article 28 – Reporting by Professionals**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

### Article 7

(1) Health care workers, employees in social welfare institutions, persons employed in educational institutions, professional workers employed in religious institutions, humanitarian organisations or civil society organisations, and all other professionals who come into contact with victims of domestic violence in their work are obliged to report to the police or the state attorney's office the commission of domestic violence that they found out about in the course of their work.

(2) Bodies acting on domestic violence shall be obliged to inform the competent social welfare centre without delay of the facts and circumstances that contributed to or lead to the commission of domestic violence, in order to take measures within the competence of the social welfare centre.

### Article 23

Persons referred to in Article 7, paragraph 1 of this Act who do not report to the police or the state attorney's office the commission of domestic violence of which they learned in the course of their work, shall be fined at least HRK 3,000.00 to HRK 10,000.00.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

### Criminal Report – Article 204

(1) Everyone is obliged to report a criminal offence for which the proceeding is initiated *ex officio*, which has been reported to them or which they have learned about.

(2) When submitting the report, state authorities and legal persons shall state the evidence known to them and shall take all necessary measures to preserve the traces of the criminal offence, the objects on which the offence was committed or with which it was committed, as well as other evidence.

(3) The law prescribes cases in which non-reporting of a criminal offence is a criminal offence.

(4) Data on the identity of the person against whom a criminal report has been filed and data based on which the identity of that person may be concluded shall be an official secret.

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

### Failure to Report the Preparation of a Criminal Offence – Article 301

(1) Whoever knows that commission of a criminal offence punishable by imprisonment for five years or more is in preparation and does not report it at a time when it is still possible to prevent its

commission, and the offence is attempted or committed, shall be punished by imprisonment for up to one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article with regard to the criminal offence for which a long-term imprisonment is prescribed, shall be punished by imprisonment for up to three years.

(3) There is no criminal offence referred to in paragraph 1 of this Article when its characteristics are committed by a person who is married or living in an extramarital or living community or informal living community with a person preparing an unreported criminal offence or a blood relative in a direct line, a sibling, adoptive parent or adoptee, unless a criminal offence is being prepared to the detriment of the child.

(4) For the criminal offence referred to in paragraph 2 of this Article, the perpetrator who is in a relationship with the person preparing the commission of the criminal offence in one of the relations referred to in paragraph 3 of this Article may be punished less severely.

#### Failure to Report a Committed Criminal Offence – Article 302

(1) Whoever knows that a criminal offence has been committed for which imprisonment of ten years or a more severe sentence is prescribed and does not report it even though he or she knows that such a report would enable or significantly facilitate the detection of the offence or a perpetrator, shall be punished by imprisonment for up to three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to report the commission of a criminal offence of which he or she learned while performing his or her duty, and it is a criminal offence for which the initiation of criminal proceedings is not dependent of a private lawsuit or prosecution on proposal.

(3) The perpetrator of the criminal offence referred to in paragraph 2 of this Article shall not be punished by a punishment more severe than that one prescribed for a criminal offence which he or she has not reported.

(4) There is no criminal offence referred to in paragraph 1 of this Article when its legal characteristics are realized by a person who is married or living in an extramarital or living community or informal community with a person who committed an unreported criminal offence or is a blood relative in a direct line, a sibling, adoptive parent, or adoptee, unless the offence was committed against a child.

(5) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article when its legal characteristics are realized by a religious confessor or a person who is obliged by law to keep a secret.

#### Unauthorised Disclosure of Professional Secrets – Article 145

(1) A lawyer, notary public, health worker, psychologist, employee of a social welfare institution, religious confessor, or other person who unauthorisedly discloses information about personal or family life entrusted to him or her in the performance of his or her profession shall be punished by imprisonment for up to one year.

(2) There shall be no criminal offence referred to in paragraph 1 of this Article if the disclosure of the secret was committed in the public interest or in the interest of a person which is more important than the interest of keeping the secret.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon proposal.

### **Chapter V Substantive Law**

#### **Article 29 – Civil Lawsuits and Remedies**

Civil Procedure Act (Official Gazette, No. 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14 and 70/19)

Part two Course of the Proceedings

A Proceedings Before a First Instance Court

Title fourteen LAWSUIT – Article 185

Civil proceedings are instituted by lawsuits.

### The Content of a Lawsuit – Article 186

A lawsuit must contain a specific claim regarding the merits and incidental claims, the facts on which the plaintiff bases the claim, evidence to support these facts and other information which must be enclosed with every submission (Article 106).

When the subject matter jurisdiction, composition of the court, type of proceedings, authorization for representation or right to compensation of proceedings expenses depends on the value of the subject of the dispute, and the subject of the claim from the lawsuit is not a sum of money, the plaintiff shall indicate in the lawsuit the value of the subject of the dispute.

The court shall proceed on the lawsuit even if the plaintiff has not stated the legal grounds for the lawsuit; even if the plaintiff has stated the legal grounds, the court is not bound by it.

## Civil Obligations Act (Official Gazette, No. 35/05, 41/08, 125/11, 78/15, 29/18 and 126/21)

### Part Two SPECIAL PART

### Title IX NON-CONTRACTUAL CIVIL OBLIGATIONS

#### Chapter 1 CAUSING OF DAMAGE

#### Section 1 GENERAL PRINCIPLES

##### Presumptions of Liability – Article 1045

(1) A person who has caused damage to another person shall compensate for this damage, unless he or she has proven that the damage has not occurred as a result of his or her own fault.

(2) Lack of duty of care shall be presumed.

(3) Where damage results from things or activities representing a major source of danger for the environment, liability shall be imposed regardless of the fault.

(4) Liability shall also be imposed regardless of the fault in other cases prescribed by the law.

##### Damage – Article 1046

Damage shall imply a loss of a person's assets (pure economic loss), preventing an increase in assets (loss of profit) and violation of privacy rights (non-material damage).

##### Request for Elimination of Risk of Damage – Article 1047

(1) Any person may request from another person to eliminate a major source of danger for him or her, or for another person, as well as to refrain from activities causing disturbance or a risk of damage, if disturbance or damage cannot be prevented by applying the appropriate measures.

(2) The court shall order at the request of an interested party, to take the appropriate measures for preventing the occurrence of damage or disturbance, or to eliminate a source of danger, at the expense of a possessor of a source of danger, if the latter fails to do so himself or herself.

(3) If damage is a result of performing an act of public interest for which an approval has been obtained from the competent body only a compensation for damage exceeding the usual limits may be required (excessive damage).

(4) Nevertheless, in that case, taking socially justified measures may be required in order to prevent the occurrence of damage or to reduce damage.

##### Request for Termination of Violation of Personality – Article 1048

Any person may request from the court or another competent body to order a termination of the activity which violates his or her personality and elimination of its consequences.

#### Section 2 LIABILITY AS A RESULT OF FAULT

##### Existence of Fault – Article 1049

Fault shall exist where a perpetrator has caused damage intentionally or by lack of duty or care.

##### Persons Not Liable for Damage – Article 1050

(1) A person who, due to mental illness or deficiency or for any other reason, is not capable of making judgements shall not be responsible for damage inflicted upon another person.

(2) A person who has caused damage to another person in the state of temporary incapacity to make judgements shall be liable for that damage, unless he or she proves that incapacity has not been caused by his or her fault.

(3) If his incapacity has been caused through the fault of another person, that person shall be liable for damage.

#### Liability of a Minor – Article 1051

(1) A minor under 7 years of age shall not be liable for damage.

(2) A minor over 7 years of age and under 14 years of age shall not be liable for damage, unless his or her capacity to make judgements on occurrence of damage has been proven.

(3) A minor of 14 years of age shall be liable under general rules regulating liability for damage.

#### Justified Self-Defence, Necessity, Elimination of Damage Caused to Another – Article 1052

(1) A person who has caused damage to his or her attacker in a necessary self-defence shall not be liable to compensate for this damage, unless self-defence is excessive.

(2) If a person causes damage in the state of necessity, an injured party may require compensation from a person by whose fault the damage has occurred, or from the persons from whom the damage has been eliminated. However, in case of the latter, not in excess of benefits they received from it.

(3) A person who has suffered damage eliminating a risk of damage for another person shall have a right to require a compensation for a damage to which he or she has been reasonably exposed.

#### Legitimate Self-Help – Article 1053

(1) A person who, in the case of legitimate self-help, inflicts damage on a person, who has caused a need for self-help, shall not be liable to compensate for such damage.

(2) Legitimate self-help shall imply a right of every person to eliminate a violation of rights in the case of imminent danger, provided that such a protection is necessary and provided that the method of eliminating the violation of rights corresponds to the circumstances in which the danger occurs.

#### Consent of an Injured Party – Article 1054

(1) A person who has allowed, to his or her own detriment, another person to take certain actions shall not have a right to request from the latter a compensation for damage caused by these actions.

(2) An injured party's statement of consent to a damage caused by an action which is prohibited by law shall be void.

### Section 3 LIABILITY FOR ANOTHER PERSON

#### People with Mental and Intellectual Disabilities – Article 1055

(1) A person obliged to exercise supervision, pursuant to law or a competent authority's decision or an agreement, of a person who is incapacitated to make judgements due to mental illness or intellectual disability shall be liable for the damage caused by the latter.

(2) That person may be exonerated from liability if it is proved that he or she has exercised supervision to which he or she is obliged or that the damage could not have been prevented even with due care in exercising supervision.

#### Liability of Parents – Article 1056

(1) Parents shall be liable for damage caused to another person by their child under 7 years of age, regardless of the fault.

(2) They shall be exonerated from liability if there are grounds for exoneration from liability under the rules concerning liability, regardless of the fault.

(3) They shall not be liable if the damage was caused at the time their child was entrusted to another person and if that person is liable for damage.

(4) Parents shall be liable for damage caused to another person by their minor child at 7 years of age unless they have proven that the damage has not occurred as a result of their fault.

### Solidary Liability – Article 1057

Where a child, in addition to his or her parents, is liable for damage, their liability shall be solidary.

### Liability of Another Person for a Minor – Article 1058

(1) A guardian, school or another institution shall be liable for damage caused to another person by a minor when he or she is under supervision of that guardian, school, or another institution, unless they have proven that they have exercised supervision to which they are obliged or that the damage could not have been prevented even with due care in exercising supervision.

(2) If a minor is also liable for damage, liability shall be solidary.

### Special Liability of Parents – Article 1059

(1) Where supervision of a minor is not within the authority of the parents, but rather within the authority of another person, an injured party shall have a right to request a redress from parents if the damage is caused due to bad upbringing of the minor, bad examples or vices inherited from parents, or the damage can otherwise be accounted for to be parents' fault.

(2) A person entrusted with the supervision of a minor, in this case, shall have a right to request from the parents to compensate for the amount paid, if that person has paid the compensation to the injured party.

### Equity Principle – Article 1060

(1) Where damage was caused by a person who is not responsible for the minor, and where the compensation cannot be obtained by a person who was obliged to supervise the minor, the court may order the responsible party to redress the damage, partially or fully, as required by the equity principle, and especially in view of a financial position of the responsible party and the injured party.

(2) Where damage was caused by the minor himself or herself, who has capacity to make judgements but is not in a position to compensate for damage, the court may, as required by the principle of equity, and especially in view of a financial position of parents and injured party, impose obligation on the parents to compensate for damage, partially or fully, although the damage was not caused by their fault.

## Section 6 SPECIAL CASES OF LIABILITY

### Liability Due to a Refusal to Provide Emergency Aid – Article 1082

(1) A person who is not in danger and who has refused to provide emergency aid to a person whose life and health are evidently threatened, shall be liable for damage arising from it, if the former should have foreseen that damage under the circumstances.

(2) Where it is just, the court may exonerate this person from liability to compensate for damage.

## Section 7 REDRESS FOR DAMAGE

### 1 Redress for Material Damage

#### Restitution and Pecuniary Compensation – Article 1085

(1) A responsible person shall make restitution for the damage occurred.

(2) If restitution does not eliminate the damage completely, the responsible person shall pay the pecuniary compensation for the remaining damage.

(3) Where restitution is not possible, the responsible person shall pay to the injured party an appropriate amount of money as a compensation for damage.

(4) A pecuniary compensation shall be awarded by a court, if so, requested by the injured party and if restitution is not justified by the circumstances.

### When Liability to Compensate for Damage is Due – Article 1086

Liability to compensate for damage shall be considered due as of the time of the occurrence of damage.

### Compensation Where Items Seized Unlawfully Perished – Article 1087

If an item that has been seized unlawfully from its owner has perished due to *force majeure*, a responsible person shall make a pecuniary compensation.

### Compensation in a Form of Annuity – Article 1088

(1) In the case of death, physical injury or health impairment, compensation shall be determined, in general, in a form of annuity, either set up for the lifetime or for a particular period of time.

(2) Annuity shall be paid monthly in advance.

(3) An obligee shall be entitled to request a provision of an insurance for the annuity payment, unless this is not warranted under the circumstances.

(4) If an obligor has failed to provide the insurance as determined by the court, an obligee shall have a right to request a lump-sum payment, instead of annuity payment, the amount of which is determined with respect to the amount of annuity and a life expectancy for the obligee, with a deduction of corresponding interest.

(5) The obligee may also in other cases, on reasonable grounds, request, initially or subsequently, a lump-sum payment rather than annuity payment.

## 2 Scope and Amount of Material Damage

### Pure Economic Loss and Loss of Potential Profit – Article 1089

(1) The injured party shall have a right to a compensation for both pure economic loss and a loss of potential profit.

(2) The amount of damage shall be determined with respect to the prices at the time of delivery of court judgement, unless otherwise provided for by the law.

(3) In assessing the amount of profit lost, a profit which could have reasonably been expected under the normal or special circumstances shall be taken into account, the realisation of which has been prevented by acting or failing to act on the part of the responsible party.

(4) Where a thing is destroyed or damaged by a criminal act committed intentionally, the court may determine the amount of compensation in relation to the value the item used to have for the injured party.

### Full Compensation – Article 1090

The court shall, taking into account the circumstances that have occurred following the causing of damage, determine the amount required in order to reverse the injured party's financial position to the state in which it would have been, had the wrongful act or failure to act not occurred.

### Reduction of Compensation – Article 1091

(1) The court may decide, taking into account the financial position of the injured party, to impose on a responsible party the compensation lower than the amount of damage, if the damage has not been caused intentionally or due to gross negligence, and if the responsible party is indigent and a full payment of the compensation would greatly impoverish that party.

(2) If the responsible party has caused damage performing something of interest to the injured party, the court may reduce the compensation, taking into account due care demonstrated by the responsible party in his or her own work.

### Contribution of the Injured Party to Its Own Damage – Article 1092

(1) The injured party who has contributed to the occurrence of damage or to the increase in damage shall only be entitled to a proportionally reduced compensation.

(2) Where it is not possible to determine which portion of damage can be accounted for by the injured party's action or failure to act, the court shall decide on the compensation taking into account the circumstances.

## 3 Special Provisions Concerning Compensation for Material Damage in the Case of Death, Physical Injury and Health Impairment



#### Loss of Income, Costs of Medical Treatment and Funeral – Article 1093

- (1) A person who has caused the other person's death shall compensate for the usual costs of funeral.
- (2) That person shall also compensate for the costs of medical treatment of the injuries sustained and for other costs related to the treatment, as well as for income lost as a result of incapacity to work.

#### Right of a Person Supported by the Deceased – Article 1094

- (1) A person supported or regularly assisted by the deceased person, as well as a person who had a legal right to request a support from the deceased, shall be entitled to a compensation for damage suffered by a loss of support or assistance.
- (2) Such damage shall be compensated for by the annuity payment, the amount of which is determined in view of all the circumstances but cannot exceed the amount that the injured party would have received from the deceased had he or she survived.

#### Compensation for Damage in the Event of Physical Injury or Health Impairment – Article 1095

- (1) A person who has inflicted a physical injury on or has impaired health of another person shall compensate that person for the costs of medical treatment and for other related costs, as well as for income lost as a result of incapacity to work during the treatment.
- (2) If the injured person loses income, as a result of complete or partial incapacity to work, or his or her needs have permanently increased, or possibilities for his or her further development and progress are ruined or diminished, the responsible person shall pay to the injured person an annuity as a compensation for damage.

#### Modification of the Awarded Compensation – Article 1096

The court may increase the annuity for a future period, at the request of the injured party, but it may also reduce or suspend the annuity if the circumstances admitted to the court at the time of delivering the previous judgement have changed significantly.

#### Non-Assignment of Rights – Article 1097

- (1) A right to a compensation for damage in a form of annuity in the event of death of a person related or as a result of physical injury or health impairment may not be transferred to another person.
- (2) The due amount of compensation may be transferred to another person if the amount is determined by a written agreement of the parties or by a final court judgement.

#### 4 Compensation for Material Damage in the Event of Violation of Reputation and Good Name and Disclosure of False Information – Article 1098

- 1) A person who has violated the reputation and good name of another person, stated or disclosed false information on another person's past, knowledge, competence, or similar, and is aware or should be aware that they are false, thereby causing material damage to that person, shall compensate for that damage.
- (2) Nevertheless, the person shall not be liable for damage caused if the false information has been disclosed to another without knowledge that it is false, or if none of the parties had serious interest in that.

#### 5 Redress for Non-Material Damage

##### Disclosure of Judgement or its Modification – Article 1099

In the event of violation of personality rights, an injured party may request, at the expense of the responsible party, a disclosure of the judgement or its modification, withdrawal of statement which has caused damage, or similar action which may attain the purpose of achieving a just pecuniary compensation.

#### Just Pecuniary Compensation – Article 1100

(1) In the event of violation of personality rights, the court shall, where it finds that this is justified by the gravity of the violation and circumstances, award a just pecuniary compensation, irrespective of the compensation for material damage and in the absence of the latter.

(2) In deciding on the amount of just pecuniary compensation, the court shall take into account a degree and duration of the physical and mental pain and fear caused by the violation, the objective of this compensation, and the fact that it should not favour the aspirations that are not compatible with its nature and social purpose.

(3) In the event of compromised reputation and other personality rights of a legal person, the court shall, if it assesses that this is justified by the gravity of the violation and the circumstances, award to that legal person a just pecuniary compensation, irrespective of the compensation for material damage and in the absence of the latter.

#### Persons Entitled to Just Pecuniary Compensation in the Event of Death or Especially Severe Disability – Article 1101

(1) In the event of death or particularly severe disability of a person, the immediate family members (spouse, children, and parents) shall be entitled to a just pecuniary compensation for non-material damage.

(2) Such compensation may also be awarded to brothers and sisters, grandparents and grandchildren and extra-marital partner, provided that there was a more permanent co-habiting union between them and the deceased or injured person.

(3) Parents shall also have a right to a just pecuniary compensation in the event of loss of conceived but unborn child.

#### Satisfaction in Special Cases – Article 1102

A person against whom a criminal act against gender liberty or gender morality has been committed by deceit, under duress or by an abuse of any form of relationship of subordination or dependency shall also have a right to a just compensation.

#### When the Liability of a Just Pecuniary Compensation Matures – Article 1103

The liability of a just pecuniary compensation matures as of the date of submitting a written request or lawsuit unless the damage has been caused subsequently.

#### Just Pecuniary Compensation for a Future Non-Material Damage – Article 1104

The court shall, at the request of an injured party, also adjudge a just pecuniary compensation for future non-material damage, if it is certain that it will continue into the future.

#### Succession and Assignment of Claims for Non-Material Damage Compensation – Article 1105

(1) A claim for compensation for non-material damage shall be transferred to an heir only if the injured party has filed a written request or lawsuit.

(2) Under the same circumstances, this claim may be subject to assignment, set-off and enforcement.

#### Contribution of the Injured Party to its Own Damage and Compensation Reduction – Article 1106

The provisions concerning the contribution of the injured party to its own damage and a reduction in compensation for material damage shall apply, as appropriately, to non-material damage.

### Section 8

#### LIABILITY OF SEVERAL PERSONS FOR THE SAME DAMAGE

##### Solidary Liability – Article 1107

(1) All participants shall be jointly and severally liable for damage caused by several persons together.

(2) The abettor and aider, as well as the person who helped that the responsible persons are not identified shall be jointly and severally liable.

(3) The persons who have caused the damage acting independently from one another shall be jointly and severally liable for the damage caused, if their respective shares in the damage caused cannot be determined.

(4) Where the damage has undoubtedly been caused by one of two or more specific persons that are mutually related in a certain way, and it may not be determined which one of them has caused the damage, these persons shall be jointly and severally liable.

#### Section 9

##### Right of an Injured Party Following the Limitations of the Redress Claim – Article 1110

Following the statute of limitations of the redress claim, an injured party may request from the responsible party, under the rules of unjust enrichment, to assign to the former the benefit conferred by the act which has caused damage.

#### **Article 30 – Compensation**

##### Act on Pecuniary Compensation for Victims of Criminal Offence (Official Gazette, No. 80/08, 27/11)

#### II ASSUMPTIONS

##### Compensation Entitlement Holders – Article 5

(1) The direct victim and the indirect victim have the right to compensation under this Act, unless otherwise prescribed by this Act.

(2) The direct victim is a person who has suffered serious bodily injuries or serious impairment of health as a result of the criminal offence of violence.

(3) The following shall be considered a criminal offence of violence:

- an offence committed with intent with the use of force or violation of gender integrity,
- the criminal offence of endangering life and property by a generally dangerous act or means causing death, serious bodily injury or serious impairment of health of one or more persons; it is prescribed by the Criminal Code as a grave form of fundamental criminal offence committed with intent.

(4) A direct victim shall also be considered a person who has suffered serious bodily injuries or serious impairment of health:

- during the commission of an intentional criminal offence of violence against another person, if he or she did not participate in the commission of that criminal offence,
- trying to prevent the commission of a criminal offence,
- assisting the police in arresting the perpetrator,
- providing assistance to another victim of a criminal offence.

(5) When the criminal offence referred to in paragraphs 3 and 4 of this Article causes the death of the direct victim, the indirect victim shall be entitled to compensation.

(6) The indirect victim is a spouse, extramarital partner, child, parent, adoptee, adoptive parent, stepmother, stepfather, stepchild of the direct victim and a person with whom the direct victim lived in a same-gender union.

(7) The indirect victim is also the grandfather, grandmother, and grandchild, if one of them is the direct victim, in the case when there was a more permanent co-habitation between them, and the grandmother and grandfather replaced the parents.

(8) The existence of an extramarital and same-gender union shall be judged in accordance with the regulations of the Republic of Croatia.

##### Criminal Offences for Which the Right to Compensation May Be Exercised – Article 6

The right to compensation may be exercised only due to the consequences of the criminal offence referred to in Article 5, paragraphs 3 and 4 of this Act committed against a direct victim in the Republic of Croatia, on a Croatian ship or in a Croatian aircraft, regardless of the victim's whereabouts at the time of the onset of the consequences of the criminal offence.

### Citizenship Or Residence of the Victim – Article 7

The victim is entitled to compensation if he or she is:

- a citizen of the Republic of Croatia or has a permanent residence in the Republic of Croatia,
- a citizen of a Member State of the European Union or resides in a Member State of the European Union.

### III VICTIMS' RIGHTS

#### Compensation of Health Care Costs – Article 10

(1) The direct victim has the right to reimbursement of health care costs in the amount of the value of the health standard determined by the regulations of the compulsory health insurance in the Republic of Croatia.

(2) The compensation referred to in paragraph 1 of this Article shall be recognized only if the direct victim is not entitled to covering of the costs on the basis of health insurance.

#### Compensation for Loss of Earnings – Article 11

The direct victim is entitled to compensation for loss of earnings, which is recognized in a lump-sum of up to HRK 35,000.00.

#### Compensation for Loss of Maintenance – Article 12

(1) An indirect victim referred to in Article 5, paragraphs 6 and 7 of this Act who was supported by the deceased immediate victim shall be entitled to compensation for loss of legal maintenance.

(2) Compensation for loss of maintenance shall be recognized in a lump-sum based on an actuarial calculation starting from the lowest family pension under the Pension Insurance Act determined on the basis of five years of pensionable service and the expected duration of the indirect victim's maintenance referred to in paragraph 1 of this Article.

(3) The compensation referred to in paragraph 2 of this Article shall be recognized only if the indirect victim is not entitled to benefits from the compulsory pension insurance.

(4) The compensation referred to in paragraph 2 of this Article shall be recognized in the amount of a maximum of HRK 70,000.00 in total for all indirect victims referred to in paragraph 1 of this Article.

#### Compensation for Funeral Expenses – Article 13

The person who paid the common funeral expenses, in the amount of a maximum of HRK 5,000.00, is entitled to compensation.

#### Circumstances Affecting the Amount of Compensation – Article 14

(1) When deciding on the right to compensation, the following shall be taken into account:

- the conduct of the direct victim before, at the time of the commission of the criminal offence and afterwards,
- the contribution of the immediate victim to the occurrence and extent of the damage,
- whether the immediate victim and within what period reported the crime to the competent authorities, unless he or she could not do so for justified grounds,
- cooperation of the immediate victim with the police and competent bodies in order to bring the perpetrator to justice.

(2) The direct victim who contributed to the damage occurring or for it to be greater than it would otherwise have been entitled to only a proportionally reduced compensation.

(3) The request for compensation shall be rejected or the compensation shall be reduced if it is determined that the victim is involved in organised crime, i.e., due to his or her association with a criminal organisation.

(4) Compensation may be refused or reduced if the full compensation would be contrary to the principle of justice, morality, or public order.

(5) The conduct of the direct victim shall also be borne in mind when assessing the right of the indirect victim to compensation.

### Inclusion of Other Forms of Compensations – Article 15

(1) Income from health, pension or other insurance and other bases shall be included in the appropriate compensation bases, so that the compensation given to the victim consists of the difference between the total compensation to which the victim is entitled under this Act and what the victim receives on one or more of the above grounds.

(2) Voluntary insurance paid by the direct or indirect victim shall not be included in the amount of compensation.

### **Article 31 – Custody, Visitation Rights and Safety**

Family Act (Official Gazette, 103/15, 98/19)

#### 3 Measures to Protect the Personal Rights and Welfare of the Child Within the Jurisdiction of the Court

##### e) Deprivation of the Right to Parental Care

##### General Assumption for Imposing the Measure – Article 170

The court shall deprive the parent of the right to parental care in extra-judicial proceedings when it finds that the parent is abusing or grossly violating parental responsibility, duty and rights.

##### Special Assumptions for Imposing the Measure – Article 171 (excerpt from the Article)

Except in the case referred to in Article 170 of this Act, the court may deprive parents of the right to parental care in extra-judicial proceedings:

2 if the child is exposed to violence among adult family members

5 based on a final court judgment sentencing the parent to one of the following offences committed to the detriment of his or her child:

- criminal offences against gender liberty and gender morality (Title XIV), criminal offences against marriage, family and youth (Title XVI), except criminal offences: violation of the duty of maintenance under Article 209, taking away of a child or minor under Article 210, changes in marital status under Article 211 of the Criminal Code (Official Gazette, No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84 / 05, 71/06, 110/07, 152/08, 57/11 and 77/11)
- criminal offences against life and limb (Title X), criminal offences of sexual abuse and exploitation of children (Title XVII), criminal offences against marriage, family and children (Title XVIII), with the exception of criminal offences: double marriage under Article 167, enabling illicit marriage under Article 168, facilitating extramarital life with a child under Article 170, breach of duty and maintenance under Article 172, change in marital status under Article 175 and violation of the privacy of a child under Article 178 of the Criminal Code (Official Gazette, No. 125/11, 144/12 and 56/15).

##### Special Duties and Court Decision on Establishing Personal Relations of the Child with the Parent – Article 417 (excerpt from the Article)

(1) In proceedings in which decisions are made on the realization of the child's personal relationship with the parent, the court is obliged to:

2 Encourage parents to reach an agreement and participate in the family mediation process, except in cases of domestic violence.

### **Article 32 – Civil Consequences of Forced Marriages**

Family Act (Official Gazette, 103/15, 98/19)

#### I CONCLUDING A MARRIAGE

##### Forms of Concluding a Marriage – Article 13 (excerpt from the Article)

(1) Marriage shall be concluded with the consent of a woman and a man in civil or religious form.

#### II ASSUMPTIONS FOR CONCLUDING A MARRIAGE

##### 1 Assumptions for the Existence of Marriage

## Gender Diversity, Declaration and Procedure of Concluding a Marriage – Article 23

(1) For the existence of marriage, it is necessary:

1 that the bride and groom are persons of different genders

2 that the bride and groom have given their consent to the marriage and

3 that the marriage in civil form was concluded before the registrar or that the marriage in religious form was concluded in accordance with the provisions of Article 13, paragraph 3 and Article 20, paragraphs 1 and 4 of this Act.

(2) If at the time of concluding a marriage any of the preconditions referred to in paragraph 1 of this Article has not been met, the legal effects of the marriage shall not arise.

## 2 Assumptions for the Validity of Marriage

### Age of Majority – Article 25

(1) A person who has not reached the age of eighteen may not conclude a marriage.

(2) By way of derogation from the provision of paragraph 1 of this Article, a court may, in extra-judicial proceedings, allow a person who has reached the age of sixteen to marry if it determines that he or she is mentally and physically fit for marriage.

### Legal Capacity and Ability to Reason – Article 26

(1) A person incapable of reasoning may not conclude a marriage.

(2) A person deprived of legal capacity in making statements relating to personal circumstances may conclude a marriage with the approval of a guardian.

(3) If the guardian referred to in paragraph 2 of this Article refuses to grant permission to conclude the marriage, a person deprived of legal capacity to make statements relating to personal status may submit to the court a proposal for permission to conclude the marriage in accordance with Article 450 paragraph 1 of this Act.

### Non-Existence of Kinship – Article 27

(1) Marriage may not be concluded by blood relatives in the direct line, and in the collateral line siblings, half-siblings, a child with sister or half-sister, or brother or half-brother of the parent, children of siblings and half-siblings.

(2) The provision of paragraph 1 of this Article shall also apply to relations arising from adoption.

### Non-Existence of Marriage or Life Partnership – Article 28

Marriage cannot be concluded by a person who is married or in a life partnership of persons of the same gender that is registered in accordance with a special regulation.

### Possibility of Annulment of Invalid Marriage – Article 29

A marriage concluded contrary to the provisions of Articles 25 to 28 of this Act shall not be valid and the provisions on annulment of marriage shall apply to it.

## V DISSOLUTION OF A MARRIAGE

### Dissolution and Time of Dissolution of a Marriage – Article 47 (excerpt from the Article)

(1) Irrespective of the form in which it was concluded, the marriage dissolves with the death of the spouse, by declaring the missing spouse deceased, annulment or divorce.

(2) Marriage shall be terminated by annulment or divorce when the court decision on annulment or divorce becomes final.

## PROCEEDINGS BEFORE THE COURT

### 7 Costs of Proceedings – Article 366 (excerpt from the Article)

(1) In status matters, matters in which parental care is decided, personal relations and measures for protection of the rights and welfare of the child and in matters of child maintenance, the court shall decide on the costs of the proceedings freely, taking into account the circumstances of the case and the outcome of the proceedings.

## **Article 33 – Psychological Violence**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

Article 10 (excerpt from the Article)

Domestic violence denotes:

2 corporal punishment or other forms of degrading treatment of children

3 psychological violence that has caused a violation of the victim's dignity or distress

Title V

MISDEMEANOUR PROVISIONS

Article 22

(1) Whoever commits the violence referred to in Article 10 of this Act, shall be punished for the misdemeanour by a fine in the amount of at least HRK 2000.00 or by imprisonment up to 90 days.

(2) Whoever repeats the violence referred to in paragraph 1 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 6000.00 or by imprisonment for at least 30 days.

(3) Whoever commits violence referred to in Article 10 of this Act in the presence of a child or a person with a disability or an elderly person, shall be punished by a fine of at least HRK 7000.00 or by imprisonment for at least 45 days.

(4) Whoever repeats domestic violence referred to in paragraph 3 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 8000.00 or by imprisonment for at least 60 days.

(5) If the violence referred to in paragraph 1 of this Article is committed to the detriment of a child or a person with a disability or an elderly person, the perpetrator shall be punished by a fine of at least HRK 12,000.00 or by imprisonment for at least 70 days.

(6) Whoever repeats domestic violence referred to in paragraph 5 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 17,000.00 or by imprisonment for at least 80 days.

Article 24

The perpetrator of domestic violence who does not act in accordance with the imposed protective measure will be fined for the misdemeanour in the amount of at least HRK 3,000.00 or by imprisonment for at least ten days.

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

Coercion – Article 138

(1) Whoever coerces another by force or serious threat to perform an act, does not perform an act or suffers, shall be punished by imprisonment for up to three years.

(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted on a private lawsuit, unless committed out of hatred, against a child, a person with a severe disability, a close person, an attorney in the performance of his or her activity or a responsible person in the exercise of public authority.

Threat – Article 139

(1) Whoever seriously threatens another with any evil in order to intimidate or disturb him or her, shall be punished by imprisonment for up to one year.

(2) Whoever seriously threatens to kill another or a person close to him or her, seriously injures, abducts or deprives him or her of his or her liberty, or causes harm by arson, explosion, ionizing radiation, weapons, dangerous weapons or other dangerous means, or destroys social position or material survival, shall be punished by imprisonment for up to three years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against an official or responsible person in the exercise of public authority or in connection with his or her work

or position, or against a journalist in connection with his or her work, or against an attorney in the performance of his or her activities, or out of hatred, towards a close person or towards a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, or towards a larger number of people, or if it has caused greater public disturbance, or if the threatened person has been placed in a difficult position, the perpetrator will be punished by imprisonment for a term of six months to five years.

(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted on the basis of a private lawsuit, and the criminal offence referred to in paragraph 2 of this Article shall be prosecuted upon proposal.

## **Article 34 – Stalking**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

### Intrusive Behaviour – Article 140

(1) Whoever persistently and for a long time follows or stalks another person or tries to establish or establish unwanted contact with him or her or otherwise intimidates him or her and thereby causes anxiety or fear for his or her safety or the safety of persons close to him or her, shall be punished imprisonment for up to one year.

(2) If the act referred to in paragraph 1 of this Article was committed in relation to a close person, a person with whom the perpetrator was in an intimate relationship or with a child, the perpetrator shall be punished by imprisonment for up to three years.

(3) The criminal offence referred to in paragraphs 1 and 2 of this Article shall be prosecuted upon proposal, unless it was committed against a child or a close person.

## **Article 35 – Physical Violence**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

### Article 10 (excerpt from the Article)

Domestic violence denotes:

1 application of physical force as a result of which no bodily injury occurred

2 corporal punishment or other forms of degrading treatment of children

## Title V

### MISDEMEANOUR PROVISIONS

#### Article 22

(1) Whoever commits the violence referred to in Article 10 of this Act, shall be punished for the misdemeanour by a fine in the amount of at least HRK 2000.00 or by imprisonment up to 90 days.

(2) Whoever repeats the violence referred to in paragraph 1 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 6000.00 or by imprisonment for at least 30 days.

(3) Whoever commits violence referred to in Article 10 of this Act in the presence of a child or a person with a disability or an elderly person, shall be punished by a fine of at least HRK 7000.00 or by imprisonment for at least 45 days.

(4) Whoever repeats domestic violence referred to in paragraph 3 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 8000.00 or by imprisonment for at least 60 days.

(5) If the violence referred to in paragraph 1 of this Article is committed to the detriment of a child or a person with a disability or an elderly person, the perpetrator shall be punished by a fine of at least HRK 12,000.00 or by imprisonment for at least 70 days.

(6) Whoever repeats domestic violence referred to in paragraph 5 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 17,000.00 or by imprisonment for at least 80 days.



#### Article 24

The perpetrator of domestic violence who does not act in accordance with the imposed protective measure will be fined for the misdemeanour in the amount of at least HRK 3,000.00 or by imprisonment for at least ten days.

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

##### Homicide – Article 110

Whoever kills another will be sentenced to at least five years in prison.

##### Aggravated Homicide – Article 111

The following shall be punished by imprisonment for at least ten years or by long-term imprisonment:

- 1 who kills another in a cruel or insidious manner,
- 2 who kills a person who is particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy,
- 3 who kills a close person whom he or she has previously abused,
- 4 who kills another out of greed, reckless revenge, hatred or other low motives,
- 5 who kills another for the purpose of committing or concealing another criminal offence,
- 6 who kills an official in connection with the performance of his or her official duties.

##### Manslaughter – Article 112

(1) Whoever kills another brought to it through no fault of his or her own through his or her attack, grave insult or abuse to a state of long-term suffering, severe irritation or panic shall be punished by imprisonment for a term between one and ten years.

(2) A mother who kills her child under the influence of a strong mental burden due to pregnancy or childbirth, shall be punished by imprisonment for a term between six months and five years.

(3) Whoever kills another at his or her express and serious request out of compassion due to his or her serious health condition, shall be punished by imprisonment for a term of up to three years.

##### Causing Death by Negligence – Article 113

Whoever causes the death of another by negligence shall be punished by imprisonment for a term between six months and five years.

##### Participation in Suicide – Article 114

(1) Whoever induces another to commit suicide or helps commit suicide out of low motives and it is committed or attempted, shall be punished by imprisonment for up to three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article in relation to a child who has reached the age of fourteen or a person whose ability to understand his or her conduct has been significantly reduced, shall be punished by imprisonment for one to eight years.

##### Bodily Injury – Article 117

(1) Whoever physically injures another or impairs his or her health, shall be punished by imprisonment for a term up to one year.

(2) Whoever commits the act referred to in paragraph 1 out of hatred, towards a close person or towards a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, or as an official in the performance of service, or a responsible person in the exercise of public authority, shall be punished by imprisonment for a term between one and three years.

(3) The criminal offence referred to in paragraph 1 shall be prosecuted on the basis of a private lawsuit.

##### Serious Bodily Injury – Article 118

(1) Whoever seriously injures another or severely impairs his or her health, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever commits an act referred to in paragraph 1 of this Article out of hatred, towards a close person or towards a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, or as an official in the performance of service or responsible person in the exercise of public authority, shall be punished by imprisonment for a term of three to eight years.

#### Particularly Serious Bodily Injury – Article 119

(1) If the life of the injured person is endangered by the criminal offence referred to in Article 116, paragraphs 1 and 2 and Article 118, paragraph 1 of this Act, or an important part of the body or an important organ is destroyed or permanently and significantly weakened, or a permanent incapacity for work of the injured party has been caused, or a permanent and severe impairment of his or her health, permanent mutilation or permanent incapacity for reproduction, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(2) Whoever commits an act referred to in paragraph 1 of this Article out of hatred, towards a close person or towards a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, or as an official in the performance of service or responsible person in the exercise of public authority, shall be punished by imprisonment for a term of three to ten years.

(3) Whoever intentionally causes any of the consequences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between three and twelve years.

#### Serious Bodily Injury Resulting in Death – Article 120

If the perpetration of the criminal offence referred to in Article 116, Article 118 and Article 119 of this Act caused death, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

#### Serious Bodily Injury by Negligence – Article 121

(1) Whoever commits the act referred to in Article 118 out of negligence, shall be punished by imprisonment for up to one year.

(2) Whoever commits the act referred to in Article 119 of this Act out of negligence, shall be punished by imprisonment for up to three years.

#### Participation In a Fight – Article 122

(1) Whoever participates in a fight or attack of several persons, if the fight or attack resulted in the death or serious bodily injury of one or more persons, for such participation only, shall be punished by imprisonment for up to three years.

(2) Whoever organises or leads a group of three or more persons participating in a fight or attack referred to in paragraph 1 of this Article or organises such a fight or attack, shall be punished by imprisonment for a term between one and eight years.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article if the person was involved in the fight through no fault of his or her own or only defended himself or herself or separated other participants in the fight.

### **Article 36 – Sexual Violence, Including Rape**

#### Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

##### Article 10 (excerpt from the Article)

Domestic violence denotes:

4 sexual harassment

#### Title V

#### MISDEMEANOUR PROVISIONS

##### Article 22

(1) Whoever commits the violence referred to in Article 10 of this Act, shall be punished for the misdemeanour by a fine in the amount of at least HRK 2000.00 or by imprisonment up to 90 days.

(2) Whoever repeats the violence referred to in paragraph 1 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 6000.00 or by imprisonment for at least 30 days.

(3) Whoever commits violence referred to in Article 10 of this Act in the presence of a child or a person with a disability or an elderly person, shall be punished by a fine of at least HRK 7000.00 or by imprisonment for at least 45 days.

(4) Whoever repeats domestic violence referred to in paragraph 3 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 8000.00 or by imprisonment for at least 60 days.

(5) If the violence referred to in paragraph 1 of this Article is committed to the detriment of a child or a person with a disability or an elderly person, the perpetrator shall be punished by a fine of at least HRK 12,000.00 or by imprisonment for at least 70 days.

(6) Whoever repeats domestic violence referred to in paragraph 5 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 17,000.00 or by imprisonment for at least 80 days.

#### Article 24

The perpetrator of domestic violence who does not act in accordance with the imposed protective measure will be fined for the misdemeanour in the amount of at least HRK 3,000.00 or by imprisonment for at least ten days.

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21) Unlawful Deprivation of Liberty – Article 136 (often in conjunction with the criminal offence of rape)

(1) Whoever unlawfully imprisons another, keeps imprisoned or otherwise deprives or restricts liberty of movement, shall be punished by imprisonment for up to three years.

(2) Whoever unlawfully deprives another of liberty with the aim of forcing him or her to perform an act, not perform an act or suffer, shall be punished by imprisonment for a term between six months and five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was committed against a child, a person with a severe disability, a close person or the unlawful deprivation of liberty lasted longer than fifteen days, or was committed in a cruel manner, or unlawful deprivation of liberty caused serious bodily harm, or was committed by an official in the performance of the service of a responsible person in the performance or public authority, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) If the criminal offence referred to in paragraphs 1, 2 and 3 of this Article causes the death of a person who has been unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(5) A perpetrator who voluntarily releases a person who has been unlawfully deprived of liberty before he or she has achieved the goal referred to in paragraph 2 of this Article, may be released from punishment.

(6) The perpetrator shall be punished for the attempted criminal offence referred to in paragraph 1 of this Article.

#### Abduction – Article 137 (often in conjunction with the criminal offence of rape)

(1) Whoever unlawfully deprives another of liberty with the aim of forcing a third party to perform an act, not perform an act or suffer, shall be punished by imprisonment for a term between six months and five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed with the threat that the abducted person will be executed, or was committed in a cruel manner, or the abducted person is seriously injured, or was committed against a child, person with severe disability or close person, the perpetrator will be punished by imprisonment for a term between one and ten years.

(3) If the criminal offence referred to in paragraph 1 of this Article has caused the death of the abducted person, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(4) A perpetrator who voluntarily releases a kidnapped person before he or she has achieved the goal referred to in paragraphs 1 and 2 of this Article may be released from punishment.

#### Rape – Article 153

(1) Whoever, without the consent of another person, commits sexual intercourse or an equivalent sexual act or induces another person to perform sexual intercourse or an equivalent sexual act with a third person without consent, or with him or her an equal sexual act, or to perform sexual intercourse with self without consent by engaging a sexual act equated with it, shall be punished by imprisonment for a term between one and five years.

(2) Whoever commits the act referred to in paragraph 1 of this Article by using force or threatening to directly attack the life or body of a raped or other person, shall be punished by imprisonment for a term between three and ten years.

(3) The perpetrator who was in a remediable misconception regarding the existence of the consent referred to in paragraph 1 of this Article shall be punished by imprisonment for up to three years.

(4) The perpetrator who was in a remediable misconception regarding the existence of the consent referred to in paragraph 2 of this Article shall be punished by imprisonment for a term between one and five years.

(5) The consent referred to in paragraph 1 of this Article exists if the person voluntarily decided to have sexual intercourse or a sexual act equated with it and was able to make and express such a decision. Such consent shall be deemed to be lacking, in particular, if sexual intercourse or equivalent sexual activity is committed with the use of threats, fraud, abuse of position towards a person dependent on the perpetrator, exploitation of a person's condition which prevented him or her from expressing refusal or over a person who has been unlawfully deprived of liberty.

#### Serious Criminal Offences against Sexual Liberty – Article 154

(1) Whoever commits the offence referred to in Article 153, paragraph 1 of this Code shall be punished by imprisonment for a term between three and ten years. The aforementioned refers to a criminal offence committed towards the following persons:

1 towards a close person,

2 towards a victim particularly vulnerable due to his or her age, illness, addiction, pregnancy, disability, severe physical or mental disability,

3 in a particularly cruel or particularly degrading manner,

4 out of hatred,

5 together with one or more perpetrators, whereby several sexual intercourses or similar sexual acts have been committed against the same person,

6 with the use of weapons or dangerous tools,

7 in such a way that the raped person is severely physically injured or has become pregnant.

(2) Whoever commits the offence referred to in Article 153, paragraph 2 of this Code under the circumstances referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between five and fifteen years.

(3) If the death of a raped person is caused by the criminal offence referred to in Article 153, paragraphs 1 and 2 of this Code, the perpetrator shall be punished by imprisonment for at least five years.

#### **Article 37 – Forced Marriage**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

#### Coercion to Marry – Article 169

(1) Whoever forces another person to conclude a marriage shall be punished by imprisonment for a term between six months and five years.

(2) Whoever lures a person to a state other than the one in which he or she resides in order to force him or her to marry there, shall be punished by imprisonment for up to three years.

### **Article 38 – Female Genital Mutilation**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)  
Female Genital Mutilation – Article 116

(1) Whoever completely or partially removes or permanently changes a woman's external sexual organ, shall be punished by imprisonment for a term of one to eight years.

(2) Whoever encourages or assists a woman to undergo the acts referred to in paragraph 1 of this Article, shall be punished by imprisonment for up to three years.

(3) Whoever commits the act referred to in paragraphs 1 and 2 of this Article out of hatred, towards a child or a close person, shall be punished by imprisonment for a term between three and ten years.

### **Article 39a – Forced Abortion**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)  
Unlawful Termination of Pregnancy – Article 115

(1) Whoever, contrary to the regulations on termination of pregnancy, executes, encourages or helps a pregnant person to terminate a pregnancy with her consent, shall be punished by imprisonment for up to three years.

(2) If the criminal offence referred to in paragraph 1 of this Article causes the death of a pregnant person or severely impairs her health, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(3) Whoever terminates a pregnancy without the consent of a pregnant person shall be punished by imprisonment for a term between one and eight years.

(4) If the criminal offence referred to in paragraph 3 of this Article causes the death of a pregnant person or severely impairs her health, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(5) The perpetrator shall be punished for the attempted criminal offence referred to in paragraph 1 of this Article.

### **Article 39b – Forced Sterilisation**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)  
Particularly Serious Bodily Injury – Article 119

(1) If the life of the injured person is endangered by the criminal offence referred to in Article 116, paragraphs 1 and 2 and Article 118, paragraph 1 of this Code, or an important part of the body or an important organ is destroyed or permanently and significantly weakened, or a permanent incapacity for work of the injured party has been caused, or a permanent and severe impairment of his or her health, permanent mutilation or permanent incapacity for reproduction, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(2) Whoever commits an act referred to in paragraph 1 of this Article out of hatred, towards a close person or towards a person particularly vulnerable due to his or her age, severe physical or mental disability or pregnancy, or as an official in the performance of service or responsible person in the exercise of public authority, shall be punished by imprisonment for a term of three to ten years.

(3) Whoever intentionally causes any of the consequences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between three and twelve years.

## **Article 40 – Sexual Harassment**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

Article 10 (excerpt from the Article)

Domestic violence denotes:

4 sexual harassment

Title V

MISDEMEANOUR PROVISIONS

Article 22

(1) Whoever commits the violence referred to in Article 10 of this Act, shall be punished for the misdemeanour by a fine in the amount of at least HRK 2000.00 or by imprisonment up to 90 days.

(2) Whoever repeats the violence referred to in paragraph 1 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 6000.00 or by imprisonment for at least 30 days.

(3) Whoever commits violence referred to in Article 10 of this Act in the presence of a child or a person with a disability or an elderly person, shall be punished by a fine of at least HRK 7000.00 or by imprisonment for at least 45 days.

(4) Whoever repeats domestic violence referred to in paragraph 3 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 8000.00 or by imprisonment for at least 60 days.

(5) If the violence referred to in paragraph 1 of this Article is committed to the detriment of a child or a person with a disability or an elderly person, the perpetrator shall be punished by a fine of at least HRK 12,000.00 or by imprisonment for at least 70 days.

(6) Whoever repeats domestic violence referred to in paragraph 5 of this Article, shall be punished for the misdemeanour by a fine in the amount of at least HRK 17,000.00 or by imprisonment for at least 80 days.

Article 24

The perpetrator of domestic violence who does not act in accordance with the imposed protective measure will be fined for the misdemeanour in the amount of at least HRK 3,000.00 or by imprisonment for at least ten days.

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

Sexual Harassment – Article 156

(1) Whoever sexually harasses another person who is his or her subordinate or who is in a situation of dependence with respect to him or her, or who is especially vulnerable due to age, illness, disability, addiction, pregnancy, a severe physical or mental disability, shall be sentenced to imprisonment for up to two years.

(2) Sexual harassment shall mean 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, which creates an intimidating, hostile, degrading or offensive environment.

## **Article 41 – Aiding or Abetting and Attempt**

Misdemeanour Code (Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18)

Attempt – Article 21

Attempted misdemeanour is punishable only if it is prescribed by a misdemeanour regulation.

Individual Offender and Participants – Article 22

(1) The perpetrator of a misdemeanour is a person who commits a misdemeanour by his or her own act or inaction or through another person.

(2) Participants in the commission of a misdemeanour are abettors and aiders.

(3) The co-perpetrators of a misdemeanour are two or more persons (perpetrators) who, on the basis of a mutual decision, commit a misdemeanour so that each of them participates in the commission or otherwise significantly contributes to the commission of the misdemeanour.

(4) The aider and abettor are the participants who, by not controlling the commission of the misdemeanour, contribute to its commission by abetting or aiding.

#### Liability and Punishment of Participants – Article 23

(1) Each co-perpetrator shall be liable within the limits of his or her intention or negligence. The aider and abettor respond within the limits of their intention.

(2) Actual or personal circumstances of the perpetrator which are a feature of the offence or affect the amount of the prescribed sanction, the application of the sanction and its imposition shall be taken into account for the participants as well; strictly personal circumstances due to which the regulation excludes guilt or foresees the mitigation of punishment may be taken into account only for the perpetrator or participant in the offence for whom these circumstances exist.

#### Abetting and Aiding – Article 24

(1) Whoever intentionally abets another to commit an offence or aids him or her in committing it shall be punished as if he or she had committed it, and for aiding and abetting one may be punished less severely.

(2) There is no misdemeanour liability of the aider and abettor if the misdemeanour remained in an attempt, for which no misdemeanour liability is prescribed.

(3) Aiding in committing a misdemeanour is considered in particular: giving advice or instructions on how to commit a misdemeanour, making funds available to the perpetrator for committing a misdemeanour, and promising concealment of a misdemeanour, perpetrator, means of committing a misdemeanour, traces of a misdemeanour or items obtained through a misdemeanour.

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

##### Intent – Article 28

(1) A criminal offence may be committed with direct or indirect intent.

(2) The perpetrator acts with direct intent when he or she is aware of the characteristics of the criminal offence and wants or is sure of their realization.

(3) The perpetrator acts with indirect intent when he or she is aware that he or she can achieve the characteristics of a criminal offence and consents to it.

##### Attempt – Article 34

(1) Whoever, with the intention of committing a criminal offence, undertakes an act which spatially and temporally immediately precedes the commission of the criminal offence, shall be punished for attempt if the criminal offence can be punishable by five years or more or the law explicitly prescribes punishment for attempt.

(2) The perpetrator of an attempted criminal offence may be punished less severely.

(3) A perpetrator who, out of gross unreasonableness, attempted to commit a criminal offence by an inappropriate means or towards an inappropriate object may be released from punishment.

##### Abetting – Article 37

(1) Whoever intentionally abets another to commit a criminal offence shall be punished as if he or she had committed it.

(2) Whoever intentionally abets another to commit a criminal offence for which the attempt is punishable, and the offence is not even attempted, shall be punished as for the attempted criminal offence.

(3) In the event of an inappropriate attempt to abet, the abettor may be released from punishment.

### Aiding – Article 38

Whoever intentionally aids another to commit a crime will be punished as if he or she had committed it but may be punished less severely.

### Punishment of Co-Perpetrators and Participants – Article 39

(1) Each co-perpetrator and participant (aider and abettor) shall be punished in accordance with his or her fault.

(2) Special personal circumstances due to which the law prescribes release from punishment, mitigation of punishment, milder or more serious form of criminal offence shall be taken into account only to the co-perpetrator or participant with whom they exist.

### **Article 42 - Unacceptable Justifications for Criminal Offences, Including Criminal Offences Committed in the Name of So-Called “Honour”**

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

#### Principle of Legality – Article 2

No one shall be punished of any act, which, before it was committed, was not determined by law or international law as criminal offence, nor can a punishment or other legal sanction be imposed that was not determined by law.

### **Article 43 – Application of Criminal Offences**

### **Article 44 – Jurisdiction**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

#### Article 1

This Act prescribes the rights of victims of domestic violence, the circle of persons to whom the Act applies, determines the forms of domestic violence, misdemeanour and legal sanctions for protection against domestic violence, collection of data on the application of the Act, establishment of Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and Execution of Sanctions Related to Protection against Domestic Violence and misdemeanour provisions.

#### Article 8 (excerpt from the Article)

(1) The persons to whom this Act applies are: spouse, extramarital partner, life partner, informal life partner, children they have together and children of each of them, blood relatives in the direct line, relatives in the collateral line up to the third degree, relatives by marriage up to the second degree, adopter and adoptee.

(2) The provisions of this Act also apply to a former spouse, former extramarital partner, former life partner, former informal life partner, current or former intimate partner, persons having a child together and persons living in a shared household.

(3) The persons with disabilities and the elderly referred to in paragraphs 1 and 2 of this Article as victims of domestic violence shall enjoy special protection under this Act.

(4) An extramarital partner is a person who lives in an extramarital union which has a more permanent character, or which lasts for a shorter period of time if a child they have together was born in it.

(5) An informal life partner within the meaning of this Act is a person living in a same-gender community that has a more permanent character.

Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

#### Application of Criminal Legislation for Criminal Offences Committed in the Territory of the Republic of Croatia – Article 10

The criminal legislation of the Republic of Croatia applies to anyone who commits a criminal offence in its territory.



### Application of Criminal Legislation to Criminal Offences Committed on Board a Ship or Aircraft of the Republic of Croatia – Article 11

The criminal legislation of the Republic of Croatia also applies to anyone who commits a criminal offence on a domestic ship or aircraft, regardless of where the ship or aircraft is located at the time the criminal offence is committed.

### Particularities Regarding the Initiation of Criminal Proceedings for Criminal Offences Committed in the Territory of the Republic of Croatia, Its Ship or Aircraft – Article 12

When, in the case of application of the criminal legislation of the Republic of Croatia pursuant to Articles 10 and 11 of this Code, criminal proceedings have been finalized in a foreign state, criminal proceedings in the Republic of Croatia shall be initiated with the approval of the state attorney.

### Application of Criminal Legislation for Criminal Offences Committed Outside the Territory of the Republic of Croatia by Its Citizens – Article 14

(1) The criminal legislation of the Republic of Croatia shall apply to a Croatian citizen and a person residing in the Republic of Croatia who commits any criminal offence outside the territory of the Republic of Croatia other than those covered by Articles 13 and 16 of this Code, if the offence is punishable under the law of the state in which it was committed.

(2) The provision of paragraph 1 of this Article shall also apply when the perpetrator acquires Croatian citizenship after the commission of a criminal offence.

(3) In the cases referred to in paragraphs 1 and 2 of this Article in the case of criminal offences referred to in Article 115, paragraphs 3 and 4, Article 116, Article 153, Article 154, Article 158, Article 159, Article 161, Article 162, Article 163, Article 164, Article 166 and Article 169 of this Act and other criminal offences to which this is provided by an international treaty to which the Republic of Croatia is a party, the criminal legislation of the Republic of Croatia shall apply even if the offence is not punishable under the law of the state in which it was committed.

(4) When Croatian citizens participate in peacekeeping operations or other international activities outside the territory of the Republic of Croatia and commit a criminal offence in such operations or activities, the application of the legislation of the Republic of Croatia shall be governed by the provisions of this Code, unless the international treaty to which the Republic of Croatia is a party does not state otherwise.

### Application of Criminal Legislation for Criminal Offences Committed against a Citizen of the Republic of Croatia Outside Its Territory – Article 15

(1) The criminal legislation of the Republic of Croatia shall apply to a foreigner who commits a criminal offence outside the territory of the Republic of Croatia towards a citizen of the Republic of Croatia, a person residing in the Republic of Croatia, or a legal person registered in the Republic of Croatia. Said criminal offence is any criminal offence not encompassed by provisions of Article 13 and 16 of this Code, even if such criminal offence is punishable under the law of the state in which it was committed.

(2) In the case referred to in paragraph 1 of this Article, the court may not impose a more serious sentence than that prescribed by the law of the country in which the criminal offence was committed.

### Application of Criminal Legislation for Criminal Offences against Values Protected by International Law, Committed Outside the Territory of the Republic of Croatia – Article 16

The criminal legislation of the Republic of Croatia applies to anyone who commits the criminal offence referred to in Article 88, Article 90, Article 91, Article 97, Article 104, Article 105 and Article 106 of this Code, as well as the criminal offence which the Republic of Croatia is obliged to punish under an international treaty even when it was committed outside the territory of the Republic of Croatia.

Application of Criminal Legislation to Other Criminal Offences Committed Outside the Territory of the Republic of Croatia – Article 17

(1) The criminal legislation of the Republic of Croatia shall apply to an foreigner who, outside the territory of the Republic of Croatia, commits a criminal offence for which imprisonment of five years or a more serious sentence may be imposed under Croatian legislation, and these are not criminal offences referred to in Articles 13 and 16 of this Code, even if the criminal offence is punishable under the law of the state in which it was committed and if the extradition of the perpetrator is permitted by law or international treaty, but it has not occurred.

(2) In the case referred to in paragraph 1 of this Article, the court may not impose a more serious sentence than that prescribed by the law of the state in which the criminal offence was committed.

Particularities Regarding the Initiation of Criminal Proceedings for Criminal Offences Committed Outside the Territory of the Republic of Croatia – Article 18

(1) When, in the case of application of the criminal legislation of the Republic of Croatia pursuant to the provisions of Article 13 of this Code, criminal proceedings have been finalized in a foreign state, the attorney general may waive criminal prosecution.

(2) In the cases referred to in Article 14 of this Code, criminal proceedings for the application of the criminal legislation of the Republic of Croatia shall not be initiated:

1 if the sentence imposed by a final judgment has been executed or is in the process of execution or can no longer be executed according to the law of the state in which the person was convicted,

2 if the perpetrator in a foreign state has been acquitted by a final judgment or the sentence has been pardoned under the law of the state in which the person committed the criminal offence,

3 if the statute of limitations for criminal prosecution has expired.

(3) In the cases referred to in Article 14, paragraphs 1 and 2 of this Code, criminal proceedings for the application of the criminal legislation of the Republic of Croatia shall not be instituted if the criminal offence is prosecuted under a proposal or private lawsuit, and no such lawsuit was filed.

(4) In the cases referred to in Article 14, paragraph 3 of this Code, criminal proceedings for the application of the criminal legislation of the Republic of Croatia shall be instituted even if the criminal offence is prosecuted under a proposal or private lawsuit, and no such proposal or lawsuit was filed.

(5) In the cases referred to in Articles 15 and 17 of this Code, criminal proceedings for the application of the criminal legislation of the Republic of Croatia shall not be initiated:

1 if the sentence imposed by a final judgment has been executed or is in the process of execution or can no longer be executed according to the law of the state in which the person was convicted,

2 if the perpetrator in a foreign state has been acquitted by a final judgment or the sentence has been pardoned under the law of the state in which the person committed the criminal offence,

3 if the criminal offence under the law of the state in which it was committed is prosecuted upon a proposal or private lawsuit, and no such proposal or lawsuit was filed, or the statute of limitations for criminal prosecution has expired.

(6) In the case referred to in Article 16 of this Code, criminal proceedings for the application of the criminal legislation of the Republic of Croatia may be instituted if criminal proceedings have not been instituted before the International Criminal Court or a court of another state or it cannot be expected to conduct a fair trial before the court of the state in which the offence was committed, the court of the state of which the perpetrator is a national or another court having jurisdiction to try. If criminal proceedings have been conducted in another state contrary to internationally recognized standards of a fair trial, criminal proceedings may be instituted only with the approval of the attorney general.

(7) In the case referred to in Article 14, Article 15, Article 16 and Article 17 of this Code, criminal proceedings shall be instituted only if the perpetrator is in the territory of the Republic of Croatia.

For all the offences described in Articles 33 to 40 of the Convention, the Criminal Code provides for imprisonment. Criminal jurisdiction remains independent of the circle of persons to whom it applies.

## **Article - 45 – Sanctions and Measures**

Sanctions are described with each act separately.

### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21) Community Service – Article 55

- (1) The court may replace the imposed fine in the amount of less than three hundred and sixty daily amounts or imprisonment for a term of less than one year with community service.
- (2) Community service may not be imposed on persons already sentenced to imprisonment for a term exceeding six months.
- (3) When the court replaces a fine with community service, it shall replace one daily amount with two hours of work, and when it replaces imprisonment with community service, it shall replace one day of imprisonment with two hours of work.
- (4) In addition to community service, the court may order protective supervision referred to in Article 64 of this Code, the duration of which may not be longer than the time during which the perpetrator must perform community service.
- (5) Community service shall be performed only with the consent of the convict.
- (6) The convict shall, after giving his or her consent to the competent body for probation, perform community service within the time limit determined by that body, taking into account his or her possibilities with regard to his or her personal circumstances and employment. This period may not be shorter than one month nor longer than two years from the beginning of the performance of community work. The content of the community work is determined by the competent body for probation in agreement with the convict, taking into account his or her abilities.
- (7) If the convicted person does not report to the competent probation body within eight days from the day for which he or she was summoned or the summons could not be delivered to the address given to the court or he or she does not give consent, the competent probation body shall inform the competent execution judge if imprisonment is replaced by community service, and the court if the fine is replaced by community service.
- (8) If the convict does not perform community service through his or her own fault, the court shall immediately issue a decision ordering the execution of the imposed sentence in the unserved part or in its entirety. If the convict does not perform community service and it is not his or her own fault, the competent probation body shall extend the time limit referred to in paragraph 6 of this Article.
- (9) If a convicted person persistently avoids conducting of the protective supervision referred to in Article 64 of this Act or without justified grounds violates the obligation imposed on him or her by a security measure, the court shall issue a decision ordering the execution of the originally imposed sentence. If it is established that the perpetrator avoided protective supervision for justified grounds, the court may release him or her from protective supervision or may extend his or her term for performing protective supervision.
- (10) Community service shall be performed without compensation.

### Suspended Sentence – Article 56

- (1) A suspended sentence shall stipulate that the sentence to which the perpetrator has been sentenced shall not be executed if the perpetrator does not commit a new criminal offence during the probation period and fulfils certain obligations.
- (2) The court may impose a suspended sentence on a perpetrator sentenced to imprisonment for a term not exceeding one year or to a fine when it finds that the perpetrator will not commit criminal offences in the future without serving the sentence. The perpetrator's personality, previous life, especially if he or she was previously convicted, family circumstances, circumstances of the crime and behaviour after the crime will be taken into account, especially the perpetrator's attitude towards the victim and efforts to repair the damage.

- (3) The probation period may not be shorter than one or longer than five years, it shall be assessed for full years and shall begin to run from the day the judgment becomes final.
- (4) The court may impose one or more special obligations on the perpetrator with a suspended sentence independently in accordance with the provisions of Article 62 and Article 63 of this Code or with protective supervision in accordance with the provisions of Article 64 of this Code or an obligation imposed by a security measure.
- (5) The duration of special obligations and protective supervision may not exceed the time of probation.
- (6) When the court imposes imprisonment and a fine, it may decide that under the conditions referred to in this Article, only the imprisonment shall not be executed.

#### Partially Suspended Sentence – Article 57

- (1) The court may impose a suspended sentence on a perpetrator sentenced to a fine or imprisonment for a term exceeding one and less than three years for only a part of the sentence if it finds that there is a high probability that even without serving a full sentence the convict will not commit criminal offences.
- (2) The suspended part of the imprisonment must be at least six months, and at most one half of the imposed sentence.
- (3) The suspended part of the fine may not be less than one fifth or more than one half of the imposed fine.
- (4) The provisions on suspended release may not be applied to the non-suspended part of imprisonment.
- (5) The probation period from the suspended part of the sentence shall not run during the serving of the non-suspended part of the sentence.
- (6) The provisions of Article 56, Article 58, Article 62, Article 63 and Article 64 of this Code shall apply accordingly to the suspended part of the sentence.

#### Types of Special Obligations – Article 62

- (1) In addition to a suspended sentence and a partially suspended sentence, the court may order the perpetrator to, within a certain time limit:
  - 1 redress the damage caused by the criminal offence,
  - 2 pay a certain amount of money for the benefit of a public institution, for humanitarian or charitable purposes, or into a fund for compensation of victims of criminal offences, if this is appropriate in view of the committed offence and the identity of the perpetrator.
- (2) In addition to the obligations referred to in paragraph 1 of this Article, the court may, if it deems that their application is necessary for the protection of the health and safety of the person against whom the criminal offence was committed or when it is useful for eliminating circumstances that favour or new criminal offence, impose the following obligations:
  - 1 continuing education or training for a specific occupation chosen by the competent body for probation,
  - 2 employment that corresponds to his or her vocation or level of education, training and actual ability to perform work tasks, which is advised and provided by the competent probation body,
  - 3 supervised disposal of income in accordance with the needs of the persons he or she is obliged to support by law and according to the advice of the competent probation body,
  - 4 treatment or continuation of treatment necessary for the elimination of health disorders that may have an incentive effect in committing a new criminal offence with the professional assistance of the competent probation body,
  - 5 treatment on alcohol, drugs, or other addictions in the therapeutic community with the professional assistance of the competent probation body,
  - 6 prohibition on visiting certain places, facilities, and events, which may be an opportunity or incentive to commit a new criminal offence,

7 a ban on associating with a certain person or group of persons who could lead him or her to commit a criminal offence, a prohibition on employment, teaching or accommodation of those persons,

8 prohibition on leaving home for a certain period of the day,

9 prohibition on carrying, possessing and entrusting to the custody of another person weapons and other objects that could lead him or her to commit a criminal offence,

10 fulfilment on the maintenance obligation with the professional assistance of the competent probation body,

11 regular reporting to the competent probation body, social welfare centre, court, police administration or other competent body,

12 and other obligations that are appropriate with regard to the committed criminal offence.

(3) The special obligations referred to in paragraph 2, items 6-9 shall be performed by the competent probation body with the assistance of the police.

(4) The manner of performing special obligations referred to in paragraph 2 of this Article, which are performed with the professional assistance of the competent probation body, shall be regulated by a special law and by-laws adopted on the basis of that law.

#### Imposing Special Obligations – Article 63

(1) The perpetrator may not be imposed unreasonable and impossible obligations, and obligations that offend his or her dignity.

(2) The obligations referred to in Article 62, paragraph 2, items 4 and 5 may be imposed only with the consent of the perpetrator.

(3) The obligation referred to in Article 62, paragraph 2, item 5 may be imposed for a period of up to three years.

(4) The court may subsequently, and before the expiration of the duration of the obligation, at the proposal of the body competent for its implementation, increase the minimum, i.e., reduce the maximum duration of the obligation, terminate it or replace it with another obligation.

#### Protective Supervision – Article 64

(1) The court shall order protective supervision of the perpetrator when it assesses that he or she needs the assistance, guidance, and supervision of the competent probation body in order not to commit criminal offences in the future and to facilitate his or her involvement in society.

(2) Protective supervision shall be based on an individual action programme which shall be drafted, assisted and supervised by the competent probation body.

(3) As a rule, in addition to a suspended sentence, community service or suspended release, the court shall also order protective supervision if it has imposed imprisonment of more than six months and the accused is under twenty-five years of age.

(4) Protective supervision may be revoked by a court decision even before the expiry of the deadline for which the needs for assistance, guidance and supervision have ceased or, if necessary, may be extended until the maximum duration provided for in this Act.

(5) During protective supervision, the perpetrator must:

1 report regularly to the probation officer,

2 receive visits from the probation officer at the home and provide him or her with all the necessary information and documents,

3 seek the consent of the execution judge for a trip abroad,

4 inform the probation officer about the change of employment or address, within two days of that change, and of the trip lasting more than eight days and the day of return.

(6) Execution of protective supervision shall be prescribed by a special law.

#### Types of Security Measures – Article 65

Security measures are mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psychosocial treatment, prohibition on performing certain duties or activities, prohibition on driving a motor vehicle, prohibition on approaching, harassing and stalking, removal from a

shared household, prohibition on accessing the Internet and protective supervision after a fully served imprisonment.

#### Mandatory Psychiatric Treatment – Article 68

(1) The court shall impose a security measure of mandatory psychiatric treatment on a perpetrator who has committed a criminal offence punishable by imprisonment of one year or more in a state of significantly reduced mental capacity if there is a danger that said person, due to mental disorders that caused his or her significantly reduced mental capacity could in future commit a graver criminal offence.

(2) The measure referred to in paragraph 1 of this Article imposed with imprisonment shall be executed within the prison system. The measure imposed in addition to a fine, community service and a suspended sentence shall be carried out outside the prison system under the supervision of the competent probation body.

(3) The measure referred to in paragraph 1 of this Article may last until the cessation of imprisonment or community service, the expiry of the probation period, or the expiry of the term of imprisonment corresponding to the imposed fine.

(4) After the first year of the perpetrator's arrival to execution of the measure referred to in paragraph 1 of this Article and then at least once a year, the court must review whether the conditions referred to in paragraph 1 of this Article exist for its continuation and issue a decision. At the request of the institution where the measure is implemented, the competent probation office or the perpetrator, this review may be carried out before, but not before, six months after the last review. The court may suspend the application of the measure or change the manner and time of execution of the measure.

(5) The court shall suspend the execution of the measure referred to in paragraph 1 of this Article if the grounds for which it was imposed have ceased to exist.

(6) If the time spent on treatment is shorter than the duration of the imposed sentence, the court may order that the convicted person be sent to serve the remainder of the sentence or that he or she be released on suspended release. When instructing him or her to serve the remainder of the sentence, the court may order outpatient treatment at the prison. In deciding on suspended release, the court will take into account in particular the success of the convict's treatment, his or her state of health, the time spent on treatment and the rest of the sentence that the convict did not serve. If it finds that the perpetrator is still dangerous to the environment and that his or her treatment at large is sufficient to eliminate that danger, the court may order the perpetrator a suspended release in accordance with Article 60 (2) in conjunction with Article 62 paragraph 2, item 4 of this Code.

(7) The court shall inform the competent probation body of the verdict by which the measure referred to in paragraph 1 of this Article was imposed in addition to a fine, community service or suspended sentence for further action prescribed by a special law and by-laws enacted on that basis.

#### Mandatory Addiction Treatment – Article 69

(1) The court shall impose a security measure of mandatory addiction treatment on a perpetrator who has committed a criminal offence under the decisive influence of alcohol, drug or other addiction if there is a danger that he or she will commit a more serious criminal offence in the future.

(2) The measure referred to in paragraph 1 of this Article imposed with imprisonment shall be executed within the prison system or in a health or other specialized institution for the addiction treatment outside the prison system under conditions determined by a special regulation. The measure imposed with a fine, community service and suspended sentence shall be executed in a health or other specialized institution for the elimination of addiction outside the prison system, and may, under the conditions specified in a special regulation, as in the case referred to in Article 44, paragraph 4 of this Code be performed in the therapeutic community if such treatment is sufficient to eliminate the danger. The measure referred to in paragraph 1 of this

Article shall be executed under the supervision of the competent probation body when it is imposed with a fine, community service and a suspended sentence.

(3) The measure referred to in paragraph 1 of this Article may last until the cessation of imprisonment or community service, the expiration of the probation period, or until the expiry of the term of imprisonment corresponding to the imposed fine, for a maximum of three years.

(4) The execution judge shall suspend the execution of the measure referred to in paragraph 1 of this Article if the grounds for which it was pronounced have ceased or if its previous and further implementation is futile.

(5) The execution judge must at least every six months, counting from the arrival of the perpetrator to the execution of the measure referred to in paragraph 1 of this Article, review whether the conditions referred to in paragraph 1 of this Article exist for its continuation and issue a decision. The execution judge may suspend the application of the measure or change the manner and time of the execution of the measure.

(6) The provision of Article 68, paragraph 6 of this Code shall apply to the measure of mandatory addiction treatment.

(7) The court shall inform the competent probation body of the verdict by which the measure referred to in paragraph 1 of this Article was imposed in addition to a fine, community service or suspended sentence for further action prescribed by a special law and by-laws enacted on that basis.

#### Prohibition on Performing a Certain Duty or Activity – Article 71

(1) A security measure of prohibition on full or partial performance of a certain duty or activity shall be imposed by the court on the perpetrator who committed the criminal offence in the performance of duty or activity if there is a danger of abusing that duty or activity.

(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of one to ten years. The measure referred to in paragraph 1 of this Article shall be imposed for a perpetrator who has been sentenced to imprisonment and has not been given a suspended sentence or moved to community service, for a period of one to ten years longer than the sentence imposed.

(3) The perpetrator of the criminal offence referred to in Article 105, paragraph 3, Article 106, paragraphs 2 and 3, Article 111, item 2, Article 112, paragraph 1, Article 114, Article 116, Article 118, Article 119, Article 120, Title XVI, committed to the detriment of a child and Title XVII of this Code, the court shall prohibit the performance of duties or activities if there is a danger that abuse of that duty or activity will cause re-committing those criminal offences, in which he or she comes into regular contact with children even when these offences were not committed in the performance of duties and activities, and said measure may be pronounced for life.

(4) During the prohibition referred to in paragraph 1 of this Article, a convict may not engage in a certain duty or activity independently, for another person, in a legal entity, or on behalf of another person, nor may he authorise another person to engage in that duty or activity in his or her name and according to his or her instructions.

(5) If the perpetrator fails to comply with the prohibition to perform a certain duty or activity when it is imposed as a community service, suspended sentence, or during suspended release, the provisions of Article 55, paragraph 9, Article 58, paragraph 5 or Article 61, paragraph 3 of this Code shall apply accordingly.

(6) After the expiration of half of the security measure imposed on the basis of paragraph 1 of this Article, the court may, at the request of the convict, suspend its execution if it finds that the danger referred to in paragraph 1 of this Article no longer exists. The convict may repeat the proposal, but not before the expiration of one year from the last review.

(7) After the expiration of the longest period referred to in paragraph 2 of this Article, the court may suspend the security measure imposed pursuant to paragraph 3 of this Article upon the convict's proposal if it finds that the danger referred to in paragraph 1 of this Article no longer

exists. The convict may repeat the proposal, but not before the expiration of one year from the last review.

(8) The court shall notify the body competent for keeping the register of persons performing certain duties or activities of the judgment imposing the measure referred to in paragraph 1 of this Article.

#### Prohibition on Driving a Motor Vehicle – Article 72

(1) The court shall impose a security measure of prohibition on driving a motor vehicle on the perpetrator of a criminal offence against traffic safety when there is a danger that driving the motor vehicle will endanger traffic safety. The prohibition applies to all categories of vehicles, and an exceptionally specific category of vehicle may be exempted when special circumstances indicate that the purpose of the measure will not be jeopardized.

(2) If the preconditions referred to in paragraph 1 of this Article are met, the court shall impose a prohibition on driving a motor vehicle to a mentally incompetent person if his or her actions indicate that he or she is incapable of driving.

(3) The measure referred to in paragraph 1 of this Article shall be imposed for a period of one to five years. The measure referred to in paragraph 1 of this Article shall be imposed for a perpetrator who has been sentenced to imprisonment and has not been given a suspended sentence or moved to community service, for a period of one to five years longer than the sentence imposed.

(4) After the expiration of half of the security measure imposed pursuant to paragraph 1 of this Article, the court may, at the request of the convict, suspend its execution if it finds that the danger referred to in paragraph 1 of this Article no longer exists. The convict may repeat the proposal, but not before the expiration of one year from the last review.

(5) A prohibition on driving a motor vehicle may be imposed for life when, given the perpetrator's previous serious traffic violations, it can be expected that even after the longest period referred to in paragraph 3 of this Article there is a danger that the perpetrator will commit a criminal offence. If the court determines, regarding the convict's proposal, that after the expiration of the longest period referred to in paragraph 3 of this Article, the danger no longer exists, it shall revoke the prohibition. The convict may repeat the proposal, but not before the expiration of one year from the last review. After the prohibition is revoked, the perpetrator must retake the driving test.

(6) The provision of Article 71, paragraph 5 of this Code shall apply accordingly to the prohibition on driving a motor vehicle.

(7) The time of temporary revocation of a driver's licence shall be included in the time of the prohibition on driving a motor vehicle.

(8) The court shall inform the police of the judgment imposing the measure referred to in paragraph 1 of this Article.

(9) The manner of execution of the measure referred to in paragraph 1 of this Article shall be prescribed by an ordinance of the minister competent for internal affairs.

#### Removal from a Shared Household – Article 74

(1) The court shall impose a security measure of removal from shared household on the perpetrator of the criminal offence of violence against a person with whom he or she lives in a shared household if there is a high degree of danger that without this measure the perpetrator could commit violence against a shared household member.

(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of three months to three years. The measure referred to in paragraph 1 of this Article shall be imposed for a perpetrator who has been sentenced to imprisonment and has not been given a suspended sentence or moved to community service, for a period of three months to three years longer than the imprisonment sentence.



(3) The person to whom the measure referred to in paragraph 1 of this Article has been imposed shall, in the presence of a police officer, leave the apartment, house or other living space constituting a shared household immediately after the judgment becomes final.

(4) After the expiration of half of the security measure imposed pursuant to paragraph 1 of this Article, the court may, at the request of the convict, suspend its execution if it finds that the danger referred to in paragraph 1 of this Article no longer exists. The convict may repeat the proposal, but not before the expiration of six months from the last review.

(5) The provision of Article 71, paragraph 5 of this Code shall apply accordingly to the measure of removal from the shared household.

(6) The court shall inform the police and the competent police administration of the judgment imposing the measure referred to in paragraph 1 of this Article.

#### Prohibition on Accessing the Internet – Article 75

(1) The court shall impose a security measure of prohibition on accessing the Internet on a perpetrator who has committed a criminal offence via the Internet if there is a danger that he or she will commit a criminal offence again by misusing the Internet.

(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of six months to two years. The measure referred to in paragraph 1 of this Article shall be imposed for a perpetrator who has been sentenced to imprisonment and has not been given a suspended sentence or moved to community service, for a period of six months to two years longer than the imprisonment sentence.

(3) After the expiration of half of the security measure imposed on the basis of paragraph 1 of this Article, the court may, at the request of the convict, suspend its execution if it finds that the danger referred to in paragraph 1 of this Article no longer exists. The convict may repeat the proposal, but not before the expiration of one year from the last review.

(4) The provision of Article 71, paragraph 5 of this Code shall apply accordingly to the prohibition on accessing the Internet.

(5) The court shall notify the regulatory body competent for electronic communications of the legally imposed measure, which will ensure its implementation.

#### Misdemeanour Code (Official Gazette No. 107/07, 39/13, 157/13, 110/15, 91/16, 70/17 and 118/18)

##### Title six (VI) WARNING MEASURES

##### Types of Warning Measures – Article 41

Warning measures prescribed by this Code are reprimand and suspended conviction.

#### Suspended Conviction – Article 44

(1) The suspended conviction is a misdemeanour legal sanction that, as a warning measure, consists of the imposed imprisonment or imprisonment of juvenile imprisonment, and the deadline by which this penalty is not executed under the conditions as determined by this Act.

(2) The court can apply suspended conviction when they have appraised that, even without the execution of the penalty, they can expect the realization of the purpose of punishment, especially having in mind the relation of the misdemeanour perpetrator towards this misdemeanour or the injured party and the compensation of damages caused by the misdemeanour.

(3) The suspended conviction prolongs the execution of the penalty imposed, during a period that cannot be shorter than three months, nor longer than one year.

#### Special Obligations with Suspended Conviction – Article 45

(1) The court may, with a suspended conviction, order the perpetrator that within a certain period:

1 repair the damage caused by the offence,

2 treatment or continuation of treatment necessary for the elimination of health disorders that may have an incentive to commit a new offence,

3 treatment or continuation of treatment for alcohol, drug or other addiction in a health or other specialized institution or addiction treatment in the therapeutic community,

- 4 participation or continuation of participation in the procedure of psychosocial treatment in health care institutions or in legal or natural persons authorised to carry out psychosocial treatment,
  - 5 prohibition on visiting certain places, facilities and events, which may be an opportunity or incentive to commit a new offence,
  - 6 prohibition on approaching the injured party or some other persons,
  - 7 leaving home for a certain period of time if it is an act of domestic violence,
  - 8 regular reporting to the police administration or other competent body,
  - 9 other obligations that are appropriate with regard to the committed offence.
- (2) The perpetrator may not be imposed unreasonable and impossible obligations and obligations that offend his or her dignity.

#### Imposition of Special Obligations – Article 45a

- (1) The court may impose special obligations referred to in Article 45 of this Code when it deems that their application is necessary to protect the health and safety of the person to whose detriment the misdemeanour was committed or when it is necessary to eliminate circumstances conducive to or inciting a new misdemeanour.
- (2) Obligations referred to in Article 45, paragraph 1, items 2 and 3 of this Code may be imposed only with the consent of the perpetrator.
- (3) The deadline referred to in Article 45, paragraph 1 of this Code, i.e., the duration of special obligations may not be longer than the probation period, and the obligations referred to in Article 45, paragraph 1, items 3 and 4 of this Code may be imposed for up to one year.

#### **Article 46 – Aggravating Circumstances**

##### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21) Meting out the Punishment – Article 47

(1) When choosing the type and measure of punishment, the court shall, starting from the degree of guilt and the purpose of punishment, assess all circumstances that affect the punishment by type and measure to be lighter or heavier (mitigating and aggravating circumstances), and especially the severity of endangering or violating a protected good, motives for the crime, the degree of violation of the perpetrator's duties, manner of commission and wrongful effects of the crime, the perpetrator's previous life, personal and financial circumstances and his or her behaviour after the crime, attitude towards the victim and efforts to redress for damage.

(2) The amount of the punishment may not exceed the degree of guilt.

\*The circumstances referred to in Article 46 of the Convention are partly provided for in the Special Part of the Criminal Code as a qualified form of certain criminal offences. We also note that the provisions of Article 47 of the Criminal Code, in conjunction with Article 6 of the Criminal Code, are applicable to all criminal offences prescribed by the Criminal Code. It is independent of the circle of possible victims of certain criminal offences from the catalogue of the Criminal Code.

#### **Article 48 -Prohibition of Mandatory Alternative Dispute Resolution Proceedings or Sentencing**

##### Family Act (Official Gazette, 103/15, 98/19)

##### Failure to Conduct Family Mediation – Article 332 (excerpt from the Article)

(1) Family mediation is not conducted:

1. In cases when, according to the professional team of the social welfare centre or family mediator, due to domestic violence, equal participation of spouses in the mediation proceeding is not possible.

## **Chapter VI – Investigation, Prosecution, Procedural Law and Protective Measures**

### **Articles 50 – Immediate Response, Prevention and Protection**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

#### Article 4

All bodies dealing with domestic violence are obliged to act urgently and all proceedings initiated under this Act are urgent.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

#### Urgent Evidentiary Actions – Article 212

(1) The police may, if there is a danger of delay, even before the commencement of criminal proceedings for criminal offences punishable by imprisonment for up to five years, conduct a search (Article 246), temporary seizure of items (Article 261), identification (Article 301), on-scene investigation (Article 304), taking fingerprints and prints of other parts of the body (Articles 211 and 307).

(2) For criminal offences punishable by imprisonment for more than five years, the police shall immediately inform the state attorney of the danger of delay and the need to take evidentiary actions, except for the evidentiary action of temporary seizure of items (Article 261) and search (Article 246). The state attorney may himself or herself carry out the evidentiary actions referred to in paragraph 1 of this Article or leave their conduct to the police or order it to an investigator. The state attorney who arrives at the place of the on-site investigation or search during its implementation may take over the implementation of the action.

(3) If it is necessary to carry out the actions referred to in paragraphs 1 and 2 of this Article against an official person authorised and obliged to detect and report criminal offences prosecuted *ex officio*, the police shall immediately inform the State attorney who shall decide whether to carry out this action himself or herself or will give an order to the investigator.

(4) If there is a danger of delay, the state attorney may determine the necessary expertise, except for exhumation.

(5) The police shall without delay inform the State attorney of the results of the actions carried out by the police pursuant to paragraphs 1 and 2 of this Article.

### **Article 51 – Risk Assessment and Risk Management**

Misdemeanour Code (Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18)

#### Urgent Presentation of Evidence – Article 159

(1) Authorized persons of state administration bodies, when acting within their competence of supervision, if there are grounds for suspicion that a misdemeanour has been committed, may request the court to order before initiating misdemeanour proceedings pursuant to the provisions of this Act:

1 search of the apartment and other premises, means of transport, luggage and persons,

2 temporarily seize items,

3 temporarily suspend the execution of the financial transaction,

4 identification

5 on-site investigation,

6 required expertise.

(2) If there is a danger of delay, the competent state administration bodies may themselves determine the performance of the actions referred to in paragraph 1 of this Article, except for the search of the apartment and identification. They compile a report on the actions taken and issue a certificate for the seized items, which are attached to the proposal for indictment.

(3) The court may entrust the execution of the actions referred to in paragraph 1 of this Article to state administration bodies.

(4) The records of actions referred to in paragraphs 1 and 2 of this Article shall be evidence in misdemeanour proceedings.

(5) The actions referred to in paragraph 1 of this Article shall be carried out by meaningful application of the provisions of the Criminal Procedure Act relating to those actions and their undertaking before the commencement of criminal proceedings, unless otherwise provided by this Article.

(6) A person who obstructs the implementation of the actions referred to in paragraph 1 of this Article or does not hand over the item requested during the search, may be fined up to HRK 5,000.00.

(7) If the performance of actions referred to in paragraphs 1 and 2 of this Article requires the use of coercion or physical resistance is expected, and the actions are carried out by a state administration body different from the police, the police shall assist that state administration body in its implementation.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

Urgent Evidentiary Actions – Article 212

(1) The police may, if there is a danger of delay, even before the commencement of criminal proceedings for criminal offences punishable by imprisonment for up to five years, conduct a search (Article 246), temporary seizure of items (Article 261), identification (Article 301), on-scene investigation (Article 304), taking fingerprints and prints of other parts of the body (Articles 211 and 307).

(2) For criminal offences punishable by imprisonment for more than five years, the police shall immediately inform the state attorney of the danger of delay and the need to take evidentiary actions, except for the evidentiary action of temporary seizure of items (Article 261) and search (Article 246). The state attorney may himself or herself carry out the evidentiary actions referred to in paragraph 1 of this Article or leave their conduct to the police or order it to an investigator. The state attorney who arrives at the place of the on-site investigation or search during its implementation may take over the implementation of the action.

(3) If it is necessary to carry out the actions referred to in paragraphs 1 and 2 of this Article against an official person authorised and obliged to detect and report criminal offences prosecuted *ex officio*, the police shall immediately inform the State attorney who shall decide whether to carry out this action himself or herself or will give an order to the investigator.

(4) If there is a danger of delay, the state attorney may determine the necessary expertise, except for exhumation.

(5) The police shall without delay inform the State attorney of the results of the actions carried out by the police pursuant to paragraphs 1 and 2 of this Article.

## **Article 53 – Restraining or Protection Orders**

Act on the Protection against Domestic Violence (Official Gazette, No. 70/17, 126/19, 84/21)

TITLE II - MISDEMEANOUR LEGAL SANCTIONS

Types and Purpose of Misdemeanour Legal Sanctions for Protection against Domestic Violence

Article 11

(1) Misdemeanour legal sanctions for protection against domestic violence are protective measures, fines, imprisonment, and other misdemeanour legal sanctions prescribed by the law governing misdemeanours.

(2) The purpose of misdemeanour legal sanctions is to protect family members exposed to violence, respect the legal system, and prevent the recurrence of domestic violence by appropriate sanctioning of perpetrators of misdemeanours.

Protective Measures – Article 12

(1) The purpose of protective measures is to prevent domestic violence, ensure the protection of the health and safety of victims of domestic violence and eliminate circumstances that favour or

encourage the commission of a new offence, and are imposed to eliminate the endangerment of victims of domestic violence.

(2) Protective measures may be imposed independently and without the imposition of a sentence or other misdemeanour and legal sanction.

(3) Protective measures may be imposed *ex officio*, at the proposal of the authorised prosecutor, victim or social welfare centre.

(4) At the proposal of the victim or other authorised prosecutor, the court may, even before the expiration of the time for which the protective measure was imposed, review the justification of the further course of the imposed protective measure and, if necessary, replace or revoke the imposed protective measure.

#### Types of Protective Measures – Article 13

The court may impose the following protective measures on the perpetrator of domestic violence, in addition to the protective measures prescribed by the Misdemeanour Code:

1 mandatory psychosocial treatment

2 prohibition to approach, harass, or stalk a victim of domestic violence

3 removal from the shared household

4 mandatory addiction treatment.

#### Article 14

(1) The court may impose protective measures referred to in Article 13, items 2 and 3 of this Act before initiating misdemeanour proceedings at the proposal of the victim or other authorised prosecutor if there is a direct danger to the safety of the victim or members of her family or shared household.

(2) The decision referred to in paragraph 1 of this Article shall be rendered by the court without delay, and no later than within twenty-four hours from the submission of the proposal. The court will decide after hearing the victim and the person against whom protection is sought. The appeal does not delay the execution of the decision.

(3) The decision referred to in paragraph 1 of this Article shall be delivered by the court to the competent police station without delay for the purpose of implementing the imposed protective measure.

(4) The court shall revoke the decision referred to in paragraph 1 of this Article if the victim or other authorised prosecutor does not file a proposal for indictment within eight days from the day the decision was made, of which it is obliged to warn the victim. The court will inform the police without delay about the suspension of the protective measure.

#### Mandatory Psychosocial Treatment – Article 15

(1) A protective measure of mandatory psychosocial treatment may be imposed on a perpetrator of domestic violence in order to eliminate his or her violent behaviour or if there is a danger that he or she could repeat domestic violence.

(2) The measure referred to in paragraph 1 of this Article may be determined for a period of at least six months.

(3) The minister competent for judicial affairs shall prescribe by an ordinance the manner and place of implementation of the measure referred to in paragraph 1 of this Article.

#### Prohibition on Approaching, Harassing and Stalking – Article 16

(1) A protective measure of prohibition on approaching, harassing or stalking a victim may be imposed on the perpetrator of domestic violence if there is a danger that the perpetrator could repeat the domestic violence against that person.

(2) The decision imposing the measure referred to in paragraph 1 of this Article shall determine the places or areas and the distance below which the perpetrator may not approach the victim of domestic violence or prohibit harassment or stalking of the victim.

(3) The measure referred to in paragraph 1 of this Article may not be shorter than one month or longer than two years.

(4) The court shall deliver the decision by which the court imposes the measure referred to in paragraph 1 of this Article to the competent police station without delay in order to supervise the implementation of the imposed protective measure.

(5) The minister competent for internal affairs shall prescribe by an ordinance the manner of implementing the measure referred to in paragraph 1 of this Article.

#### Removal from the Shared Household – Article 17

(1) A protective measure of removal from a shared household may be imposed on a perpetrator of domestic violence who has committed violence against a family member with whom he or she lives in an apartment, house or other living space constituting a shared household if there is a risk of recurrence of domestic violence.

(2) The measure referred to in paragraph 1 of this Article may not be shorter than one month or longer than two years.

(3) The court shall deliver the decision by which the court imposes the measure referred to in paragraph 1 of this Article to the competent police station without delay in order to supervise the implementation of the imposed protective measure.

(4) The minister competent for internal affairs shall prescribe by an ordinance the manner of implementing the measure referred to in paragraph 1 of this Article.

#### Mandatory Addiction Treatment – Article 18

(1) A protective measure of mandatory addiction treatment may be imposed on a perpetrator of domestic violence who has committed violence under the influence of alcohol, drugs or other addiction if there is a risk of recurrence of domestic violence.

(2) The measure referred to in paragraph 1 of this Article shall be determined for a period which may not exceed one year.

(3) The minister competent for health affairs shall prescribe by an ordinance the manner of implementing the measure referred to in paragraph 1 of this Article.

#### Acting According to Protective Measures – Article 19

(1) The perpetrator of domestic violence is obliged to act in accordance with the imposed protective measure.

(2) Persons referred to in Article 7, paragraph 1 of this Act who learn in the course of their work that the perpetrator of domestic violence does not act in accordance with the imposed protective measure shall be obliged to inform the police.

#### Article 23

Persons referred to in Article 7, paragraph 1 of this Act who do not report to the police or the state attorney's office the commission of domestic violence of which they learned in the course of their work, shall be fined at least HRK 3,000.00 to HRK 10,000.00.

#### Article 24

The perpetrator of domestic violence who does not act in accordance with the imposed protective measure will be fined for the misdemeanour in the amount of at least HRK 3,000.00 or imprisoned for at least ten days.

#### Misdemeanour Code (Official Gazette, No. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18)

##### Title six (VI) WARNING MEASURE

##### Types of Warning Measures – Article 41

Warning measures prescribed by this Act are reprimand and suspended conviction.

### Reprimand – Article 43

(1) A reprimand is a misdemeanour sanction that can be applied as a warning measure against the perpetrator of a misdemeanour for which a fine of up to HRK 5,000.00 is prescribed as the only penalty if the perpetrator, his or her guilt and the resulting consequence are obviously mild and when, in view of all the circumstances concerning the perpetrator or especially his or her attitude towards the injured party and compensation for the damage caused by the misdemeanour, the conditions are met for achieving the purpose of the warning measure without punishment.

(2) A reprimand may also be applied to accumulated misdemeanours if the conditions referred to in paragraph 1 of this Article have been met for each of those misdemeanours.

### Title seven (VII) Protective Measures

#### Types of Protective Measures – Article 50 (excerpt from the Article)

(1) Protective measures are:

1 Mandatory addiction treatment

7 Prohibition on visiting a certain place or area.

(3) The protective measures referred to in paragraphs 1 and 2 of this Article may be prescribed for a period of one month to two years, unless otherwise prescribed by this Code.

#### Purpose of Protective Measures – Article 51

The purpose of protective measures is to eliminate the conditions that enable or encourage the commission of a misdemeanour.

#### Mandatory Addiction Treatment – Article 53

(1) The court shall impose a security measure of mandatory addiction treatment on the accused who has committed a criminal offence under the decisive influence of alcohol, drug or other addiction if there is a danger that he or she will commit a criminal offence in the future.

(2) The measure referred to in paragraph 1 of this Article may be imposed along the fine, imprisonment, juvenile imprisonment, and suspended sentence.

(3) The protective measure referred to in paragraph 1 of this Article imposed with imprisonment or juvenile imprisonment, or when the fine is replaced by imprisonment, shall be executed within the prison system or in a health or other specialized institution for addiction treatment outside the prison system under conditions determined by a special regulation. A measure imposed with a fine and a suspended sentence, or when the fine is replaced by community service, shall be carried out in a health or other specialized institution for the elimination of addiction outside the prison system, and may, under the conditions specified in a special regulation, be executed in the therapeutic community if such treatment is sufficient to eliminate the danger.

(4) If the protective measure referred to in paragraph 1 of this Article is imposed for a period longer than the sentence of imprisonment, juvenile imprisonment or community service or imprisonment replaced by a fine, its execution shall be completed in health or other specialized institution for addiction treatment outside the prison system under the conditions specified in a special regulation.

(5) The court may suspend its further execution even before the expiry of the time for which the protective measure referred to in paragraph 1 of this Article was imposed if it finds that the grounds for which it was pronounced have ceased or if its previous and further implementation is futile. This can be determined by the court at the request of the institution where the protective measure is executed or at the request of the accused.

#### Prohibition on Visiting a Certain Place or Area – Article 58a

(1) A protective measure of prohibition on visiting a certain place or area may be imposed on the perpetrator of a misdemeanour when there is a danger that he or she will commit the same misdemeanour again by visiting that place or area in a certain period.

(2) The protective measure referred to in paragraph 1 of this Article may not be imposed for a period of less than one month or more than two years.

(3) If the accused acts contrary to the prohibition referred to in paragraph 1 of this Article, and the prohibition is imposed with a suspended sentence, the court shall act in accordance with Article 46, paragraph 4 of this Code.

### 3 PRECAUTIONARY MEASURES AND GUARANTEE (JAMSTVO)

#### Purpose, Types and Principles of Application of Precautionary Measures – Article 130

(1) In proceedings for misdemeanours prescribed by law, after the proposal for indictment has been filed, the court may *ex officio* or at the proposal of the prosecutor issue a reasoned decision determining that one or more precautionary measures be applied against the accused, if necessary to ensure the accused's presence in the proceedings, prevent the accused from committing new offences or from preventing or complicating evidence in the proceedings. (2) Precautionary measures are:

1 prohibition on leaving the place of residence, without a court permit,

2 prohibition on visiting a certain place or area,

3 prohibition on approaching a certain person and prohibition on establishing or maintaining contact with a certain person,

4 prohibition on undertaking certain business activities,

5 temporary confiscation of travel and other documents for crossing the state border, with a prohibition,

6 temporary revocation of a driver's licence or a licence to operate a vessel, aircraft or other means of transport.

(3) Precautionary measures may not restrict the accused's right to his or her own apartment and the right to unhindered relations with family members, spouses, extramarital partner or ex-spouses, children of each of them, parents, adoptees, adoptive parents and persons with whom they have children, with a same-gender partner with whom he or she lives in a community and with a former same-gender partner with whom he or she has lived in a community, unless the proceedings are conducted for offences related to domestic violence.

(4) Precautionary measures may be determined throughout the misdemeanour proceedings.

(5) Precautionary measures may last as long as necessary, and until the decision on the misdemeanour becomes final. Every two months, counting from the day the previous decision on the precautionary measure becomes final, the court will examine *ex officio* whether there is still a need for precautionary measures, and extend or cancel them with a decision if they are no longer needed. The precautionary measures will also be suspended before the expiry of the two-month period if the need for them has ceased or if there are no longer any legal conditions for their application.

(6) In the event that it is probable that a misdemeanour has been prescribed by law, one or more precautionary measures referred to in paragraph 2 of this Article may be temporarily ordered by the police and state administration inspection bodies against a person suspected of being the perpetrator of a misdemeanour.

(7) If the police or inspection bodies of the state administration in the case referred to in paragraph 6 of this Article do not file a proposal for indictment to the court to extend the application of the precautionary measure or if after the submission of such a request the court does not decide within a further period of 3 days, the applied precautionary measure ceases.

(8) No appeal shall be allowed against the decision rejecting the proposal for determining or extending the precautionary measure and the decision revoking the applied precautionary measure. The accused has the right to appeal against the decision ordering or extending the precautionary measure. The appeal does not suspend the execution of the decision.

(9) If before or during the proceedings against the accused a precautionary measure was determined which in its content and purpose corresponds to the protective measure applied to the accused by the misdemeanour decision, the duration of the precautionary measure shall be included in the duration of the applied protective measure.



Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

## SECURITY MEASURES

### Types of Security Measures – Article 65

Security measures are mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psychosocial treatment, prohibition to perform certain duties or activities, prohibition to drive a motor vehicle, prohibition to approach, harass and stalk, removal from a shared household, prohibition to access the Internet and protective supervision after a fully served imprisonment.

### Purpose of Security Measures – Article 66

The purpose of security measures is to eliminate the circumstances that enable or encourage the commission of a new criminal offence.

### Principle of Proportionality – Article 67

The security measure must be proportionate with the gravity of the offence committed and the offences that can be expected, as well as with the degree of danger of the perpetrator.

### Commencement of Security Measures – Article 67a

Security measures commence from the enforcement of the judgment.

### Prohibition on Approaching, Harassing or Stalking – Article 73

(1) The court shall impose a security measure of prohibition on approaching, harassing or stalking a victim, other person or group of persons, or a prohibition on approaching a certain place to the perpetrator when there is a danger that the perpetrator could commit a criminal offence against those persons or in those places.

(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of one to five years. The measure referred to in paragraph 1 of this Article shall be imposed for a perpetrator who has been sentenced to imprisonment and has not been given a suspended sentence or moved to community service, for a period of one to five years longer than the sentence imposed.

(3) After the expiration of half of the security measure imposed pursuant to paragraph 1 of this Article, the court may, at the request of the convict, suspend its execution if it finds that the danger referred to in paragraph 1 of this Article no longer exists. The convict may repeat the motion, but not before the expiration of one year from the last review.

(4) The provision of Article 71, paragraph 5 of this Code shall apply accordingly to the prohibition on approaching.

(5) The court shall inform the police of the verdict by which the measure referred to in paragraph 1 of this Article was pronounced.

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

### Precautionary Measures – Article 98

(1) In the event that there are circumstances referred to in Article 123 of this Act due to which it is possible to order remand prison or remand prison has already been determined, the court and the state attorney shall, if the same purpose can be achieved, determine the application of one or more such measures. At the same time, the accused will be warned that in case of non-compliance with the imposed measure, it will be replaced by remand prison.

(2) Precautionary measures are:

- 1) prohibition on leaving the place of residence,
- 2) prohibition on visiting certain places or areas,
- 3) the obligation to report routinely to a specified person or government agency,
- 4) prohibition on approaching a certain person,
- 5) prohibition on establishing or maintaining contact with certain people,
- 6) prohibition on performing certain business activities,

- 7) temporary confiscation of travel and other documents for crossing the state border,
  - 8) temporary revocation of the licence to drive a motor vehicle,
  - 9) prohibition on stalking or harassing the victim or other people,
  - 10) removal from home.
- (3) Precautionary measures may not restrict the accused's right to his or her own home and the right to unhindered relations with family members, spouses or parents, parents, children, adoptees or adoptive parents, unless the proceedings are conducted for a criminal offence committed to the detriment of one of those persons. Prohibition on performing business activity may also include legal professional activity if the proceedings are conducted due to a criminal offence committed within that activity.
- (4) Precautionary measures may not restrict the right of the accused to unhindered communication with the defence counsel.
- (5) Precautionary measures may be ordered before and during criminal proceedings. Prior to the indictment, the precautionary measure is determined, extended and revoked by a decision of the state attorney and the investigating judge when deciding on remand prison. The state attorney or the investigating judge who ordered the measure is competent to extend or revoke it. After the indictment has been filed until the verdict becomes final, the measure is determined, extended and revoked by the court before which the proceedings are being conducted.
- (6) Precautionary measures may last as long as necessary, and until the judgment becomes final. The duration of precautionary measures is not limited by the duration of remand prison. Every two months, counting from the day the previous precautionary measure becomes final, the body that determined the precautionary measure before the indictment or the court conducting the proceedings will examine *ex officio* whether there is still a need for the precautionary measure and extend or suspend it if required. If the precautionary measure is specified as a condition of the guarantee, the control of the extension of the measure will not be carried out.
- (7) The parties may file an appeal against the decision ordering, extending or suspending the precautionary measure, which shall not delay the execution of the measure. The investigating judge or out-of-court council decides on the appeal until the indictment is filed.

### **Article 55 – *Ex Parte* and *Ex Officio* Proceedings**

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

#### Article 2

- (1) Criminal proceedings shall be conducted at the request of the authorised prosecutor.
- (2) For acts for which criminal proceedings are instituted *ex officio*, the authorised prosecutor is the state attorney, and for acts for which criminal proceedings are instituted based on a private lawsuit, the authorised prosecutor is a private prosecutor. For criminal offences for which this is prescribed by law, the state attorney initiates criminal proceedings only at the proposal of the victim.
- (3) Unless otherwise prescribed by law, the state attorney is obliged to initiate criminal proceedings if there is a reasonable suspicion that a certain person has committed a criminal offence for which criminal proceedings are instituted *ex officio*, and there are no legal obstacles to prosecuting that person.
- (4) If the state attorney establishes that there are no grounds for initiating or conducting criminal prosecution, a victim may take place in the role of the injured party as a plaintiff under the conditions determined by this Act.

#### Article 43 (excerpt from the Article)

- (1) A victim of a criminal offence has, according to this Act:
  - 1) the right of access to support services for victims of domestic violence,
  - 2) the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence in accordance with the law,

- 3) the right to protection against intimidation and retaliation,
- 4) the right to protection of dignity during the questioning of the victim as a witness,
- 5) the right to be questioned without undue delay after filing the report, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings,
- 6) the right to being accompanied by a person of trust in taking all actions in which he or she participates,
- 7) the right to have medical interventions against the victim taken to a minimum and only if they are strictly necessary for the purposes of criminal proceedings,
- 8) the right to file a proposal for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as a victim, the right to be informed of the rejection of criminal charges (Article 206, paragraph 3 of this Act) and withdrawal of the state attorney 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 of the actions taken in connection with his or her report (Article 206a of this Act) and to file a lawsuit with the senior state attorney (Article 206b of this Act),
- 10) the right, at his or her request, to be informed, without undue delay, of the termination of the detention or remand prison, escape of the convict or release of a convict from prison and measures taken for the protection of the victim,
- 11) the right to be informed at her request of any legally binding decision terminating criminal proceedings,
- 12) other rights prescribed by law.

## **Article 56 – Protective Measures**

### **1 Protection of the Rights and Interests of the Victim**

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19)

#### Article 43 (excerpt from the Article)

(1) A victim of a criminal offence has, according to this Act:

- 1) the right of access to support services for victims of domestic violence,
- 2) the right to effective psychological and other professional assistance and support from bodies, organisations or institutions for assistance to victims of domestic violence in accordance with the law,
- 3) the right to protection against intimidation and retaliation,
- 4) the right to protection of dignity during the questioning of the victim as a witness,
- 5) the right to be questioned without undue delay after filing the report, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings,
- 6) the right to being accompanied by a person of trust in taking all actions in which he or she participates,
- 10) the right, at his or her request, to be informed, without undue delay, of the termination of the detention or remand prison, escape of the convict or release of a convict from prison and measures taken for the protection of the victim,
- 11) the right to be informed at her request of any legally binding decision terminating criminal proceedings,
- 12) other rights prescribed by law.

#### Article 43a (excerpt from the Article)

(1) Prior to the questioning of the victim, the body conducting the questioning shall, in cooperation with the bodies, organisations or institutions for assistance and support to victims of criminal offences, conduct an individual assessment of the victim. The individual assessment of the victim includes determining whether there is a need for special protective measures in relation to the victim

and, if so, which special protective measures should be applied (special questioning of the victim, use of communication technologies to avoid visual contact with the perpetrator and other legal measures prescribed by law). When the victim of a crime is a child, it shall be assumed that there is a need to apply special protective measures and determine which special protective measures should be applied.

## **2 Protection of Child Victims and Witnesses of Violence**

Criminal Procedure Act (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)

### Article 44

(1) A child as a victim of a criminal offence has, in addition to the rights that belong to the victim in accordance with this Article and other provisions of this Act, also the right to:

- 1) proxy at the expense of budget funds,
- 2) confidentiality of personal data,
- 3) exclusion of the public.

(2) The court, the state attorney's office, the investigator and the police shall treat the child as a victim of a criminal offence with special consideration, taking into account age, personality and other circumstances in order to avoid harmful consequences for the child's upbringing and development. When treating a child victim, the competent bodies will primarily be guided by the best interests of the child.

(3) If the age of the victim is not known, it shall be presumed that it is a child if there is a probability that the victim has not reached the age of eighteen.

(4) The victim of a criminal offence against gender liberty and a victim of the criminal offence of trafficking in human beings shall have, in addition to the rights that belong to a victim in accordance with Article 43 of this Act, the following rights:

- 1) before the questioning, to talk to the advisor, at the expense of budgetary funds,
- 2) to the proxy at the expense of budgetary funds,
- 3) to be questioned by a person of the same gender by the police and the state attorney's office and, if possible, to be questioned by the same person in case of re-questioning,
- 4) refuse to answer questions that are not related to the criminal offence, and relate to the strictly personal life of the victim,
- 5) request to be questioned by means of an audio-visual device (Article 292, paragraph 4 of this Act),
- 6) the confidentiality of personal data,
- 7) demand the exclusion of the public from the proceedings.

(5) A victim in respect of whom special protection needs have been identified in accordance with Article 43a of this Act has, in addition to the rights that belong to the victim in accordance with Article 43 of this Act, also the following rights:

- 1) before the questioning, to talk to the advisor, at the expense of budgetary funds,
- 2) to be questioned by the police and the state attorney's office by a person of the same gender and, if possible, to be questioned by the same person in case of re-questioning,
- 3) refuse to answer questions that are not related to the criminal offence, and relate to the strictly personal life of the victim,
- 4) request to be questioned by means of an audio-visual device (Article 292, paragraph 4 of this Act),
- 5) the confidentiality of personal data,
- 6) demand the exclusion of the public from the proceedings.

Police Duties and Powers Act (Official Gazette, No. 76/09, 92/14, 70/19)

23 Protection of Victims of Criminal Offences and Other Persons

### Article 99

Unless otherwise provided by a special act, while there are justified grounds, the police shall adequately protect the victim and another person who gave or may provide information relevant to

the criminal proceedings or a person close to them, if they or their relatives are in danger of the perpetrator or other persons in connection with the offence.

Ordinance on the Manner of Conduct of Police Officers (Official Gazette, No. 89/10, 76/15)

23 Protection of Victims of Criminal Offences and Other Persons

Article 156

While there are justified grounds for it, the police will protect the victim or another person who provided or may provide information relevant to the criminal proceedings or a person close to them, if they are in danger from the perpetrator or other persons.

The protective measures referred to in paragraph 1 of this Article are:

- 1 Physical protection,
- 2 Technical protection,
- 3 Placing the endangered person in a safe shelter.

The basis for deciding on granting protection is the assessment of the endangerment of the person made by the organisational unit that received the report or otherwise came to know about the endangerment of the person.

Witness Protection Act (Official Gazette, No. 163/03, 18/11, 73/17)

Article 3

This Act shall apply if the proving of a criminal offence would be associated with disproportionate difficulties or could not be carried out in any other way without the testimony of the endangered person as a witness who, due to possible endangerment, will not freely testify in criminal proceedings for criminal offences:

- 1 versus the Republic of Croatia
- 2 values protected by international law
- 3 organised crime
- 4 for which, according to the law, imprisonment of 5 years or a more severe sentence may be imposed.

Types of Protective Measures

Article 17 (excerpt from the Article)

Measures to protect endangered persons are:

- 1 physical and technical protection
- 2 relocation
- 3 measures of concealment of identity and assets
- 4 change of identity.

**Article 57 – Legal Aid**

Act on Free Legal Aid (Official Gazette, No. 143/13, 98/19)

II Primary Legal Aid

Forms of Primary Legal Aid – Article 9

Primary legal aid includes:

- a) general legal information
- b) legal advice
- c) drawing up submissions before public legal bodies, the European Court of Human Rights and international organisations in accordance with international treaties and the rules of procedure of those bodies
- d) representation in proceedings before public legal bodies
- e) legal aid in extra-judicial peaceful settlement of disputes.

### Prerequisites for Obtaining Primary Legal Aid – Article 10

Primary legal aid can be provided in any legal matter:

- a) if the applicant does not have sufficient knowledge and ability to exercise his or her rights
- b) if the applicant has not been provided with legal aid on the basis of a special regulation
- c) if the submitted request is not obviously unfounded
- d) if the material circumstances of the applicant are such that the payment of professional legal aid could jeopardize the livelihood of the applicant and members of the household.

### II Secondary Legal Aid

#### Forms of Secondary Legal Aid – Article 12 (excerpt from the Article)

(1) Secondary legal aid includes:

- a) legal advice
- b) drafting submissions in court proceedings
- c) representation in court proceedings
- d) legal aid in the peaceful settlement of disputes.

#### Article 15 (excerpt from the Article)

(1) Secondary legal aid shall be granted without determining the financial situation if the applicant is:

- a) a child in the process of exercising the right to maintenance
- b) a victim of a criminal offence of violence in proceedings for the purpose of exercising the right to redress for damage caused by the commission of a criminal offence

(2) In determining the financial situation, the following shall not be taken into account:

- the total income and assets of the perpetrator of domestic violence if the applicant is a victim of that violence

### **Article 58 – Statute of Limitations**

#### Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21)

##### Statute of Limitations on Criminal Prosecution – Article 81

(1) Criminal prosecution is under statute of limitations after:

- 40 years for criminal offences punishable by long-term imprisonment and imprisonment for a term exceeding 15 years,
- 25 years for criminal offences punishable by imprisonment for a term exceeding 10 years,
- 20 years for criminal offences punishable by imprisonment for a term exceeding 5 years,
- 15 years for criminal offences punishable by imprisonment for a term exceeding 3 years,
- 10 years for criminal offences punishable by imprisonment for a term exceeding one year and
- 6 years for other criminal offences.

(2) Prosecution shall not be under statute of limitations for the criminal offences of genocide (Article 88), crime of aggression (Article 89), crime against humanity (Article 90), war crime (Article 91), terrorism (Article 97, paragraph 4), aggravated homicide (Article 111), aggravated criminal offences of sexual abuse and exploitation of a child (Article 166, paragraphs 2 and 3), homicide of a person under international protection (Article 352) and other acts not subject to statute of limitations under the Constitution of the Republic of Croatia or international law.

(3) If a first-instance verdict has been rendered before the expiry of the time limits referred to in paragraph 1 of this Article, the statute of limitations for criminal prosecution shall be extended by two years.

##### The Course of the Statute of Limitations for Criminal Prosecution – Article 82

(1) The statute of limitations for criminal prosecution shall begin to run on the day when the criminal offence is committed. If the consequence that is characteristic of the criminal offence occurs later, the statute of limitations begins to run from that moment.

(2) The statute of limitations for criminal prosecution shall not run for the Period during which, according to the law, criminal prosecution cannot be undertaken or cannot be continued.

(3) For the criminal offences referred to in Article 105, paragraph 3, Article 106, paragraphs 2 and 3, Article 110, Article 111, Article 112, paragraph 1, Article 114, paragraph 2, Article 115, Article 116, paragraph 3, Article 118, Article 119, Article 154, Article 155, paragraph 2, Article 156, Article 158, Article 159, Article 160, Article 162, Article 163, Article 164, Article 166, paragraph 1, Article 169, Article 170, Article 171, Article 176 and Article 177 of this Code committed to the detriment of a child, the statute of limitations for criminal prosecution begins to run from the age of majority of the victim.

#### Statute of Limitations for the Execution of a Sentence – Article 83

(1) The imposed sentence due to the statute of limitations may not be executed when the following time limit has expired from the final judgment:

- 40 years from the sentence of long-term imprisonment,
- 25 years from the sentence of imprisonment for a term exceeding ten years,
- 20 years from the sentence of imprisonment for a term exceeding five years,
- 15 years from the sentence of imprisonment for a term exceeding three years,
- 10 years from the sentence of imprisonment for a term exceeding one year,
- 6 years from the sentence of imprisonment of up to one year, a fine as a main or a secondary sentence.

(2) Statute of limitations does not apply to the execution of sentences imposed for the criminal offence of genocide (Article 88), crime of aggression (Article 89), crime against humanity (Article 90), war crime (Article 91), terrorism (Article 97, paragraph 4), aggravated homicide (Article 111), serious criminal offences of sexual abuse and exploitation of a child (Article 166, paragraphs 2 and 3), homicide of a person under international protection (Article 352) and other acts that do not fall under the statute of limitations under the Constitution of the Republic Croatian or international law.

### **Chapter VII – Migration and Asylum**

#### **Article 59 – Residence Status**

Law on Foreigners (Official Gazette, No. 133/20)

Temporary Stay on Humanitarian Grounds – Article 79 (excerpt from the Article)

(1) Temporary stay on humanitarian grounds shall be granted to a third-country national in the following cases:

6 if there are serious justified grounds of humanitarian nature.

#### **Article 60 – Gender-Based Asylum Claims**

Act on International and Temporary Protection (Official Gazette, No. 70/15, 127/17)

Meaning of Terms – Article 4 (excerpt from the Article)

Particular terms used in this Act shall have the following meanings:

14 Vulnerable groups mean persons deprived of legal capacity, minors, unaccompanied minors, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in human beings, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation.

Language and Script of the Proceedings – Article 14 (excerpt from the Article)

(3) If possible, seekers shall be provided *ex officio* with a translator/interpreter of the same gender in order to ensure a full account of the grounds for the application or for other justified grounds.

### Special Procedural and Reception Guarantees – Article 15 (excerpt from the Article)

(1) Through special procedural and reception guarantees, appropriate support shall be provided for seekers in relation to their personal circumstances, amongst other things their age, gender, sexual orientation, gender identity, disability, serious illness, mental health or consequence of torture and rape or other serious forms of psychological, physical or sexual violence, for the purpose of exercising the rights and obligations referred to in this Act.

(3) The provisions of Articles 41 and 42 of this Act shall not apply to requests of seekers in need of special procedural guarantees, in particular to victims of torture, rape or other severe forms of psychological, physical or sexual violence, if adequate support cannot be provided.

### Grounds for Persecution – Article 22 (excerpt from the Article)

The grounds for persecution referred to in Article 20 of this Act shall be assessed with regard to the content of the following terms:

5. a specific social group, in particular including members who share innate characteristics or a common background that cannot be changed, or characteristics or beliefs that are so fundamental to identity or conscience that these persons should not be forced to renounce them, and where that group has a distinct identity in their country of origin because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group may also include a group based on the common characteristics of sexual orientation. Sexual orientation cannot be deemed to include acts considered to be criminal pursuant to the legislation of the Republic of Croatia. Aspects related to gender, including gender identity, shall be given due consideration for the purpose of determining affiliation to a specific social group or identifying the characteristics of such a group.

### Acts of Persecution – Article 23 (excerpt from the Article)

(2) Acts of persecution referred to in paragraph 1 of this Article may, amongst other things, be:

1 acts of physical or emotional violence, including sexual violence;

2 legal, administrative, police and/or judicial measures which are discriminatory or are implemented in a discriminatory manner;

3 judicial prosecution or disproportionate or discriminatory punishment;

4 denial of judicial redress which leads to disproportionate or discriminatory punishment;

5 court prosecution or punishment for refusal to undertake military service during conflicts,

where performance of military service would include criminal offences or acts which fall within the grounds for exclusion as set out in Articles 30 and 31 of this Act;

6 acts of a gender-specific or child-specific nature.

### Ordinance on Material Conditions of Reception (Official Gazette, No. 135/15, 61/19)

## II ACCOMMODATION OF INTERNATIONAL PROTECTION SEEKERS

### Article 6

The shelter will pay special attention to the gender, age, position of vulnerable groups as well as seekers with special reception needs and family integrity when accommodating seekers.

### **Article 61 – Non-Refoulement**

### Act on International and Temporary Protection (Official Gazette, No. 70/15, 127/17)

### The Principle of Prohibition on Expulsion or Return (Non-Refoulement) – Article 6 (excerpt from the Article)

It is forbidden to expel or in any way return a third-country national or stateless person to a country:

- in which his or her life or liberty would be threatened on account of his or her race, religious or national affiliation, membership of a particular social group or due to his or her political opinion; or

- in which they could be subjected to torture, inhuman or degrading treatment; or

- which could extradite him or her to another country, whereby the principle referred to in indents 1 and 2 of this paragraph would be undermined.



Law on Foreigners (Official Gazette, No. 133/20)

Protection in the Return Procedure – Article 182 (excerpt from the Article)

(1) When applying the measures for ensuring return, the best interest of the minor and the needs of other vulnerable persons shall be taken into account, as well as the family life and health of a third-country national who is subject to the relevant measures.

(2) Within the meaning of paragraph 1 of this Article, vulnerable persons shall mean minors, persons with disabilities, the elderly, pregnant women, members of single parent families with underage children, victims of human trafficking, victims of torture, rape or other forms of psychological, physical or sexual violence, such as victims of female genital mutilation and persons with mental disorders.

Non-Refoulement – Article 207

(1) It shall be prohibited to perform removal of a third-country national to a country where his or her life or liberty are jeopardized due to his or her race, religion or nationality, affiliation to a particular social group or political opinion or to a country in which he or she may be subject to torture or inhumane and degrading treatment or punishment or in which he or she may be subject to death penalty, as well as to a country in which he or she faces threat of being forcibly removed to such a country.

(2) Prior to forcible removal of an unaccompanied minor who is a third-country national, it shall be established whether the minor will be surrendered to a family member, an appointed guardian or a suitable reception facility in the country of return.

Temporary Postponement of Removal – Article 224 (excerpt from the Article)

(1) Removal shall be temporarily suspended if there are grounds to prohibit forcible removal referred to in Article 207 of this Act or if the court has suspended the enforcement of a decision on expulsion and/or a decision on return.

(2) Removal may be temporarily suspended if the identity of a third-country national has not been established, if transport is not possible, if serious difficulties could arise during the enforcement due to the medical condition of a third-country national, or if there are other grounds that render refoulement of a third-country national impossible.