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REPUBLIC OF CROATIA
Ministry of Justice and Public Administration

Building a Europe
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Inception report

Joint EU-Council of Europe project “Implementing the Barnahus Model in Croatia” 23HR02

November 2023

The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, Directorate-General for Structural Reform Support (DG REFORM).

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1. Project summary

The joint European Union – Council of Europe project “**Implementing the Barnahus Model in Croatia**” is implemented by the Council of Europe's Children's Rights Division in close co-operation with the Croatian Ministry of Justice and Public Administration and the European Commission's Directorate General for Structural Reform Support (EC/DG REFORM) during the period 1 September 2023 to 28 February 2026.

The general objective of the project is to support Croatia in its efforts to design, develop and implement reforms in the field of justice and protection of children's rights. More specifically, the project aims to improve the access and quality of the justice system for child victims of violence in Croatia, to ensure that undue delays in the treatment of such cases is diminished, and that all children who are victims of sexual violence benefit from a child-friendly access to justice. This will be achieved through the implementation of the Barnahus Model which is the leading European model for a child-friendly multidisciplinary and interagency response to child sexual exploitation and abuse. The Barnahus Model is a child-friendly response model for the coordination of criminal and child welfare investigations of child abuse cases and providing support services for child victims and their families under one roof. The Barnahus model was recognised as a promising practice by the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) in 2015. The model has been replicated in Finland, Ireland, Norway, Slovenia, Spain and Sweden.

The project is divided into three components, leading to the following outcomes:

- 1. Legal, policy and institutional framework is established for the sustainable operation of Barnahus model in Croatia;**
- 2. Enhanced knowledge and capacities of professionals working with and for children to respond to child sexual abuse;**
- 3. Awareness of professionals and the wider public on the situation of child sexual abuse in Croatia is enhanced.**

As stated in the Detailed Project Description (DPD), a three-month inception phase was carried out prior to the implementation of the project outputs and activities. During this period, a kick-off meeting was held on 7 September 2023. This tripartite meeting brought together the representatives of the Ministry of Justice and Public Administration of Croatia, the EC/DG REFORM and the Council of Europe's Children's Rights Division (CoE). The discussions covered operational aspects of the project and are reflected in the minutes of the meeting approved by the three partners on 15 September 2023. As a second stage of the inception phase, the Council of Europe has taken stock of the project's starting point, including a review of documents produced to date and organised consultations with key stakeholders to identify concrete needs and preliminary recommendations. The result of these consultations and research is the current inception report of the project which also includes an updated workplan. The report has been shared with the beneficiary authority and EC/DG REFORM and endorsed by the project's Advisory Group, which met for the first time online on 12 December 2023. The final report will be presented at the project launch conference on 30 January 2023 and be published on the project website.

2. Implementation dynamics

The project is co-funded by the European Union via the [Technical Support Instrument](#) and co-funded and implemented by the Council of Europe Children's Rights Division in close co-operation with the Croatian Ministry of Justice and Public Administration and the European Commission, Directorate-General for Structural Reform Support (DG REFORM).

The national authority that requested technical support and will benefit from this project is the Ministry of Justice and Public Administration of Croatia.

During the inception phase, the Ministry of Justice and Public Administration initiated and identified the members of the Advisory Group which will be in charge of the political guidance and coordination of the project. On the long term, the Advisory Group will focus on decision and concrete implementation of the Barnahus Model in Croatia. The Advisory Group is composed of the representatives of the following state agencies¹:

- Judiciary (Supreme Court of the Republic of Croatia, High Criminal Court of the Republic of Croatia, State Attorney's Office of the Republic of Croatia, County Court in Zagreb)
- Ministry of the Interior, including Police and Police Academy
- Ministry of Health
- Ministry of Labour, Pension System, Family and Social Policy
- Ministry of Science and Education
- Croatian Bar Association
- Ombudsperson for Children
- Faculty of Law, University of Zagreb
- Judicial Academy
- Croatian Chamber of Psychology

Civil society organisations will also be involved in the work carried out under the Project to identify existing shortcomings of the Croatian justice system in relation to child victims of violence.

3. Aim of the inception report

The aim of this inception report is to provide a preliminary exploration of the views of the different actors involved in the future functioning of the Barnahus model in Croatia. The views of the various agencies and professionals who participated in bilateral consultations are reflected in this report. The challenges and gaps identified as well as the areas for improvements should be viewed as opinions based on the working experience of each professional group and as such, they may be contradictory. This general assessment of the current situation in Croatia aims to inform and share the project needs to be addressed as a priority in order to support the implementation of the Barnahus Model in Croatia and should be seen as a first step in exchanging views and identifying challenges among agencies. Indeed, one of the pillars of the Barnahus model is to further enhance multiagency and interdisciplinary cooperation and to strengthen the exchange of information as well as synergies.

This initial exploration carried out in the inception report will be followed by the preparation of an in-depth legal, policy and institutional assessment report (Output 3) as well as a detailed roadmap for the establishment of the Barnahus model in Croatia (Output 4). In parallel, a report on training gap analysis (Output 8) will be prepared to identify existing gaps and provide recommendations for targeted and/or multiagency training to be developed to support the implementation of the

¹ The High Criminal Court of Croatia and the Croatian Chamber of Psychology were identified and included in the project Advisory Group after the fact-finding mission that took place on 24-26 October in Zagreb.

Barnahus model in Croatia. These activities will be carried out with the support of national and international expertise.

4. Accounts of stakeholders consulted during the inception phase

On the occasion of the fact-finding mission organised from 24 to 26 October 2023 in Zagreb², nine bilateral meetings took place with key stakeholders involved in the protection of children victims and witnesses of violence and sexual abuse:

- Judiciary (Supreme Court of the Republic of Croatia, State Attorney's Office of the Republic of Croatia, County Court in Zagreb)
- Ministry of the Interior, including Police and Police Academy
- Ministry of Health
- Ministry of Labour, Pension System, Family and Social Policy
- Ministry of Science and Education
- Croatian Bar Association
- Ombudsperson for Children
- Faculty of Law, University of Zagreb
- Judicial Academy.

Prior to the bi-lateral meetings, a **questionnaire** was sent to the participants, and their answers were discussed in the meetings. The questionnaire was composed of the following questions:

1. Do you think there are legal and policy gaps in ensuring children who are victims of sexual abuse are supported when appearing as witnesses or participating in Court proceedings? If yes, which are the most pressing areas that would need review?
2. Are you aware of any interagency practices in Croatia when dealing with child sexual abuse cases? What are, in your opinion, the future gaps or problematics in ensuring effective interagency coordination, information sharing, management of child abuse cases and participatory methods among relevant Croatian authorities and agencies dealing with cases of child sexual abuse and possibly the agencies implementing the Barnahus model?
3. Are you aware of any training opportunities available for professionals working on cases of child sexual abuse? Do you think more training opportunities are necessary? If yes, can you name a few areas where specific intervention is needed?
4. How do you see the establishment and implementation of the Barnahus model in Croatia? Do you think it will be beneficial to the overall fight against child sexual abuse? In this regard do you think child participation can improve the way different sectors reach and process cases involving children?

Optional question

5. *Are you aware of specific child participation practices in Croatia? If yes, can you name the frameworks and organisations that guide child participation in policy and service delivery in the country?*

² See detailed programme of the fact-finding mission in Appendix I.

At the end of the fact-finding mission and following discussions with the Ministry of Justice and Public Administration and EC/DG REFORM, additional stakeholders were identified and invited to participate in the Advisory Group. Two additional bilateral consultations took place online on 28 November 2023 with the representatives of the following agencies:

- Croatian Chamber of Psychology
- High Criminal Court of the Republic of Croatia

Their contributions are included in the inception report.

5. Accounts of the consultations and key issues identified during the inception phase

5.1. Legal, policy and institutional framework ensuring child-friendly justice

Croatia has acceded to most of the international legal instruments for the protection of children's rights. Croatia is indeed a state party to the [UN Convention on the Rights of the Child](#) and the [Optional Protocol on the sale of children, child prostitution and child pornography](#). Croatia is also a party to the Council of Europe [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (Lanzarote Convention) as well as the [Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention) and the [Convention on Cybercrime](#) (Budapest Convention). In addition, the Committee of Ministers of the Council of Europe, of which Croatia is a member, has adopted the [Guidelines on child-friendly justice](#) in 2010.

At national level, the legal framework which guarantees the procedural protection of child victims and witnesses of violence and sexual abuse is ensured through the provisions of the Criminal Procedure Act³. In addition, special procedural rights of child victims in criminal proceedings are guaranteed through provisions of the Juvenile Courts Act⁴. Furthermore, the seventh amendment to the Criminal Procedure Act, adopted in 2017, led to the alignment of the national criminal procedural legislation related to the procedural rights of victims of criminal offences with the European standards like the EU Directive 2012/29/EU that establishes minimum European standards for the legal support and protection of victims of criminal offences. Amendments to the Criminal Procedure Act were also made based on EU Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, leading to an increased sentence for perpetrators of child sexual abuse. The Republic of Croatia has introduced a special chapter in the Criminal Code- Criminal offences against Sexual Exploitation and Sexual Abuse of Children. In addition, the two Amendments to the Criminal Code meant the abolition of the statute of limitations for criminal prosecution and the execution of punishment for modalities of self-standing criminal offence of serious criminal offenses of child sexual exploitation and child sexual abuse⁵.

Most of the consultations revealed that the existing legal framework in Croatia concerning the protection of child victims and witnesses of sexual violence is quite robust and that relevant EU directives, as well as other European standards, have been transposed into the national law. It so seems from the consultation and pending a more in-depth legal and policy analysis that the Croatian legal framework provides an adequate basis for the implementation of Barnahus model. However, a number of challenges and problems have been identified, particularly in terms of practical implementation.

³ Articles 43, 43a, 44, and 292.

⁴ Articles 114, 115, 116.

⁵ Article 166 paragraph 2 and 3 of the Criminal Code.

One major concern that emerged from the consultations is multiple **pre-trial interviews** which leads to the re-traumatisation of the child. It is, indeed, noticeable that the judges try not to interview the child twice, however before the case comes to the judge the child most probably has already been questioned by a teacher who reported the case, a social worker involved in the protection needs assessment, a medical doctor in charge of the forensic examination, a psychologist during a psychological and psychiatric examination and the police. In addition to multiple pre-trial interviews, several stakeholders mentioned the lack of trained staff and resources particularly in small courts or hospitals which can exacerbate the child's trauma.

The consultations also revealed a specific concern on the part of the police that the interviews conducted during the police investigation are **not considered as evidence by the judge**, who will re-interview the child in the course of the proceedings. As a result, another risk linked to multiplication of child interviews is that they can be manipulated by the alleged perpetrator during the period when they are waiting for the judge to interview them. In support of the claim that police interviews should be considered as evidence by judges, the Ministry of Interior pointed out that the police receive systematic and on-going training on how to conduct a forensic interview according to the principles of the evidence-based model. Thus, the police interview remains relevant and accurate, even if it is not accepted by the court. Any change in this matter will need to be made by amending the law.

Indeed, the procedure of questioning a child victim of sexual violence is regulated by the Criminal Procedure Act and the Juvenile Courts Act. The interviews conducted before the case is reported to the judge are only considered as "informative". The Croatian legal framework provides that the interview of a child victim or witness of sexual abuse must be requested by a judge and conducted in a special room with the help of an expert associate to the court such as social pedagogue or a defectologist. The child is questioned via video and the interview must be recorded⁶. The expert present next to the child in the special room conveys questions from the courtroom in an adapted manner to the child. The parties may ask the child questions only with the authorisation of the investigative judge, and through the expert. Before the interview, the children undergo a preliminary assessment to determine whether they understand the situation and are apt to give evidence. These pre-recorded interviews which aim to avoid any contact with the alleged perpetrator and allow the child to avoid going to the court and be re-traumatised are admitted as evidence in criminal proceedings in Croatia.

Whilst the participation of an expert to question the child is welcome to protect the rights of the child and interview them in a child-friendly manner, it appears from the consultations that the judges presiding at cases of child sexual abuse, and the public prosecutors are **not always specialised in child rights and/or child-friendly justice**. Training on this specific matter, even if available, is not compulsory. Moreover, when appointed by the Supreme Court for a 5-year term on the proposal of the courts' Presidents, their skills and knowledge on children's rights and how to deal with these specific cases are not always carefully examined. Reducing the total number of juvenile courts from the current 15 to 4 (or 5) would most likely help to increase the specialisation of judges and public prosecutors, who would then handle more cases, it would also allow a better sharing of experience, and make the justice process more efficient and child friendly.

Exchanges during the consultations also revealed that although the rule is that children who are victims or witnesses of sexual violence can only be interviewed once during the criminal proceedings, in some exceptional cases a **second interview** of the child in court can be requested by the judge. These cases, even if they remain exceptional, should be governed by clearly defined criteria and processes. It was not possible to go more in detail on these situations and the legal and policy analysis will look into this matter more in-depth.

⁶ See Article 292 of the Criminal Procedure Act and Article 115 of Juvenile Courts Act

Another example of discrepancy between the rule and the practice mentioned in several consultations is the fact that, in small courts, **special rooms where interviews should be held, do not exist** and the victim and the perpetrator may end up together in the waiting room. However, it should also be mentioned that according to Juvenile Courts Act, the child can eventually be interviewed outside the court, at home, or in other specially equipped premises. This option could be explored more widely, especially in the country's smaller courts. Another suggestion when implementing the Barnahus model in Croatia, was to connect the court room where all the parties are present to the dedicated forensic interview room in the future Barnahus.

Another issue encountered in practice is that the interviewing **procedures are not always clearly defined** in the laws, in particular who can benefit from the pre-recorded interview, and hence misunderstandings may emerge. For example, the law should be amended to state that the child victim, regardless of age, should automatically receive the rights and services of a video interview. In the current law, a child who is 16 and older is not necessarily interviewed via video, this decision lays with the court. While the practice in Zagreb is that all children under the age of 18 are examined by an expert via video link, the consultations revealed that this is not always the case in all courts in the country. For the future implementation of the Barnahus, some interlocutors also supported the recommendation that it should be mandatory in law that all children under 10 (or even older) in Croatia must be interviewed in the Barnahus. Other suggestions were made during the consultations to deal with cases of children with disabilities, children involved in conflictual parental disputes in civil proceedings, or any kind of abuse (sexual, physical or mental) in the future Barnahus.

The consultations also showed the important role played by **court expert assistants** during the procedure in particular during the interview of the child. They prepare the child for the interview, perform other tasks such as collecting data on the child or data on the criminal offense from other services. They also inform the child and the family about the court procedures and the child's rights⁷. It was mentioned during the consultations that unfortunately, these experts are not available in all the courts in the country and that despite their firm commitment to act in the best interests of the child, it can happen that they primarily focus on the court procedure. The legal framework defining the role of these experts should be explored in more details in the future legal and policy analysis, including the requirements of compulsory specialisation and/or continuous training.

Another issue identified during the consultation is that, in some cases, the identity of the child victim of sexual abuse may be revealed during or after the sentencing, putting the child in a situation of risk, fear and acute anxiety. **Data protection** should be brought in line with the General Data Protection Regulation (GDPR) and the best interests of the child should be given due consideration in this regard. In no circumstances, the child's personal data should be revealed, hearings should be closed, and judges should be made aware and trained on data protection and confidentiality.

Some interlocutors also mentioned that the **delays of the proceedings** sometimes appeared to be unclear and/or too long. According to the Criminal Procedure Act and the Juvenile Courts Act, the procedure in cases of alleged violence and/or sexual abuse of children is always considered as urgent. When the police find out that an offence has been committed as defined in the Criminal code and in article 113 of the Juvenile Courts Act, they must immediately notify the State Attorney for youth who must submit a report to the juvenile court judge to hold an evidentiary hearing in order to question the child as a witness **no later than 3 days** after criminal charge has been entered in the register of criminal charges. Within 6 months of the date of registration of the charge, the

⁷ Article 292 of the Criminal Procedure Act refers to the manner in which children are questioned, and the role of a court experts is further defined in the Juvenile Courts Act, Articles 115 (Method of questioning children) and 116 (the role of an expert). Moreover, Pursuant to Article 125, paragraph 1, item 5 of the Juvenile Courts Act, the Rules on the work of court experts in the field of youth delinquency and criminal legal protection of children in state attorneys' offices and courts were adopted (OG 22/13). In its article 11, the Rules set out in detail the duties of co-workers at the court related to the handling of cases in which children are victims or witnesses.

public prosecutor is obliged to make a decision. Upon expiry of that period, the applicant, the injured party, and the victim may lodge a complaint with a senior public prosecutor for failure to take action by the public prosecutor leading to a delay in the proceedings. It is also stipulated in the law that if, within 6 months of the entry of the criminal report in the register of criminal reports or since the arrest, the public prosecutor has not issued an indictment or dismissed a criminal complaint, the alleged person has the right to file a complaint with the investigating judge for delaying the proceedings. If the investigating judge finds that the objection for delay is well founded, the decision will set a time limit within which the public prosecutor must decide on the criminal complaint. Despite the established legal framework, several interlocutors reported that in practice the total duration of the procedure from the report to the police to the sentence can take several years (from 2 to 8 years). This specific point concerning the overall timeframe of the procedure and the reasons of these long delays will need to be examined in greater depth as part of the forthcoming legal and policy analysis. It is important to note that a child awaiting a court decision is often unable to move on in their life. Delays that are too long can also mean that if the child is questioned about the reported abuse in court after too long of a period of time, this may lead to diverting testimony as trauma may affect the memory of the child.

Statistics on reported cases were provided during⁸ and after⁹ the consultations. Unfortunately, we did not receive statistics on the percentage of cases where a sentence was passed in relation to the number of cases reported, but it was generally agreed that the majority of cases of sexual violence or abuse detected were not prosecuted. On the question of statistics, the Ombudsperson also mentioned the need to ensure the collection of data on the number of children who are victims of sexual abuse. Even though the Ministry of Interior processes data on the number of applications, it is not certain that the number of applications corresponds to the number of children.

According to certain interviewees, the **sentences** are often limited to probation without a decision on **safety measures**. Sexual offenders can be put under surveillance after conviction, but this rarely happens in practice. Training and awareness raising of judges on this specific issue would be welcome. Another issue that has arisen is the use of child safety measures in civil proceedings when one divorcing parent accuses the other of sexual violence. Civil and criminal proceedings often take place simultaneously and the civil judge sometimes waits for the criminal court's decision before deciding on the custody of the child, putting the child at risk of further violence, as this decision can take several years. It was recommended that the work of the civil and criminal courts should be better coordinated, that exchange of information should be strengthened and that child protection measures should be applied more systematically pending the final decision of the criminal court.

Child victims and witnesses of violence and sexual abuse also benefit from **other protection and rights** such as access to support services, right to effective psychological assistance, right to the assistance of an expert and a lawyer as well as the right to have a person of confidence present. The consultations also showed that the availability and training of the professionals providing these services can vary from one court to another. Issues have also been identified with the individual

⁸ The Ministry of Labour, Pension System, Family and Social Policy collects data from the regional offices of the Croatian Institute for Social Work. According to the available data for the year 2022, the number of children whose rights were violated in relation to sexual abuse was 317, of which 47 were children under 7 years of age, 167 were children between 7 to 14 years of age, and 103 were children between 14 to 18 years of age. Of the total number, 72 were boys and 245 were girls. Please note that this is the number of children for whom the Croatian Institute for Social Work received information from the police, schools, kindergartens, parents, anonymous reports, etc. The stated number of children should not be equated with the number of criminal proceedings during the year.

⁹ According to the Ministry of the Interior, 691 sexual offences committed against children were reported in 2022. The most reported offences were sexual abuse of a child under 15 years of age (242), exploitation of children for pornography (171) and introducing children to pornography (106). In terms of numbers, the most reported offences were sexual harassment (46), fornication (38), satisfying lust in the presence of a child (28), rape (28), grooming of children for sexual purposes (20), child pandering (8), use of children in pornographic performances (2) and sexual abuse of a child over 15 years of age (2).

assessment report of the child and how it is used by the judge. Some interlocutors regret that this report is not properly taken into account and shared with all the stakeholders. The consultations did not permit to collect more information on these topics. This will also be further explored in the legal and policy analysis to be carried out in the framework of the project.

One final issue identified by the Ministry of Health, is that all medical examinations must be held within health institutions. This means that the future implementation of the Barnahus model in Croatia would need a **potential amendment to the Law or the signature of an agreement between several agencies to provide health care outside health institutions, i.e. medical examination to be carried out in Barnahus.**

To conclude on the legal and policy framework, it is worth mentioning that Croatia participated in the mapping study prepared by the Council of Europe in 2023 entitled : [Barnahus a European Journey - Mapping study on multidisciplinary and interagency child-friendly models responding to violence against children in Council of Europe member states](#). The survey identified Croatia as one of the Council of Europe Member states without Barnahus or Barnahus-type services but where other multidisciplinary and interagency services for child victims or witnesses of crime are in place. Among the arguments put forward by Croatia to explain the absence of Barnahus model are the lack of financial investments in small and regional court and the difficulties of securing sufficient budget to implement a Barnahus model as well as possible difficulties to adopt or revise relevant legislation¹⁰.

Issues and gaps identified:

- Multiple pre-trial interviews which lead to re-traumatisation of the child;
- First informative interview run by the police is not considered as evidence in Croatia, but only the investigating interview after the entry of criminal report by the public prosecutor;
- Lack of specialisation of judges or courts in children's rights;
- Proliferation of juvenile courts (15 courts throughout the country), which makes it difficult to have proper specialisation for these courts to handle cases in a meaningfully child-friendly manner;
- When appointed by the supreme court, the juvenile judges' skills and competences are not always examined carefully;
- The rule of interviewing the child only once during the criminal proceedings is not always respected (second interview requested by the judge in exceptional cases);
- Special rooms for interviewing children are not always available;
- Procedures of interviewing are not always clear in practice (video interview for a child older than 16-year-old);
- The role of expert assistants in court should be better defined as well as their training requirements and they should be available in all courts;
- Data protection and confidentiality principles are not always observed;
- Delays of proceedings between the abuse and the holding of the hearing are often too long;
- Delays from the report to the police to the sentencing can also be very long (from 2 to 8 years);
- Statistics on reported cases provided should be collected systematically and in a more accurate way;
- Sentences are often limited to probation without any safety measures;
- Civil and criminal proceedings when they concern the same child are sometimes not very well coordinated and safety measures are not always used in these specific cases;
- Territorial gap regarding the availability of child protection services as well as expert assistants in courts (Zagreb versus regions);

¹⁰ See page 91 in [Barnahus a European Journey - Mapping study on multidisciplinary and interagency child-friendly models responding to violence against children in Council of Europe member states](#)

- Medical examination can only be done in health institutions;
- Lack of financial investments in small and regional courts and difficulties of securing sufficient budget to implement a Barnahus model;
- Possible difficulties to adopt or revise relevant legislation to set up a Barnahus model.

5.2. Challenges in inter-agency coordination, information sharing and management of child abuse cases

The consultations revealed that several attempts have been made to set up interdisciplinary centres to protect children who have been victims of sexual violence in Croatia. To name one, the Child and Youth Protection Centre founded in 2002 in Zagreb (also known as the polyclinic centre) was an attempt to develop an interdisciplinary service dedicated to the protection of the child¹¹. Later, the Office of the Ombudsperson for Children initiated in 2008-2009 a series of meetings with local communities in order to motivate them to establish regional centres in Osijek and Split modelled on the Child and Youth Protection Centre of the City of Zagreb. A number of circumstances, as well as a lack of political and financial support or default of information sharing, have prevented these experiments from developing the Barnahus model in Croatia. It should be noted, however, that Barnahus is currently a priority for the government and the Ministry of Justice and Public Administration is doing its best to find financial resources to push this reform forward.

It was noted through the consultations that **a number of agencies are developing and implementing this multidisciplinary and interdisciplinary approach** when working on cases of child sexual abuse. The Attorney Office's expert assistants mentioned in the section above can be considered as part of this multidisciplinary approach. The children's centres that exist in the country's major cities and which bring together social workers, psychologists, child psychiatrists and social pedagogues have also developed a multidisciplinary and inter-agency approach that can help the judge or the police in their investigation. Their expertise could thus benefit future Barnahus for the best interests of the child. The Operational Team of the National Committee for Suppression of Trafficking in Human beings that discuss cases of human trafficking and grant the status of a trafficked person could also be considered as a multidisciplinary team. The Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia coordinates the work of the Operational Team that gathers representatives of the judiciary, police, prosecution, Ministry of Health, Ministry of Foreign Affairs, NGOs, etc. Another good example is the initiative of the Office for Gender Equality which has set up a Commission to monitor the implementation of the Protocol on Behaviour in the Case of Sexual Violence, and its members are representatives of the police, social welfare, education, health, civil society organisations, the judiciary, the office of the Ombudsperson for Children, etc.

Furthermore, Croatia has adopted several Protocols to provide additional rights to the child victims of violence and to ensure child-friendly justice in the best interests of the child. Among others, we can mention¹²: the [Protocol on Procedure in Cases of Child Abuse and Neglect](#) (2017), [the Protocol on the Procedure in Cases of Violence amongst Children and Youth](#) (2018), the Protocol on the Procedure in Cases of Sexual Violence (2018 and 2023), and the [Protocol on the Procedure in Domestic Violence Cases](#) (2019). These protocols outline the obligation of the different bodies and professionals to **ensure interagency coordination and the best interests of a child during criminal proceedings**.

¹¹ Even if Croatia does self-assess as not having an operational Barnahus or Barnahus-type service, the Child and youth protection Centre in Zagreb was identified as an example of multiagency / integrated services for child victims of abuses. See page 44 in [Barnahus a European Journey - Mapping study on multidisciplinary and interagency child-friendly models responding to violence against children in Council of Europe member states](#).

¹² These Protocols are available in Croatian on the website of the [Ombudsperson for children of Croatia](#).

The Ministry of Health, the Ministry Science and Education, the Ministry of Labour, Pension system, Family and Social Policy follow and share the rules set out by the **Protocol on the Procedure in Cases of Sexual Violence** which define how to detect, report and notify child sexual abuse. This Protocol obliges them to cooperate with other agencies like the police, the social and the medical services. For example, health institutions must provide medical information at the request of the police, prosecutors/state attorney or judge without any restriction in terms of data protection. It emerged from the consultations that the framework created by the Protocol, which encourages cooperation between agencies, is fairly good, but that its implementation can sometimes be problematic and can strongly depend on personal network, skills and competences of the professionals involved in the procedure but also the location of the case (Zagreb versus the other regions). The social services that try to protect and accompany child victim or witness of sexual abuse are also often facing difficulties in obtaining evidence even if they strictly follow the procedure defined in the Protocol: the testimony of the child is not necessarily believed, family can challenge the legality of the Protocol, the child can exceptionally stay in the family with the offender if the other parent does not believe or acknowledge the abuse¹³. In the long term, and with a view to implementing the Barnahus model, it appears that the rules and procedures described in the Protocol are not entirely in line with the Barnahus model and will probably need to be updated in the future.

The consultations initially revealed that there is no problem on **data sharing** between the Attorney Office, the expert assistants, and the social and medical services. According to the law, the prosecution has the full authority to request personal data, all state institutions must share information for the purpose of the criminal proceedings. However, several examples were given when the interagency communication did not efficiently function, which leaves room for improvement. An example of a difficulty in information sharing is, for example, when several guardians are appointed by different courts (criminal/civil) for one single child creating a confusing and not adequate support to the child. Another example concerned a mother's psychiatric file which had not been forwarded to the judge in charge of determining custody of the child in divorce proceedings because the judgment and the file were not in the same town/region. This difficulty in sharing the child's personal data was also mentioned in the Barnahus mapping study as one of the factors or challenges facing Croatia in implementing the Barnahus model¹⁴. Several stakeholders, including judges, have indicated that it is sometimes difficult to obtain all the information about a child and their family history that would enable them to make a fair and informed decision. The information or the child's personal file is located in several agencies or databases, exists only in paper format or is simply not transmitted. The creation of a single, secure database in line with the General Data Protection Regulation (GDPR) has been suggested.

Even if Croatia has adopted instruments such as the Protocol on the Procedure in Cases of Sexual Violence to strengthen inter-agency coordination, there is still room for improvement, which could be provided by implementing the Barnahus model.

¹³ This was an example provided during the consultations. However, the Croatian Institute for social work i.e. the expert team of the competent regional office, will always prepare a conclusion on the need to take appropriate measures to protect the personal rights and well-being of the child. They will conduct a psychological assessment of the child victim and other children in the family and apply appropriate social work instruments (Lists for assessing the child's developmental risks and the List for assessing the safety of the child in the family). Based on the assessment, the expert team will prepare a conclusion about the need to take action and appropriate measures to protect the rights and well-being of the child and other children in the family, if any. When the perpetrator of violence is a parent, family member or person who takes care of a child or is involved in sexual exploitation/abuse of a child and an immediate danger to the child's life, health and safety is determined, a decision will be made to urgently separate the child from the parent or other person the child is with. In case of assessment that the interests of parents/guardians are in conflict with the interests of the child, a special guardian will be appointed for the child in order to protect his rights and interests in the procedure for which he was appointed. According to the expert team's assessment and conclusion, measures will be taken to protect the child's personal rights and well-being in accordance with the Family Law, regardless of whether the other "parent does not believe or admit the abuse".

¹⁴ See page 91 in [Barnahus a European Journey - Mapping study on multidisciplinary and interagency child-friendly models responding to violence against children in Council of Europe member states](#).

Issues and gaps identified:

- Several attempts to develop or initiate a Barnahus-type model type in Croatia failed partly because of lack of financial resources and strong political commitment;
- Efforts are being made to adopt a multidisciplinary and inter-agency approach, and to encourage coordination at national level, but they stay fragmented and are not under a “single roof”;
- Daily and practical implementation of the Protocol on the Procedure in Cases of Sexual Violence seems challenging and should be reinforced;
- Protocol on the Procedure in Cases of Sexual Violence will have to be amended/revised when a Barnahus is open;
- Information sharing could be improved by creating clear rules, training all the relevant actors involved and/or developing a single secured database in line with the provisions of the GDPR;
- Disparities in the management of the cases in Zagreb compared to other areas;

5.3. Training needs and awareness raising

All judges, state attorneys and court personnel have the duty of lifelong training as well as expert assistants. Their training is provided by the Judicial Academy. Judges and expert assistants can be trained together or separately in particular on how to properly interview the child. All the interlocutors agreed on the fact that it is a delicate matter to interview children who are often very young and that it is very important to know what admissible evidence in Court would be.

The consultations showed that **not all judges dealing with cases of sexual abuse of children are necessarily experienced and specialised in children's rights**. However, the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice strongly recommend that member states “consider the establishment of a system of specialised judges and lawyers for children and further develop courts in which both legal and social measures can be taken in favour of children and their families”. Apparently, this is not yet the case and it should be remedied in the future, possibly by amending the law to reorganise children's courts more effectively and/or to require judges, public prosecutors and experts assistant to undergo compulsory and regular training throughout their careers. The consultations revealed a need for some judges to be trained on data protection issues, on how to handle a pre-recorded interview or how to communicate with children, and better understand a child's statement for example. The Judicial Academy already provides regular training on these specific issues (for example multidisciplinary training material developed with UNICEF). However, as these trainings are not compulsory to deal with child sexual abuse case or a pre-requisite in their career development, not all judges dealing with child sexual abuse cases attend these trainings. Judicial Academy develops training courses mainly delivered by judges and prosecutors but also sometimes experts, forensic specialists, psychologists or university professors.

As regards the **lawyers** responsible for defending the child during proceedings, if necessary, free legal aid is provided to the victim and a list of lawyers appointed by the judges is available. The Croatian Bar Association provides some training for their associates, but further training is needed and should be mandatory for those dealing with sexual abuse cases involving children. Unfortunately, the requirements to be included in the list of free legal aid providers are very low.

In 2010, the Ministry of Interior started strengthening the capacities of the **police officers** in interviewing child victims and witnesses of sexual abuse. Four police officers have been trained on forensic interviewing in Northern Ireland. After being trained as trainers, they managed to develop a pool of operational and well-trained officers of approximately 100 persons. Moreover, a special curriculum has been included in the annual course of police officers dealing with juvenile

interviewing. The Ministry of Interior also decided to include in the specialised course for youth police officers, one module based on intersectoral cooperation, where lectures are given by experts from the sectors of social policy, justice, health, the scientific community, civil society organisations, and the ombudsperson's office. Unfortunately, due to the absence of necessary legal changes that would allow the recording of a child's interview with the police to be used as evidence in criminal proceedings, the audio-video recording system that equipped 28 rooms in 2017 was handed over to the Ministry of Justice. However, the police still use 60 rooms specially equipped for interviewing children.

Training is also an important topic for the Ministry of Health. **Healthcare professionals** are usually well educated and specific training can be provided to the attention of specialised doctors (for example gynaecologists). They are also strongly committed in providing continuous education all along the career of their professionals and are working on new training courses on intersectoral education. Interdisciplinary training should be continuously offered to teams in clinical hospital centres in charge of first examination (first responders) as well as coordinators who are appointed in each health institution to deal with these specific cases. Ministry of Health organised this type of interdisciplinary training at times and would strongly recommend organising them continuously and possibly integrating participants and experts from other agencies.

Ministry of Science and Education is also very much in favour of multidisciplinary training through the Education and Teacher Training Agency. It has developed curricula in particular with the Croatian Chamber of Psychology, to the attention of education professionals but also parents. Moreover, sensibilisation work and awareness raising need to be done regarding online sexual child abuse to help the education professional to detect cases.

Like the representatives of other ministries, the **Ministry of Labour, Pension System and Social Policy** insisted on the strategic importance of training and education of professionals working with and for children. The existing National Plan for combating sexual violence and sexual abuse 2020-2027 and the National Plan for the Rights of Children 2022-2026 already cover part of the mid-term strategic needs in training and education of professionals working with and for children.

According to the Croatian **Chamber of Psychology**, it is also necessary to strengthen the initial and ongoing training of clinical psychologists and child psychiatrists on sexual abuse and violence against children, and more specifically on forensic interviewing. In this context, the Chamber will soon be offering training courses for psychologists, which will make it possible to develop an online educational tool that will be made available to all psychologists in the future. In addition, the Chamber of Psychology regrets that there are very few places in Croatia where children can receive psychological care from experienced and well-trained professionals and hopes that the implementation of Barnahus will lead to better care.

The consultations have identified that a wide range of trainings exist for the judiciary, the social and medical workers or the police but they must be reinforced or even made compulsory, organised in cooperation with several agencies, offered throughout the career and oriented towards a multidisciplinary approach encouraging cooperation between all the stakeholders for a better knowledge and understanding of their respective roles. Multidisciplinary training is necessary for the coordination and complementarity in order to avoid duplication and make sure that all the services are covered. Specific needs and priorities in terms of training will be explored during the preparation of the forthcoming training gap analysis.

List of specific training needs identified during the consultations:

- How to interview, communicate and behave with child victims and witnesses of sexual abuse/child-friendly communication;
- Training in trauma base treatment for child recovery to provide better long-term care for the child;
- Training on child development and how to detect signs of abuse;
- Training on interviewing children based on evidence-based protocols/interviews¹⁵;
- Interdisciplinary training involving all the professionals dealing with child sexual abuse cases;
- Online child sexual abuse;
- Human trafficking and sexual crime;
- Child-friendly medical examination.

As a general comment, the Ombudsperson recommends that all professionals working with and for children victims and witnesses of sexual violence and abuse be screened and receive specific training before taking up their duties and that they continue to receive training throughout their career.

Issues and gaps identified:

- Although judges and public prosecutors can undergo training throughout their career, the training of judges and public prosecutors in charge of child sexual abuse cases should be strengthened, and a system of specialised judges should be established;
- Training is not compulsory for judges, which does not encourage them to attend the training proposed by the Judicial Academy. Continuous training should be compulsory for promotion and career development;
- The training of lawyers on the list of free legal practitioners and more generally, lawyers working with children should be strengthened;
- There is a lack of joint and multidisciplinary training (for example judges, public prosecutors, and lawyers all together; not only on procedures and the law but also on how to communicate with a child or the psychology of a child);
- All respondents support multidisciplinary and inter-agency training, but a comprehensive gap analysis is needed to better understand and design the relevant training to respond to concrete needs and adapt them to the profile of the professionals working with and for children (social worker, clinical psychologists, medical workers, police, educators, etc.);
- There is a need for training and awareness raising on online child sexual abuse;
- Financial and human resources are insufficient, which limits the training capacity of professionals.

5.4. Child participation

The UN Convention on the Rights of the Child emphasises the importance of child participation in decision-making processes that affect their lives. Croatia has ratified this convention and work towards incorporating its principles into its policies and practices. The Recommendation of the Committee of Ministers to the Council of Europe Member States on the participation of children and young people under the age of 18 adopted in 2012 also provides a framework to “ensure that all children and young people can exercise their right to be heard, to be taken seriously and to

¹⁵ The use of evidence-based interviewing protocol is not specifically regulated in Croatia. See Barnahus mapping study – see page 70 in [Barnahus a European Journey - Mapping study on multidisciplinary and interagency child-friendly models responding to violence against children in Council of Europe member states](#)

participate in decision making in all matters affecting them, their views being given due weight in accordance with their age and maturity”.

Several structures that involve children’s participation in the work of national bodies, the creation of policies, strategies and laws already exist in Croatia: the children’s city/county councils at local community level, the National Council of Students of the Republic of Croatia, the Council for Children, or the Advisory Committee for children’s participation.

The Ombudsperson for children is actively involved in child participation and has developed a number of leaflets and visibility material on the topic in both Croatian and English. The Network of young advisers of the Ombudsperson for Children is one of the main channels through which children can strengthen their voice in society.

Other stakeholders mentioned ad-hoc child participation initiatives like the consultation during the development of the National Plan for the Rights of Children 2022-2026; or those that took place during a mediation project initiated by the Ministry of Justice with a comic strip being produced by a teenager or the Advisory Committee for the care and treatment of children and youth with behavioral problems¹⁶ dealing with juvenile delinquents, where children participated in the committee and gave their proposal.

Strengthening child participation is welcome by the vast majority of stakeholders consulted. The participation of NGOs and associations was also mentioned by several interlocutors.

Issues and gaps identified:

- Children’s opinions are not systematically consulted and taken on board when preparing a Strategy, an Action Plan, a Protocol, a Law, etc. concerning children.

6. Conclusions

During its inception phase, the European Union – Council of Europe project **“Implementing the Barnahus model in Croatia”** set out to identify the main needs and challenges of the future implementation of the Barnahus model in order to assist the Croatian government in addressing its gaps. After the organisation of consultations with relevant ministries and agencies, the project team has identified legal and policy needs, interagency coordination, information sharing and case management needs, initial training needs, and needs relating to child participation and child consultations.

The future establishment and implementation of the Barnahus model in Croatia is considered as a major benefit by all the stakeholders consulted. Having all the services/agencies under the same roof would avoid duplication and re-victimisation of the child. It would help to speed up the entire procedure and reduce the backlog of pending criminal cases. Most of the interlocutors agreed that four or five Barnahus in the country would be beneficial for the whole population. The implementation of the Barnahus model would also give professionals an impetus to build on the reform already initiated and it would also be a place where professionals could find support. The Barnahus model would also help to detect and prevent cases, increase the number of convictions, and improve the general prevention of crime. The Barnahus model will help the whole system to protect children from violence and sexual abuse and to develop a more child-friendly justice.

¹⁶ The Advisory Committee is part of the ISKORAK program, additional information can be obtained via the link <https://skrb.hr/iskorak/>.

The main needs and recommendations identified are:

Legal and policy framework:

- Multiple pre-trial interviews leading to re-traumatisation of the child must be avoided;
- Law on Courts could be amended to reduce the number of courts dealing with child sexual abuse cases from 15 to 4 (or 5) to establish a more efficient system of specialised judges and lawyers for children in Croatia;
- When appointed by the Supreme court, the juvenile judges' skills and capacities should be more carefully examined;
- If a second interview is run by the judge in exceptional cases, it should be governed by clearly defined criteria and processes;
- It would be necessary to reduce the discrepancies between the existing laws and protocols, which are good, and their practical implementation;
- In particular, to reduce delays between the offence, the child's hearing and the sentencing, with appropriate psychiatric and psychological support for the child in the meantime;
- Special interviewing rooms in courts or outside the court should be made available everywhere in the country before the establishment of the Barnahus centres all over the country. Once the whole country is covered by Barnahus services, interviews with children victims and witnesses of sexual violence should exclusively take place in Barnahus;
- The practice of interviewing all children, including those over 16, by video link should be automatically applied in all courts¹⁷, and once the Barnahus is established, the law should clearly define who can benefit from its services;
- The Criminal Procedure Act regarding court experts and legal assistance could be amended to clarify their role in the proceedings and their training requirements;
- The existing law could be amended to propose that the interview conducted by the police can be used as evidence in court;
- The level of sentences for perpetrators, which are often limited to probation without any safeguards for child protection could be reviewed;
- There is a need for better coordination of civil and criminal proceedings in cases of suspected sexual violence in divorce procedure and for more systematic use of safety measures;
- More accurate statistics on reported cases should be provided;
- Data protection legislation and practices should be brought in line with GDPR and taking into consideration of best interests of the child;
- A possible multiagency agreement should be signed to provide for medical examinations outside of health care facilities;
- The territorial gaps regarding the availability and efficiency of child protection services as well as expert assistants should be reduced;
- National authorities should invest in small and regional courts and secure sufficient budget at national level to implement a Barnahus model;
- National authorities should support and revise relevant legislations and protocols to set up a Barnahus model.

¹⁷ The issue being particularly noticeable in courts outside Zagreb.

Interagency coordination:

- Daily and practical implementation of the Protocols ensuring the interagency coordination should be clarified and reinforced;
- Efforts should be made to adopt a systematic multidisciplinary and inter-agency approach, and to encourage coordination at national level;
- There is a need to improve information-sharing processes in practice including training of all relevant actors involved;
- A single secured database gathering all the information on the child and that could be accessible to the relevant professionals could be developed in line with the provisions of the GDPR;
- A legal obligation for agencies to cooperate according to the Barnahus model could be considered in order to strengthen inter-agency and interdisciplinary coordination;
- There is a need for all relevant cases to benefit from the same level of protection services, not only in Zagreb;
- One Barnahus may not be enough, regional centres should be developed in Rijeka, Split, Osijek and Zagreb;
- National authorities should find financial resources to implement the Barnahus model all over the country.

Training needs and awareness raising:

- Need for the establishment of a system of specialised and trained judges, public prosecutors and lawyers for children;
- Identification of training needs for a range of professionals working with and for children, including future Barnahus staff, social workers, police officers and educators;
- Need for interagency and multidisciplinary training;
- Make training on child sexual abuse and children's rights in general compulsory for all professionals working with and for children. Condition career development could be based on following holistic training courses.
- Specific training needs for online child sexual abuse;
- Build future training on existing interdisciplinary approaches already developed in several agencies (Judicial Academy, Police Academy, Education and Teacher Training Agency or future Academy of Social Care);
- Build future training on existing structures that are available outside Zagreb (such as the 4 regional training centres of the Judicial Academy and the 94 regional centres of social work)
- Efforts should be made to raise public awareness on child sexual abuse and the role of the Barnahus model;
- National authorities should secure sufficient financial resources to develop the training capacities of professionals working with and for children.

Child participation:

- Creating procedures for involving more systematically children in development of national documents concerning children;
- Need for awareness raising on child participation at national level.

The project team in collaboration with the Croatian counterparts have been able to formulate recommendations in these areas that will serve to guide the future project activities and will be reflected in the updated Detailed Project Description and workplan.

Appendix I: Programme of the fact-finding mission
(24-26 October 2023)

Programme	
Tuesday 24 October 2023	
13:30 - 15:00	Consultations and exchange of views with representatives of the Judiciary (Courts) and State Attorney's Office
15:30 - 16:30	Consultations and exchange of views with representatives of the Croatian Bar Association
Wednesday 25 October 2023	
9:30 – 10:30	Consultations and exchange of views with the Ombudsman for Children of the Republic of Croatia
11:00 – 11:50	Consultations and exchange of views with representatives of the Faculty of Law, University of Zagreb
13:30 – 15:00	Consultations and exchange of views with representatives of the Ministry of the Interior, Police Directorate and Police Academy
15:30 – 16:30	Consultations and exchange of views with representatives of the Ministry of Health
Thursday 26 October 2023	
9:30 – 10:30	Consultations and exchange of views with representatives of the Judicial Academy
11:00 – 12:00	Consultations and exchange of views with representatives of the Ministry of Science and Education
13:30 – 14:30	Consultations and exchange of views with representatives of the Ministry of Labour, Pension System, Family and Social Policy

Appendix II: Updated risk analysis and mitigation efforts

There are a number of risks associated with the implementation of the project, which the CoE will take steps to identify and mitigate. The table below provides for information regarding external risks and proposed mitigating measures.

Risk	Mitigation measure
Short time frame for implementation of envisaged activities.	Prioritisation of activities to be carried out under the Project in agreement with Beneficiary Authority and DG REFORM. Potential no-cost extension of the Project (NCE).
Weak operational-level capacity at the Ministry to implement Project activities.	Croatian authorities will take the lead in proposing and selecting relevant actors to implement Project activities, based on discussion with the relevant Project team at the CoE.

Appendix III: Updated workplan

Project Name	Implementing the Barnahus model in Croatia
Period	01/09/2023-29/2/2026
Project Manager	GASPARYAN, Zaruhi
Project Officer	PRIVAT DE FORTUNIE, Frederique

Activities			
Logframe ref.	Activity Name	Start Date	End Date
1.1	Kick-off meeting	07/09/2023	07/09/2023
1.2	Kick-off meeting minutes	15/09/2023	15/09/2023
2.1	Preparation and endorsement of the inception report	01/10/2023	12/12/2023
2.2	Project launch conference	30/01/2024	30/01/2024)
3.1	Analysis of the legislative, policy and institutional framework	01/02/2024	31/05/2024
4.1	Preparation of the roadmap to establish Barnahus model	01/06/2024	31/09/2024
5.1	Procedures et protocols to support interagency cooperation	01/10/2024	28/02/2025
6.1	Business plan for the implementation of Barnahus model in Croatia	01/10/2024	28/02/2025
7.1	Guidelines in the area of organisational and spatial coordination	01/02/2025	31/05/2025
7.2	Child consultations on the organisational and spatial coordination	01/04/2025	31/05/2025
8.1	Training gap analysis	01/02/2024	31/05/2024
9.1	Development of relevant training materials for the training of trainers	01/06/2024	31/09/2024
10.1	Training sessions	01/12/2024	31/07/2025
11.1	Study visit	01/10/2025	31/10/2025
11.2	Study visit report	01/11/2025	31/11/2025
12.1	Survey on perceptions on child sexual abuse in Croatia	01/10/2024	31/01/2025
13.1	Roundtables and/or workshops to raise awareness amongst decision-makers	01/06/2024	28/02/2026
13.2	Production and dissemination of awareness raising and child-friendly materials	01/06/2024	31/01/2026
13.3	Project final conference	01/02/2026	28/02/2026
14.1	Change management Plan	01/12/2024	31/04/2025
14.2	Workshop for relevant stakeholders on Change Management Plan	01/06/2025	31/07/2025
15.1	Project description summary	01/02/2026	28/02/2026
16.1	Final report	01/02/2026	28/02/2026