

Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe



REPUBLIC OF CROATIA
Ministry of Justice, Public Administration
and Digital Transformation

Building a Europe
for and with children



Joint EU-Council of Europe project

“Implementing the Barnahus Model in Croatia”

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

Author:

Ivana Celio Cega, independent expert

Expert Contribution and Peer Review:

Lana Petö Kujundžić, PhD, judge of the High Criminal Court of the Republic of Croatia

Helena Pirnat Dragičević, Ombudsperson for Children of the Republic of Croatia

Kristina Knežević Červar, juvenile judge of the Pula-Pola Municipal Court

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).

September 2024

Disclaimer

This study was produced with the financial support of the European Union and the Council of Europe. Its contents are the sole responsibility of the authors. The views expressed herein can in no way be taken to reflect the official opinion of either the European Union or the Council of Europe.

The author wishes to thank the members of the Experts Team set up for the preparation of this Legal Analysis, namely, Ms Lana Petö Kujundžić, PhD, judge of the High Criminal Court of the Republic of Croatia, Ms Helenca Pirnat Dragičević, Ombudsperson for Children of the Republic of Croatia, Ms Kristina Knežević Červar, juvenile judge of the Pula-Pola Municipal Court for their expert guidance, motivation and support. The Legal Analysis benefited immensely from their proficient knowledge and experience gained through dedicated work on cases related to sexual abuse of children as well as their individual efforts made so far to implement the Barnahus model in Croatia. In addition, the author would also like to thank the colleagues from the Council of Europe's Children's Rights Division for their expert and technical support, availability and advice to help steer the Project in line with the envisaged objectives aimed at ensuring the protection of the best interests of the child through the Barnahus model in Croatia.

Table of Contents

EXECUTIVE SUMMARY	5
1. INTRODUCTION.....	7
2. METHODOLOGY	11
3. INTERNATIONAL STANDARDS ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IMPLEMENTED BY CROATIA.....	21
4. POLICY FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA	24
4. LEGISLATIVE FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA.....	27
5. INSTITUTIONAL FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA	37
6. OVERVIEW OF THE CHILD’S JOURNEY THROUGH CRIMINAL PROCEEDINGS FOR SEXUAL ABUSE	41
7. EXAMPLES OF GOOD PRACTICES AND BARNAHUS-TYPE SERVICES FOR THE IMPLEMENTATION OF THE BARNAHUS MODEL IN CROATIA	62
8. CHALLENGES FOR IMPLEMENTING THE BARNAHUS MODEL IN CROATIA	66
9. ENSURING CHILD PARTICIPATION IN THE IMPLEMENTATION OF THE BARNAHUS MODEL IN CROATIA	81
10. RECOMMENDATIONS FOR IMPLEMENTING THE BARNAHUS MODEL IN CROATIA	93

Abbreviations

Budapest Convention	Council of Europe's Convention on Cybercrime
ECTHR	European Court of Human Rights
EU	European Union
EU Directive on Child Sexual Abuse	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
EU Directive on Trafficking in Human Beings	Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims
EU Directive on Victim's Rights	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
Expert Assistants	Experts Assistants Competent for Interviewing Children in Criminal Proceedings
High Criminal Court	High Criminal Court of the Republic of Croatia
Istanbul Convention	Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence
Lanzarote Committee	Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
Lanzarote Convention	Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
Legal Analysis	Analysis of the legislative, policy and institutional framework regarding protection of children and procedures for cases on violence against children, including sexual violence in Croatia
MDIA approach	Multidisciplinary and Inter-Agency Approach
NHRI	National Human Rights Institution
NICHD Protocol	National Institute of Child Health and Human Development Protocol
Supreme Court	Supreme Court of the Republic of Croatia
UN	United Nations

EXECUTIVE SUMMARY

This Legal Analysis assesses Croatia's legislative, policy, and institutional framework concerning the protection of children from violence, particularly sexual violence. It centers on the implementation of the Barnahus model, a multidisciplinary and child-friendly approach designed to coordinate criminal and child welfare investigations. The model, initially developed in Iceland and widely adopted across Europe, aims to minimize the trauma experienced by child victims during legal proceedings by bringing all relevant professionals under one roof.

Legislative, Institutional and Policy Framework

Croatia has made considerable progress in harmonizing its legal system with international standards set by the United Nations, the Council of Europe, and the European Union. It is emphasized that Croatia has already put in place a dedicated policy document aimed at ensuring a broad protection of victims of sexual violence and sexual harassment, including children, that, inter alia, provides a legal basis for the implementation of the Barnahus model in Croatia. In addition, it appears that there is a high level of readiness of the Croatian legal and institutional framework for the implementation of the Barnahus model in Croatia. As regards the legislative framework, Croatia has envisaged three key pieces of legislation regulating the handling of child sexual abuse case, namely the applicable Criminal Code, the Criminal Proceedings Act and the Juvenile Courts Act. They prescribe the criminal offences that entail instances of child sexual abuse, the establishment of juvenile judges specialized in conducting respective criminal proceedings, the need to carry out an individual assessment of the child and a broad catalogue of children victim's rights including the right to support and assistance throughout the proceedings, the right to have a person of trust present, and the right to refuse to testify. They moreover envisage the manner of carrying out the forensic interview with the child, the aid of expert assistants as an important bridge between the child and the judge, and the use of audio-video equipment. Several bylaws, furthermore, prescribe the obligatory codes of conduct for professionals working on child sexual-abuse cases such as the police, the state attorneys, judges, social welfare/healthcare/education professionals to ensure an MDIA approach. It is also important to note that as of 2002 the highest courts in Croatia have been developing and strengthening the importance of interviewing children by use of audio-video link by paying particular attention to children with special needs.

Existence of Baranhus-type services

Croatia represents an example of good practices when it comes to its commitment to harmonize its policy making and legislation with globally regulated framework related to the protection of children against sexual abuse. The applicable legislative framework introduced the specialization of professionals working on child sexual abuse cases, the possibility of interviewing children by use of audio-video link, professionals aid of expert assistants facilitating the interview with the child. The relevant by-laws envisage collaboration procedures between relevant stakeholders that call for strengthened synergies and prescribed detailed course of action for every professional involved in handling child sexual abuse cases.

Implementation Challenges

Despite a solid legislative, policy and institutional foundation, several challenges hinder the effective implementation of the Barnahus model in Croatia:

- **Geographical Disparities:** There is a significant gap in the availability of child protection services between urban centers like Zagreb and rural areas. The nationwide implementation of the Barnahus model is necessary to ensure all children receive the same level of protection.
- **Inter-Agency Coordination:** Although protocols exist, practical coordination among the judiciary, social services, healthcare providers, and educational institutions is often lacking. A legal obligation for agencies to cooperate, as per the Barnahus model, needs stronger enforcement.

- **Specialized Training:** Professionals involved in child protection, including judges, state attorneys, police, child interviewers, social workers, and medical personnel, require more specialized training. This includes training in forensic interviewing techniques and child-friendly judicial practices.
- **Genuine specialization of juvenile judges:** There is a lack of clearly determined criteria for appointing juvenile judges coupled that should be examined in line with the relevant international standards on child protection coupled with the fact that they are also assigned with other criminal cases, apart from those related to children.
- **Lack of personnel:** A general lack of available professionals handling child sexual abuse cases was detected at the national and regional level, including juvenile judges, juvenile police officers, social workers, child gynecologists, pediatricians, child psychologists and child psychiatrists.
- **Data Collection and Analysis:** The current system for collecting statistics on child sexual abuse is fragmented. A centralized, secure database is needed to improve data accuracy and support policy development and resource allocation.

Recommendations

To address these challenges, the analysis offers several recommendations:

- **Legislative amendments:** It is necessary to harmonize relevant existing laws and protocols with the practical requirements of the Barnahus model, namely by adopting a dedicated piece of primary legislation regulating the Barnahus in Croatia.
- **Mandatory forensic interviews:** All children under the age of 18 should benefit from forensic interviews carried out by use of audio-video equipment to prevent re-traumatization.
- **Judiciary restructuring:** It is necessary to ensure a genuine specialization of juvenile judges and to assess the possibility of reducing the number of juvenile courts in Croatia.
- **Inter-agency co-operation:** The introduction of a legal mandate for agencies to cooperate under the Barnahus model is essential. This should be supported by clear protocols and regular training sessions to ensure consistent and effective collaboration.
- **Child participation:** Children's voices must be integrated into the implementation process of the Barnahus model. This can be achieved by involving them in the creation of national documents related to child protection and by ensuring their participation in legal proceedings is conducted in a supportive and non-traumatic manner.
- **Resource allocation:** Adequate funding must be secured to expand the Barnahus model across Croatia. This includes establishing Barnahus centers in key regions and ensuring they are equipped with the necessary resources, including specialized staff and child-friendly facilities.
- **Data gathering and analysis:** Setting up a dedicated authority for gathering and analyzing data on child sexual abuse cases is of high importance to ensure the monitoring of prevalence of these cases and drafting evidence-based legislation.

Conclusion

The successful implementation of the Barnahus model in Croatia hinges on bridging the gap between policy and practice. By enhancing inter-agency coordination, ensuring nationwide access to child protection services, and involving children in the process, Croatia can better safeguard its children from sexual violence and provide a more supportive and effective judicial response to these crimes. Continued commitment to legal reform, capacity building, and resource allocation will be crucial in achieving these goals

1. INTRODUCTION



The introductory information related to the project, including its background, purpose, and beneficiaries is set out below while additional information is available on the official webpage of the Council of Europe's Children's Rights Division ([link](#)).

1.1. Background

- The Council of Europe's Children's Rights Division in close co-operation with the Croatian Ministry of Justice, Public Administration and Digital Transformation and the European Commission's Directorate General for Structural Reform Support (EC/DG REFORM) is currently implementing a joint European Union – Council of Europe project on *“Implementing the Barnahus Model in Croatia”*. The implementation period began on 1 September 2023 and will be completed on 28 February 2026.
- The Barnahus (Children's House) model is a child-friendly, multidisciplinary and interagency response model for the co-ordination of criminal and child welfare investigations in cases of violence against children, and especially child sexual abuse. It brings under one roof all relevant professionals (judges, state attorneys, police, social workers and medical professionals such as psychologists, gynaecologists, paediatricians, forensic doctors) in a safe environment for children. Its purpose is to provide a co-ordinated and effective response and prevent re-traumatisation during investigation and court proceedings. The Barnahus model puts the best interests of the child at the heart of investigative procedures, while taking into account that the child's disclosure is key to identifying and investigating violence against children both for criminal and for protective and therapeutic purposes.
- Originally developed by the National Children's Advocacy Centre in the United States, the model was introduced and adapted to the European context by Iceland in 1998. The model was recognised in 2015 as a promising practice by the Lanzarote Committee.
- With a view to supporting the implementation of the Barnahus model in Europe, the Council of Europe published the *“[Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states](#)”* in September 2023. It was prepared by the Council of Europe's Children's Rights Division with a purpose to assess the presence and scope of Barnahus, Barnahus-type and other multidisciplinary and interagency services in Europe. The Study revealed progress within member states and in the region and identified a continued need to strengthen child-friendly justice in line with relevant Council of Europe's documents such as the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice and ensure protection of children from all forms of violence throughout the region. In fact, it is one of the objectives of the [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#) to continue promoting the Barnahus model, including through co-operation projects with member states, upon their request, and in partnership with other organisations.
- The Barnahus model has already been replicated in Sweden, Norway and Finland and is in the process of being adapted in more than a dozen of other European countries. Apart from this Project in Croatia, the Council of Europe's Children's Rights Division has supported the Republic of Slovenia in establishing and operating their first Barnahus and is currently implementing projects in Ireland and Spain. The Council of Europe also supported Ukraine, Moldova and Georgia in establishing Barnahus-type services.
- Prior to the implementation of this Project's activities a three-month inception phase was carried out in Croatia. During this period, a kick-off meeting was held on 7 September 2023. This tripartite meeting covering operation

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

aspects brought together the representatives of the Ministry of Justice, Public Administration and Digital Transformation, the EC/DG REFORM and the Council of Europe's Children's Rights Division. As a second stage of the inception phase, the Council of Europe took stock of the Project's starting point, including a review of relevant documents and organised consultations with key stakeholders to identify concrete needs and preliminary recommendations. The result of these consultations and research was consolidated in the Inception Report that was endorsed by the Project's Advisory Group in December 2023 and presented on 30 January 2024 in Zagreb during the Project's launching conference. The Inception Report can be consulted online in [English](#) and [Croatian](#) while additional information regarding the launching conference is available [here](#).

- The main needs and recommendations identified in the Inception Report related to the legal and policy framework, interagency co-ordination and child participation address the level of national implementation of the European Barnahus Quality Standards that provide a framework for setting goals for core operational practices for Barnahus services. They were therefore used as a starting point for the preparation of the Legal Analysis and researched in a detailed manner to establish existing national practices aimed at preventing re-traumatisation of children through MDIA approaches, providing support and assistance to children and members of their families and securing valid testimonies in criminal proceedings in a child-friendly manner. They are summarized as follows.

LEGISLATIVE REQUIREMENTS	
☒	reduction of discrepancies between the existing laws and protocols (evaluated as good), and their practical implementation (namely, outside of Zagreb)
☒	revision of relevant legislation and protocols to set up the Barnahus
☒	clarifications of the role of expert assistants in criminal proceedings and their training requirements
JUDICIARY RE-STRUCTURING	
☒	reduction of the number of juvenile courts from 15 to 4/5 to strengthen specialisation of juvenile judges and lawyers
☒	careful examination of juvenile judges' skills and capacities when appointed by the Supreme Court
☒	securing sufficient funds for strengthening capacities of smaller courts and ensuring national implementation of Barnahus
PROCEDURAL NEEDS	
☒	reduction of delays between criminal charges, the child's hearing and the sentencing
☒	review of level of sentences for perpetrators (currently often limited to probation without any safeguards for child protection)
☒	provision of better coordination of civil and criminal proceedings in cases of suspected sexual violence in divorce proceedings
☒	systematic use of safety measures
FORENSIC INTERVIEWS	
☒	avoidance of multiple pre-trial interviews
☒	clearly regulated manner of conducting the second interview by the judge
☒	obligatory interview by video link for all children victims or witnesses under the age of 18
☒	use of police interviews as evidence before court
☒	mandatory holding of interviews with children victims/witnesses in Barnahus
☒	ensuring special interviewing rooms in/outside courts before the establishment of the Barnahus
INTERAGENCY CO-ORDINATION	
☒	adoption of a systematic and regular MDIA approach and coordination at national level
☒	introduction of a legal obligation for agencies to cooperate according to the Barnahus model
☒	improvement of the information-sharing processes in practice
☒	development of a centralized secured database regarding sexual abuse of children
☒	nationwide implementation of protection services not reserved for Zagreb only
☒	nationwide development of Barnahus (Zagreb, Osijek, Rijeka, Split)
☒	allocation of necessary funds for a nationwide implementation of Barnahus
SERVICES AVAILABILITY	
☒	provision of medical services outside of health care facilities through multiagency agreements
☒	reduction of territorial gaps regarding the availability and efficiency of child protection services and expert assistants
☒	provision of appropriate psychiatric and psychological child support during criminal proceedings
☒	clearly defined beneficiaries of Barnahus
CHILD PARTICIPATION	
☒	systematic involvement of children in the creation of national documents regarding children
☒	awareness raising on child participation at national level
STATISTICS	
☒	development of accurate statistics
DATA PROTECTION	
☒	harmonization of data protection legislation and practices with GDPR and the best interests of the child

1.2. Purpose of the Project

The Project aims to achieve the following three objectives.

- Supporting the sustainable operation of the Barnahus model in Croatia



The project will support an analysis of the current legal, institutional and policy framework for child protection at national level, the roles and responsibilities of key actors, inter-agency information exchange, and will assess the participation and involvement of children in these processes. The analysis will lead to a set of recommendations for improvement and a roadmap for the establishment of the Barnahus model in Croatia.

The project will also contribute to the development of procedures and protocols to support inter-agency co-operation, in particular the signing of an inter-agency agreement between relevant ministries and other stakeholders. Finally, a draft business plan and guidelines for organisational and spatial coordination will be developed in consultation with key stakeholders to ensure the effective implementation of the Barnahus model in Croatia.

The Legal Analysis is one of the outcomes of this objective.

- Enhancing knowledge and capacities of professionals working in Barnahus



In order to ensure that legal and non-legal professionals working with and for children in Barnahus are well equipped to fulfil their roles, the project will develop a training gap analysis to identify existing gaps that should be addressed. Recommendations from this analysis will then guide the development of appropriate training materials and the organisation of training of trainers' workshops to create a pool of national trainers on priority topics.

Furthermore, a study visit will be organised for Croatian professionals to another country where the Barnahus model has already been implemented, to learn about the challenges and opportunities that have arisen in the context of implementing the Barnahus model.

- Raising awareness of professionals and the wider public on child sexual abuse



The project will produce a survey report on perceptions of child sexual abuse in Croatia and, in particular, on the quality and child-friendliness of judicial services available to child victims and witnesses of violence. Roundtables and workshops will be organised to raise awareness among decision makers.

Finally, to ensure the successful implementation of the Barnahus model, relevant Council of Europe standards and other materials will be adapted to the Croatian context before being disseminated and promoted through various channels throughout the country.

1.3. Beneficiaries

- The Project targets relevant authorities and legal and non-legal professionals in contact with children and/or dealing with cases of child sexual abuse. They will benefit directly from the Project through reports, analysis and tools on how to implement the Barnahus model in Croatia, as well as capacity building activities.

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

- The final beneficiaries of the Project are children at risk of, victims and/or witnesses of any type of violence, especially physical and sexual abuse. Children will ultimately benefit from improved access to justice, more effective state response and more child-centred and child-friendly practices during the processing and management of violence against children, including child sexual and physical abuse cases.
- The Croatian society as a whole will ultimately benefit from the Project with the wider public reached through awareness raising and promotional activities.
- Against this backdrop and pursuant to the initiative of the Ministry of Justice, Public Administration and Digital Transformation the Project set up the Advisory Group tasked with providing guidance and co-ordination of the Project. In the long run, the Advisory Group will focus on the concrete implementation of the Barnahus Model in Croatia. The Advisory Group is composed of the representatives of the following State agencies:
 - ✧ judiciary (Supreme Court, High Criminal Court, Zagreb State Attorney's Office, Zagreb County Court),
 - ✧ competent ministries (Ministry of the Interior, Ministry of Health, Ministry of Labour, Pension System, Family and Social Policy, Ministry of Science, Education and Youth),
 - ✧ Ombudsperson for Children,
 - ✧ Judicial Academy,
 - ✧ Croatian Bar Association,
 - ✧ Croatian Chamber of Psychology,
 - ✧ Zagreb Faculty of Law.

Civil society organisations will also be involved in the work carried out under the Project through exchange of views and consultations.

2. METHODOLOGY

The Experts Team designed a methodology aimed at supporting the preparation of the Legal Analysis by establishing the method for collecting and comparing data from relevant sources to ensure that the recommendations are made in line with the Project's objectives and adapted to the needs of the Croatian legal system. The methodology was based on child-friendly steering guides envisaged by the Project to ensure the protection of the best interests of the child through the implementation of the Barnahus model in Croatia.

2.1. Steering guides for the preparation of the methodology

- The methodology was prepared on the basis of the following steering guides for the implementation of the Barnahus model stemming from international key standards for the protection of children against child abuse.



Along with the relevant international documents implemented by Croatia that are outlined in Chapter 3 below, the following international initiatives related to the protection of children were also used as sources of inspiration as well as the relevant standards of the ECtHR.

■ Council of Europe initiatives

- ✦ [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#) (adopted by the Committee of Ministers of the Council of Europe on 17 November 2010) set out basic rules for European states to follow when adapting their justice systems to the specific needs of children. They apply to all circumstances in which children are likely, on any ground and in any capacity, to be in contact with the criminal, civil or administrative justice. The guidelines are a practical tool based on existing international and European standards which governments are encouraged to use as a basis for their law reform in the area of child-friendly justice. The guidelines promote the principles of the best interests of the child, care and respect, participation, equal treatment and the rule of law. They also encourage the development of multidisciplinary approaches and training and require states to provide safeguards at all stages of proceedings.

- ✧ [Strategy for the Rights of the Child \(2022-2027\)](#) was adopted by the Committee of Ministers of the Council of Europe on 23 February 2022. It aims at advancing the protection and promotion of the rights of the child across Europe, in the framework of the programme “Building a Europe for and with Children” operating since 2006. As part of the Council of Europe’s long-standing commitment to putting the child at the centre of its work, the Strategy was developed through a large consultative process involving national governments, international organisations, civil society organisations and, last but not least, 220 children from 10 member states. The Strategy identifies six strategic objectives building partly on previous priority areas remaining relevant (“continuous implementation”) and for the other part including new action aimed at responding to new areas of concern (“joint innovation”). It will guide member states over the period of six years in addressing the following strategic objectives for protecting and promoting the rights of the child: (i) freedom from violence for all children, (ii) equal opportunities and social inclusion for all children, (iii) access to and safe use of technologies for all children, (iv) child-friendly justice for all children, (v) giving a voice to every child, (vi) children’s rights in crisis and emergency situations.

- ✧ In May 2024 the Council of Europe published [Guidelines for policy makers on engaging with victims and survivors of child sexual exploitation and sexual abuse](#). It is a consultative document whose purpose is to point out to policy makers (governments, parliaments, local and regional self-government bodies, health care and social welfare professionals and other relevant stakeholders) the need to include victims and survivors of this type of violence in the creation of the policy and legislative framework, and other public actions aimed at combating sexual violence against children. Although the Guidelines refer to adult victims and survivors, they are taken into account due to the far-reaching impact of the inclusion of victims and survivors on improving the existing national legal frameworks and treatment and ensuring a better response of competent authorities to sexual violence against children. Certain Council of Europe member states have recognized the importance of including this group of victims and survivors in the creation of their legal frameworks and practices, since victims and survivors based on their experiences, can point out to gaps and challenges and make recommendations for improvement. In this respect, the Independent Commission on Incest and Sexual Violence Against Children was set up in France and the Office of the Independent Commissioner for Child Sexual Abuse in Germany.

■ Case-law of the ECtHR

ECtHR as a control mechanism for the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms, has, through its extensive case-law, established standards and principles for the protection of children under a particular Convention right. Its case-law indicates that the ECtHR generally considers cases of violence against children, including sexual violence and domestic violence, in the context of a violation of the right to life (Article 2 of the Convention), the right to an ineffective investigation (procedural aspect of Article 3 of the Convention) and the right to protection of family life (Article 8 of the Convention).

The basic standards and principles that member states are obliged to implement in order to ensure a positive obligation to protect child victims from violence in the context of the Convention can be summarised as follows: (i) establishing an adequate legislative framework ensuring protection against violence, (ii) taking all operational and reasonable measures to discourage the actual and imminent risk of recurrence of violence of which the competent authorities are or should be aware, (iii) conducting an effective investigation which includes the obligation for the competent authorities to investigate in a timely manner all available information, take measures to protect the victim and provide evidence, (iv) enabling children to express their views in judicial and other proceedings concerning their rights, which the competent authorities are required to take into account according to the age and maturity of the child, (v) providing a comprehensive response from the competent authorities which includes taking into account all possible forms of violence and a cross-sectoral approach.¹

¹ see judgments *X v. Bulgaria*, Grand Chamber (application no. 22457/16, judgment of 2 February 2021), *Kurt v. Austria*, Grand Chamber (application no. 62903/15, judgment of 15 June 2021)

The following provides an overview of the most significant judgments and decisions issued by the ECtHR against Croatia in the context of the protection of children's rights against sexual and domestic violence.

✦ [M. and M. v. Croatia, application no. 10161/13, judgment of 3 September 2015](#)

The case of M. and M. concerns ineffective investigation into allegations of child abuse by the child's father (procedural aspect of Article 3 of the Convention), namely: (i) the failure of the prosecution to bring charges for a corresponding criminal offence covering all alleged situations of abuse and not just one incident, (ii) the inability of the criminal court to question the child via video link, due to the lack of a video device, which has consequently contributed to the lengthy duration of the proceedings, (iii) the excessive length of the criminal proceedings over a period of four years.

During the supervision of the execution of the said judgment, the Committee of Ministers of the Council of Europe considered the following general measures capable of preventing similar violations: (i) the adoption of the National Strategy on Child Protection for the period 2014-2020 as an umbrella policy document with a focus on ensuring the right of the child to access the court, preventing all forms of violence against children and child participation, (ii) the adoption of the Protocol on Procedures in Cases of Child Abuse and Neglect, which also covers sexual abuse and provides for cross-sectoral cooperation between competent authorities with the prescribed course of action for each of them, such as the obligation of the prosecution to assess the possibility of the child to express their opinion and question the child in a child-friendly environment, (iii) the implementation of the project 'Protection of children in criminal proceedings' in cooperation with the ministry competent for judicial matters and UNICEF, which enabled all courts in Croatia to be equipped with a video device for questioning the child, (iv) digitalisation of courts that allowed the duration of proceedings to be monitored and accelerated.

✦ [A. and B. v. Croatia, application no. 7144/15, judgment of 20 June 2019](#)

ECtHR examined the effectiveness of the national criminal justice mechanism applicable to child sexual abuse cases, including the adequacy of the legislative framework and the conduct of the competent authorities in the light of the obligation to conduct an effective investigation (procedural aspect of Article 3 of the Convention) and the protection of the right to private life (Article 8 of the Convention). Although this is a judgment in which the ECtHR found that there had been no violation of the aforementioned Convention rights and that the applicable criminal law mechanism was, in principle, in line with the positive obligations laid down in the Convention, this judgment is relevant for two reasons. Firstly, the ECtHR gave a comprehensive overview of the standards and principles identified in relevant UN, Council of Europe and EU documents on the obligation to protect children from sexual violence, as well as national applicable law, which should be applied by Croatia in such cases. These documents and the applicable law are also covered by this Legal Analysis. Secondly, the ECtHR referred to certain shortcomings of the competent authorities pointing to challenges in the existing national criminal justice mechanism to protect children from sexual violence, namely: (i) the obligation of the police to request *ex officio* questioning of the child as soon as possible, without waiting for the initiative of the parents, (ii) the obligation of health professionals to promptly, without delay, perform a gynaecological examination of the child in order to secure evidence in criminal proceedings.

✦ [Cases of domestic violence, including against children](#)

In addition to the cases in which the ECtHR examined Convention violations in the context of physical and sexual violence against children, the ECtHR has also identified the issue of domestic violence in Croatia in several cases. Although these are cases² in which the ECtHR has generally found violations of the right to respect for family life (Article 8 of the Convention) it should be pointed out that it is apparent from the facts of those cases that children were also identified as victims or witnesses of domestic violence.

In these cases, the ECtHR found a number of omissions by the police to investigate the violence in a timely manner and the omissions of competent authorities to take appropriate police and judicial action against the suspect in order

² see cases *A. v. Croatia*, application no. 55164/08, judgment of 14 October 2010; *Branko Tomašić and Others v. Croatia*, application no. 46598/06, judgment of 15 January 2009, *Bljakaj v. Croatia*, application no. 74448/12, judgment of 18 September 2014

to prevent a recurrence of violence. During the supervision of the execution of these judgments, the Committee of Ministers of the Council of Europe established that general measures taken by Croatia to prevent similar violations are effective, in particular: (i) the ratification of the Istanbul Convention as the leading European document against domestic violence, including towards children, with the corresponding allocation of funds for the education of the necessary professionals, (ii) the adoption of policy documents to ensure a comprehensive response to domestic violence (National Strategy for Protection from Domestic Violence), (iii) the conclusion of a cooperation agreement to combat domestic violence that provides for the provision of a multidisciplinary response to domestic violence and the establishment of national and regional teams whose members are representatives of bodies responsible for dealing with domestic violence cases, (iv) the establishment of a committee for the supervision of domestic violence as the central authority for collecting statistical data and monitoring the incidence of domestic violence with the power to propose the necessary legislative and other measures aimed at combating domestic violence, (v) the adoption of a Protocol for dealing with domestic violence cases with prescribed procedures for each competent authority (e.g. social welfare centres, health professionals, police, prosecutors, courts), with envisaged ways of early detection and warning procedures, an individualised proactive approach, and modalities for exchanging data between competent authorities.

■ EU initiatives

✧ European Union Strategy for a More Effective Fight Against Child Sexual Abuse

On 24 July 2020, the European Commission adopted this Strategy for developing a comprehensive response to child sexual abuse, both online and offline through the following initiatives: (i) full implementation of the EU Directive on sexual abuse, (ii) identification of legislative gaps, good practices and priority actions, (iii) strengthening police efforts at national and EU level, (iv) establishing a European Centre for Preventing and Combating Sexual Violence against Children, (v) globally improving child protection through cross-sectoral cooperation.

✧ European Union Strategy on the Rights of the Child

It was adopted in 2021 as the leading EU strategic document on the protection of the rights of the child drafted in consultation with children, to ensure children's participation and protect the principle of the best interests of the child. The strategy focuses on, *inter alia*, combating violence against children and ensuring child-friendly justice. It recalls the frequent occurrence of sexual violence in member states (1 out of 5 children are victims of sexual violence) and stresses the need for multidisciplinary action of competent authorities, and the need to keep consolidated statistics to monitor the occurrence of sexual violence. The Strategy also supports the establishment of Children's Houses under the 'Barnahus model' and calls on member states to improve the effectiveness of child rights protection mechanisms, through the adoption of national strategic documents aimed at abolishing the institutional approach and applying a family-oriented approach.

✧ European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child

On 23 April 2024, the European Commission adopted the above Recommendation with the aim of ensuring zero tolerance policy related to all forms of violence against children, and outlining the basic guidelines that countries should follow when designing legislative, strategic and institutional frameworks for child protection at national and regional level. They relate to inter-departmental cooperation between competent authorities, individual assessment of the child before, during and after proceedings, use of modern technologies for interviewing children, and maintaining uniform and consolidated statistics to monitor and analyse the occurrence of violence against children.

Along these lines, the Recommendation encourages the establishment of Children's Houses according to the Barnahus model by using the TSI - Technical Support Instrument. The TSI helped expand the Barnahus model in EU member states and supported its implementation in Denmark, Germany, Estonia, Ireland, Malta, Slovenia, Finland and Sweden. For example, with the help of the Council of Europe as the implementing partner, Finland has improved the quality, efficiency, co-ordination and operation of five existing Barnahus units to manage child sexual abuse cases in a child-friendly manner. In Slovenia, a draft law on child-friendly justice was adopted in June 2021 and provided a

clear legal framework for the establishment and operation of the Barnahus model. Several other EU member states are currently developing their Barnahus projects (Croatia, Greece, Spain, France, Cyprus, Latvia, Hungary and Romania). The Council of Europe is also working on an upcoming draft recommendation on MDIA services for child-friendly justice (including operational guidelines for Barnahus services) that should be prepared by 2026, building on lessons learned from projects and a mapping study.

2.2. Data collection method and analysis

- For the purposes of the Legal Analysis a combination of a quantitative and qualitative data collection was employed to ensure a holistic research approach. The tools used for this mixed data collection encompass desk research, questionnaires, interviews and statistics.
- **Desk research:** With a view to identifying the applicable national legal framework, desk research was used as a starting point for the collection of information. The results of the desk research were compiled in the *“Mapping and desk research review of the international standards and principles, as well as the existing Croatian legislation, sub-legislation, protocols and any national policy documents and guidelines relevant for professionals and actors handling cases of children victims of sexual violence and abuse”*³. The Mapping and desk research review was therefore prepared within the framework of the Legal Analysis as a background document. It is available on the project website in Croatian. This comprehensive document delineates the relevant international documents implemented by Croatia in its legal system, primary and secondary pieces of national legislation as well as corresponding policy-making outputs aimed at strengthening Croatia’s efforts in combating sexual violence of children. It furthermore outlines relevant stakeholders competent for handling child sexual abuse cases. As a result, the Experts Team was provided with an in-depth overview of the current state of play of the national legal framework and prescribed competencies and working modalities of relevant stakeholders.

In addition, a targeted desk research was made of the jurisprudence of competent national courts to complement the Mapping and desk research review by providing information on how the relevant legal framework is implemented in Croatia and by helping shape the recommendations in line with the situation on the ground. The desk research was prepared by Ms Lana Petö Kujundžić, judge of the High Criminal Court and Ms Kristina Knežević Červar, juvenile judge of the Pula-Pola Municipal Court with the support of the Ministry of Justice, Public Administration and Digital Transformation that provided access to the relevant case-law. The findings of this research are presented in Chapter 6 below.

Lastly, it was necessary to dive into the comparative solutions put in place in member states that already implemented the Barnahus model. In particular, the examples of the Barnahus model established in Slovenia, Finland, Spain and Ireland were researched. They were used as a source of inspiration by identifying the already established examples of good practices that could be transposed into the Croatian model, bearing in mind the characteristics of the Croatian legal system as well as cultural and social particularities.

The undertaken desk research resulted in an all-encompassing provision of information that paved the way for researching the real-life outcomes of the Croatian legal framework through tailor-made questionnaires and interviews.

- **Questionnaires:** The desk research along with the Inception Report identified the stakeholders dealing with child sexual abuse cases and provided preliminary information on the MDIA approach and on gaps and challenges that needed to be scrutinized in a more detailed manner to ensure tailor-made recommendations. For this reason, the Experts Team prepared questionnaires that were purpose-drafted to each group of stakeholders. Particular emphasis was placed on involving the representatives of all key players to identify their views and proposals on the establishment of the Barnahus, challenges they are currently faced with and the level of the applied MDIA approach since one of the main purposes of the Barnahus model is to bring together all the relevant experts under one roof through effective tools of mutual co-operation.

³ See full version in [Croatian](#) and summary in [English](#) (available on the project website).

Against this backdrop the Expert Team decided to circulate custom-fit questionnaires to the representatives of: (i) judiciary (Supreme Court, High Criminal Court, all municipal and county courts, State Attorney's General Office), (ii) Ombudsperson for Children, (iii) competent ministries (Ministry of Justice, Public Administration and Digital Transformation; Ministry of Pension System, Labour, Family Matters and Social Welfare; Ministry of the Interior; Ministry of Science, Education and Youth and Ministry of Health), (iv) Judicial Academy, (v) Croatian Bar Association, (vi) Law faculties (Law Faculty in Zagreb, Osijek, Rijeka and Split), (vii) State Bureau of Statistics, (viii) NGOs and State-supported institutions providing assistance to children (Brave Telephone, Women's Room, Centre Tić Rijeka), (ix) Office for Gender Equality.

As regards the representatives of municipal and county courts, the questionnaires sent to them entailed one for juvenile judges/councils appointed at these respective courts and one for expert assistants. In addition, it is noted that not all municipal courts set up juvenile councils and not all municipal and county courts appointed expert assistants. Moreover, some of expert assistants provide service for municipal and county courts within the same territorial jurisdiction.

On the basis of the questionnaires the Experts Team gathered relevant information on the following topics relevant for preparing recommendations for the implementation of the Barnahus in Croatia:

- ✧ organizational and operational functioning of the Croatian judiciary system related to handling child sexual abuse cases: (i) current state of play, (ii) restructuring needs and proposals;
- ✧ availability and specialization of juvenile judges;
- ✧ juvenile state attorneys: (i) national and regional coverage, (ii) competencies;
- ✧ expert assistants: (i) national and regional coverage, (ii) competencies, co-ordination and supervision, training requirements and needs;
- ✧ police: (i) national and regional coverage of juvenile police officers, (ii) competencies, (iii) use of police interviews as evidence before courts;
- ✧ social workers: (i) national and regional staff coverage, (ii) competencies and their practical implementations, (iii) participation in policy making and outcomes;
- ✧ medical staff: (i) national and regional coverage of medical workers competent for providing medical services to children victims/witnesses of sexual abuse, (ii) availability of child paediatricians/gynaecologists/psychologists/psychiatrists, (iii) possibility of providing medical services outside of medical health institutions;
- ✧ school workers: (i) child interviews by school staff members, (ii) participation in policy making;
- ✧ forensic interviews: (i) availability of separate child-friendly interview rooms, (ii) availability of audio-video equipment for conducting interviews, (iii) tendencies to interview all children under the age of 18 (not only those under the age of 14) by using the audio-video equipment, (v) prevalence of conducting multiple interviews, (vi) preparation of children for interviews, (vii) manner of holding interviews;
- ✧ MDIA approach: (i) legal basis for co-operation, (ii) level of established co-operation, (iii) existence of a unified approach, (iii) examples of good practices and challenges identified, (iv) proposals for strengthening co-operation within the Barnahus;
- ✧ trainings for professionals handling child sexual abuse cases: (i) formal and continuous education, (ii) legal framework, (iii) planning criteria, (v) type and intensity, (vi) beneficiaries, (vi) contributions to the Barnahus model;
- ✧ statistical data: (i) identification of stakeholders that collect statistics on child sexual abuse cases as well as the type of statistics collected by each of them, (ii) the level of centralized data collection and analysis, (iii) challenges detected and proposals made by stakeholders;
- ✧ participation of government organizations and the civil sector in the provision of services to children victims/witnesses of sexual abuse;
- ✧ examples of good practices that can be used as sources of inspiration for setting up Barnahus in Croatia;
- ✧ identification of challenges for the implementation of the Barnahus model in Croatia;

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

- ✧ recommendations for setting up Barnahus in Croatia: (i) legal basis, (ii) beneficiaries, (iii) location, (ii) availability of juvenile judges, juvenile state attorneys, expert assistants, juvenile police officers, medical staff and social workers for effective functioning of the Barnahus in Croatia;

Along these lines, a total of 42 interlocutors provided completed questionnaires (as indicated in Table 1 below) showing a great interest for the Project and ensuring a high response rate despite a rather short deadline for providing responses and the fact that responses were gathered during summer holidays when the general availability of staff members is lower than usual. It can be concluded that key players recognize and support the need to implement the Barnahus model in Croatia as an important step in strengthening the overall protection of children against sexual abuse and other criminal offences as well as ensuring protection of particularly vulnerable groups of children.

Table 1. List of interlocutors who provided completed questionnaires

INTERLOCUTORS WHO PROVIDED COMPLETED QUESTIONNAIRES		
State Attorney's General Office		√
Supreme Court of the Republic of Croatia		√
High Criminal Court of the Republic of Croatia		√
Competent County Courts in Croatia	Juvenile Judges	Expert Assistants
✧ Dubrovnik County Court	√	
✧ Osijek County Court	√	
✧ Pula – Pola County Court	√	√
✧ Sisak County Court	√	√
✧ Slavonski Brod County Court	√	
✧ Split County Court	√	
✧ Šibenik County Court	√	
✧ Varaždin County Court	√	√
✧ Velika Gorica County Court	√	
✧ Rijeka County Court	√	
✧ Zadar County Court	√	√
✧ Zagreb County Court	√	
Competent Municipal Courts in Croatia	Juvenile Judges	Expert Assistants
✧ Bjelovar Municipal Court	√	√
✧ Gospić Municipal Court	√	
✧ Koprivnica Municipal Court	√	
✧ Metković Municipal Court	√	
✧ Novi Zagreb Municipal Court		√
✧ Osijek Municipal Court	√	√
✧ Pula – Pola Municipal Court	√	√
✧ Sisak Municipal Court	√	√
✧ Šibenik Municipal Court		√
✧ Varaždin Municipal Court		√
✧ Velika Gorica Municipal Court	√	
✧ Vinkovci Municipal Court	√	
✧ Vukovar Municipal Court	√	
✧ Zadar Municipal Court	√	
✧ Zagreb Municipal Criminal Court	√	√
Ombudsperson for Children		√
Competent Ministries		
✧ Ministry of Justice, Public Administration and Digital Transformation		√
✧ Ministry of the Interior		√
✧ Ministry of Labour, Pension System, Family and Social Welfare		√
✧ Ministry of Science, Education and Youth		√
✧ Ministry of Health		√
State Bureau of Statistics		√

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

Judicial Academy	√
Zagreb Law Faculty	√
NGOs and State-Supported Organizations	
☒ Brave Telephone	√
☒ Women’s Room	√
☒ Centre Tić Rijeka	√
Office for Gender Equality	√

- **Interviews with competent authorities:** With a view to gaining insight into personal views and experiences of experts handling child sexual abuse cases, one-on-one interviews were carried out with the selected interlocutors to understand the prevailing reasons for the gaps and challenges identified through the Inception Report and received questionnaires and to evaluate their needs and proposals on the implementation of the Barnahus model in Croatia.

In this respect, semi-structured on-line interviews were carried out with 21 interlocutors from competent authorities pursuant to invitations sent through the Doodle application to facilitate the scheduling process. The interviews lasted from 40 min to one hour and a half. Importance was placed on hearing views and experiences not only from the capital but from interlocutors throughout the country to identify national and regional particularities and needs.

It is safe to conclude that the vast majority of interlocutors showed support for the Project, highlighted the need to implement the Barnahus model in Croatia, and actively participated in the interviews. They spoke openly and without noticeable hesitation and gave their overview of challenges detected and their perception on the implementation of the Barnahus model in Croatia. Certain reluctance to the idea of setting up the Barnahus was detected regarding a smaller number of interlocutors and can be connected with a general poor trust in the Croatian legal system and the lack of its openness to change. The gathered feedback enabled the Experts Team to grasp the perspectives of the majority of stakeholders involved with child sexual abuse cases as well as the state of play of practical implications of the relevant legislative, policy and institutional framework. In addition, citations from certain interviewees were quoted in the Legal Analysis to showcase the authenticity of their views and to convey to the reader the impact of their experience and perspectives. They were anonymized to respect the data protection regulations.

The list of interviewed stakeholders with the dates on which they were carried out is indicated in Table 2 below.

Table 2: List of interviewed stakeholders with the dates on which they were carried out

DATE	STAKEHOLDERS
1 July	Zadar Municipal State Attorney’s Office Deputy State Attorney and Expert Assistant
3 July	Zadar Municipal Court Expert Assistant
3 July	Zagreb County Court Senior Expert Assistant
4 July	Varaždin County Court Juvenile Judge
5 July	Osijek Municipal Court Expert Assistant
5 July	Brave Telephone Representative
8 July	Sisak County Court Senior Expert Assistant
9 July	Varaždin Municipal State Attorney’ Office Deputy State Attorney
9 July	Ministry of the Interior Representative
9 July	Pula-Pola Municipal Court Expert Assistant
9 July	Zagreb County Court Juvenile Judge
10 July	Centre Tić Rijeka Representatives
12 July	Zagreb Municipal State Attorney’ Office Deputy State Attorney and Expert Assistant
12 July	Split Municipal Court Juvenile Judge
12 July	Split Municipal Court Senior Expert Assistant
18 July	Zadar Municipal Court Juvenile Judge
19 July	Osijek Municipal Court Ex-Youth Judge

23 July	Ministry of Pension System, Labour, Family Matters and Social Welfare and the Croatian Bureau for Social Work	Representatives
26 July	Zadar County Court	Juvenile Judge

- **Questionnaires and interviews with children:** As regards the importance of researching the views of children and ensuring their participation in the Project, a dedicated questionnaire was prepared for a selected group of children who are members of the Network of Young Advisors set up within the office of the Ombudsperson for Children. In addition, interviews were carried out with children victims of sexual abuse to ensure that the Barnahus model in Croatia will work for children who directly suffered from these particularly severe types of criminal offences to align its functioning with their needs and proposals. The questionnaires and interviews were structured in line with the national Ethical Code for Conducting Research with Children. The purpose of the questionnaire and interviews was to hear children views on their perception and scope of children's rights, their perception on forms of sexual abuse and on sources of information regarding sexual abuse of children, on who can become a child victim of sexual abuse and who can be the perpetrator and how the Barnahus should function.

The information regarding the questionnaires and interviews was gathered, compiled and analysed by Ms Helenca Pirnat Dragičević, Ombudsperson for Children, and is presented in the Chapter 9 below.

✦ As regards the questionnaire for the Network of Young Advisors (“NYA”)

The NYA consists of 25 children between the age of 12 and 18 and has a dual role of informing the Ombudsperson for Children on their views on child-related issues, challenges children are faced with and proposals for resolving them. On the other hand, the Ombudsperson for Children informs the NYA members on important development of child-related policies in Croatia that they diffuse to their peers at the local level. Such intertwined co-operation enables active child participation in state activities aimed at protection of children.

The questionnaire for the NYA members was finalized with their help to ensure that it is child-adapted and easily understandable. The children who participated in the finalization of the questionnaire did not participate in providing responses. The envisaged sampling group for the purposes of this Project encompassed 15 NYA members from the age of 14 to 18 out of which the majority were children from 16 to 18 (86,7%) and the remaining from 14 to 15 years of age (13,3%). In addition, 60% of participants were girls, while 40% boys. The questionnaires were circulated and completed on-line using Google Forms.

✦ As regards the interviews with children victims of sexual abuse

Interviews were carried out with seven children victims of sexual abuse from the age of 10 to 18 in a semi-structured manner. Prior to conducting the interviews, necessary consents were obtained from children's parents. The interviews were furthermore carried out individually by child professionals trained in interviewing children.

The results of the questionnaires and interviews are reflected in Chapter 9 and were used as a basis for shaping the recommendations for the implementation of the Barnahus in Croatia so as to ensure that the Barnahus will operate not only for but also with children and in line with the best interests of the child.

- **Statistics collection and analysis:** With a view to identifying and interpreting the relationship between the relevant legislative, policy and institutional framework and its application in practice, it was necessary to gather statistics related to child sexual abuse cases. The main objective was to identify the manner in which the statistics was gathered (identification of stakeholders and the type of statistics), and to identify the national and regional prevalence of the types of child sexual abuse instances. In addition, it was necessary to evaluate the level of centralization of data gathering and the extent to which the statistics were used for analysis purposes to identify

the challenges and envisage recommendations aimed at strengthening the protection of children against this type of violence.

Along these lines, the questionnaires for relevant stakeholders envisaged obtaining information on relevant statistics gathered within the scope of their competencies to evaluate: (i) if they gather and analyse statistics, (ii) type of statistics gathered and analysed. In addition, the stakeholders were also provided with an opportunity to express their views on the current mechanism for statistics gathering, on identified challenges and on possible recommendations.

The gathered statistics is presented in Chapter 8 below.

3. INTERNATIONAL STANDARDS ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IMPLEMENTED BY CROATIA

In order to assess the readiness of the Croatian legal system to implement the Barnahus model in Croatia it was necessary to identify the level of its harmonization with the relevant international documents on the protection of children against sexual abuse. Along these lines the above-mentioned Mapping and desk research review indicated a high level of integration of relevant international standards demonstrating a genuine commitment of Croatia to align its legal framework with internationally accepted child protection criteria recognized by the UN, Council of Europe and EU. It can be concluded that Croatia represents an example of good practices when it comes to its efforts to align its legal system with key international documents aimed at protection of the right of a child that are deeply rooted in ensuring that all proceedings and treatments involving children are conducted in their best interests as the key starting point of any State action. The findings of the Mapping and desk research attesting to this conclusion are outlined below.



Relevant UN standards

- Croatia has been a member of the United Nations since 1992. It has ratified the [Convention on the Rights of the Child](#) in 1991, which is the leading comprehensive international child protection document. According to the Convention, Croatia is under an obligation to take all appropriate legislative, administrative, social and educational measures to protect the child from sexual abuse and to prevent: (i) inducement or coercion of a child to engage in any unlawful sexual activity, (ii) exploitative use of children in prostitution or other unlawful sexual practices, (iii) exploitative use of children in pornographic performances and materials. It has also committed to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of exploitation, or abuse. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.
- Croatia has also ratified two relevant Optional Protocols to the Convention, namely the one related to the [Sale of Children, Child Prostitution and Child Pornography](#) and the other regarding the [Rights of the Child on a Complaints Procedure](#).
- According to the latest concluding observations of the Committee of the Rights of the Child of 22 June 2022 (CRC/C/HRV/CO/5-6) adopted regarding the implementation of the Convention by Croatia, it commended the efforts undertaken so far and invited Croatia to : (i) carry out *ex ante* and *ex post* impact analysis of the application of the principle of the best interests of the child, (ii) develop an integrated data collection system relating to children, (iii) develop comprehensive strategic documents aimed at preventing, combating and monitoring sexual violence, (iv) ensure timely reporting and investigation of sexual violence by applying an intersectional approach to prevent re-victimisation of the child and imposing appropriate sanctions on perpetrators, (v) strengthen comprehensive psycho-social assistance to child victims, including trauma-focused therapy, (vi) ensure prompt questioning of children by specially trained professionals in child-friendly manner and premises.



Relevant Council of Europe standards

- Croatia has been a member of the Council of Europe since 6 November 1996. It has ratified all the major Council of Europe Conventions setting child-protection standards, in particular:

- ✧ [Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ratified on 5 November 1997) ensuring to every person within their jurisdiction the rights and freedoms guaranteed by the Convention, including children and guaranteeing the protection of the right to respect for private and family life in cases involving children.
- ✧ [Lanzarote Convention](#) (ratified on 21 September 2011) requiring, *inter alia*, that court proceedings are child-friendly, that interviews are conducted through specialised experts in appropriate premises, using a video link and in a child-friendly manner, and to minimise the number of interviews. It also calls for a cross-sectoral form of cooperation between competent authorities (social and health services, police, courts).

The Lanzarote Committee that monitors the implementation of the Lanzarote Convention has detected several promising practices in respect of Croatia in its reports. In particular, in its [1st implementation report of 4 December 2015](#), practices related to: (i) having clear victim removal procedures based on the best interests of the child, (ii) provision of specific treatment such as counselling with a professional to the non-offending parent by the health-care system, (iii) six weeks' training in interviewing techniques for children aimed for police officers for youth, (iv) recognised knowledge of children's rights as a prerequisite for appointing lawyers to represent children in judicial proceedings. In the [2nd implementation report of 31 January 2018](#), it highlighted that a Network of Young Advisors consulting the Ombudsperson for children ensures child participation in policy making. Lastly, in its [8th activity report of 6 March 2024](#), the Lanzarote Committee noted the Croatian support of the implementation of the Barnahus model through the Project at hand.

On the other hand, in its [Implementation report of 10 March 2022](#), it recommended Croatia to ensure that persons who have regular contact with children (in the education, health, and social protection sector and areas related to sport, culture and leisure activities) are equipped to identify any situation of sexual exploitation and sexual abuse of children and to ensure that they are informed of the possibility to report to the services responsible for child protection on any situation where they have "reasonable grounds" for believing that a child is a victim of sexual exploitation and sexual abuse of children. In the above-mentioned 1st implementation report it also pointed out that in Croatia, often a parent who is not suspected of abuse is appointed as a special representative if this is in the best interests of the child. However, although this option can provide valuable emotional support for the future well-being of the child, it can also create a conflict of interest with the child, especially if parents who are not suspected of abuse are emotionally involved.

- ✧ [Istanbul Convention](#) (ratified on 12 June 2018) which warrants Croatia to protect and provide adequate support and assistance to child victims/witnesses of domestic violence, bearing in mind regional coverage and taking into account the views of children in appropriate proceedings.
- ✧ [Budapest Convention](#) (ratified on 1 July 2004) that requires Croatia to criminalize child pornography.
- ✧ [Convention on Action against Trafficking in Human Beings](#) (ratified on 5 September 2007) providing for special measures and actions in the case of identification of child victims, as well as adaptation of treatment to the needs of children.



Relevant EU standards

- Croatia has been a member of the European Union since 1 July 2013 and has implemented the following EU *acquis* related to the protection of children's rights:

- ✧ [Charter of Fundamental Rights of the European Union](#)

The Charter envisages the need of member states to incorporate the protection of children's rights by prescribing that children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. Moreover, in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. In addition, every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

- ✧ [EU Directive on Child Sexual Abuse](#)

The Directive has been transposed into the Croatian legal system through several laws, namely the applicable Criminal Procedure Act, the Juvenile Courts Act, the Family Act and the Social Welfare Act. It places emphasis on the way the child is to be heard in criminal proceedings without delay, by a professional in child-friendly premises. The number of hearings should be kept to a minimum and, in case of several hearings, they should all be conducted by the same expert. The child victim must also be able to be accompanied during the hearing in the form of a representative or a person of trust. The Directive also provides for audio-video recording of hearings to prevent repeated hearings and the use of recordings as evidence during criminal proceedings. It highlights the need to ensure short-term and long-term assistance and support (before, during and after criminal proceedings) with a view to ensuring the physical and psychological recovery of the child. The Directive also stresses the need to maintain consolidated statistics for the purpose of research and evaluation of the prevalence of sexual abuse and exploitation and child pornography.

- ✧ [EU Directive on Victim's Rights](#)

The provisions of this Directive regulate minimum standards on the provision of information and support to victims within the framework of criminal proceedings, including children. It highlights the possibility of audio-video recording of hearings of the child, the use of such recordings as evidence in criminal proceedings and the appointment of a special representative for the child in cases where, for example, there is a conflict of interest with parents/guardians. It has been introduced into the Croatian legal order through several laws, most notably the Criminal Procedure Act, the Juvenile Courts Act, the Protection against Domestic Violence Act and the Social Welfare Act.

- ✧ [EU Directive on Trafficking in Human Beings](#)

The Directive points out that victims of trafficking in human beings, including children, should be provided with support and assistance before, during and after criminal proceedings, based on the individual assessment of the child and considering the child's opinion with emphasis on their psycho-social and physical recovery. It envisages procedural requirements for conducting child interviews in criminal proceedings: (i) prevention of undue delays, (ii) use of child-friendly rooms and specially trained professional, (iii) limiting multiple interviews, (iv) use of audio-video recording devices. It forms part of the Croatian legal order by virtue of its transposition in several laws, notably the Criminal Procedure Act and the Social Welfare Act.

4. POLICY FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA



The Overview under this Chapter describes policy-making outcomes that Croatia adopted to steer the implementation of primary and secondary legislation in line with international standards of the UN, Council of Europe and EU aimed at protecting the best interests of the child victim or witness of sexual abuse. In this respect, Croatia has envisaged a set of strategic policy documents aimed at guiding the legislator and competent authorities towards adapting the justice system to the needs of the child in cases including sexual abuse and exploitation of children. They are entrenched in relevant UN, Council of Europe and EU documents that Croatia integrated in its legal system as well as their applicable policy papers adopted within this subject matter. The main policy documents are presented below.

4.1. National Plan for Combating Sexual Violence and Sexual Harassment for the period until 2027

- This is the first integral policy document adopted by Croatia to take concrete measures and activities aimed at protecting victims of sexual violence and harassment, including child victims as a particularly vulnerable group. The [National Plan](#) explicitly refers to international protection standards established in the Lanzarote Convention and the EU Strategy on the Rights of the Child, and is the main policy document that envisages the implementation of the Barnahus model in Croatia. The National Plan was prepared, and its application is monitored by the Ministry of Labour, Pension System, Family and Social Policy showing a need for a sensitized approach by this state towards ensuring child-friendly justice. It is implemented by a set of measures envisaged in its [Action Plan for Combating Sexual Violence and Sexual Harassment for the period until 2024](#). They, *inter alia*, include the establishment of the Children's House, based on the Barnahus model, as an interdisciplinary and multisectoral centre for child victims and witnesses. The implementation is envisaged by: (i) preparing an analysis for its establishment; (ii) establishing a legal framework for its start of operations; (iii) establishing administrative capacity for its implementation and providing necessary training in this regard; (iv) developing a communication strategy for its establishment to raise awareness among the general and expert public on the harmfulness of sexual abuse and exploitation of children.

4.2. National Plan of the Republic of Croatia for the Rights of the Child for the Period between 2022 and 2026

- It promotes the integral improvement of the protection of children's rights through joint action of the entire State system and all stakeholders participating in the amendment and adaptation of existing legislative framework. Particular emphasis is placed on implementing the main areas of action of the EU Strategy on the Rights of the Child for the period 2021-2024 calling for inter-agency co-operation and removal of existing barriers hampering the protection of the best interests of the child. The co-ordinator of the implementation of the National Plan is the Ministry of Labour, Pension System, Family and Social Policy, which is under an obligation to submit an annual progress report to the Croatian Government.
- The [National Plan](#) aims at, *inter alia*, ensuring child-friendly justice by requiring the competent authorities handling child abuse cases to be guided by the best interests of the child, to treat the child victim with special consideration with a view to avoiding harmful consequences for the upbringing and development of the child. Child's approach to justice must be individualised and accessible to every child. In cases where a child is a victim

of a crime, it is needed to regularly assess the need to apply special protection measures by the police, the state attorneys, and the court and to ensure that proceedings are brought to an end in a timely fashion.

- The particular objectives envisaged will be quantifiable through the pertaining [Action Plan for the period between 2022 and 2024](#), that foresees raising the number of criminal complaints and the number of child victims/witnesses of abuse bearing in mind the existence of a high rate of unreported cases.

4.3. Strategic Framework for Mental Health Development until 2030

- The [Strategic Framework](#) was adopted by the Ministry of Health in 2022 with the aim of reducing the occurrence of mental disorders and related disabilities and increasing the regional availability of health care in Croatia. In the context of the protection of the mental health of children who are victims of violence, including sexual violence, the Strategy provides for the following actions: (i) encourage research and development of programmes and interventions and improve care for children who are victims of violence, children in contact with the judicial system and children whose parents have been subject to family safety measures, (ii) increase the availability of systematic psychological support services for victims of domestic violence; (iii) increase awareness of all stakeholders about the signs and psychological consequences, and appropriate access to victims of domestic violence.

4.4. Action Plan for the Prevention of School Violence for the period between 2020 and 2024

- The [Action Plan](#) was adopted pursuant to the initiative of the Ministry of Science, Education and Youth. Some of its objectives relate to the prevention and protection of children against violence in schools, namely: (i) adoption of a Charter of Non-Violence at the national level, on the basis of which each school will develop a code of conduct in cases of violence rooted in empathy and defining a common system of values, (ii) harmonizing procedures in the prevention of violence in all schools in Croatia, (iii) determining a unique way of reporting to crisis intervention teams in the education system, (iv) establishing a single data collection system on the implementation of preventive programmes targeting all forms of unacceptable behaviour.

4.5. Conclusion

- It is concluded that the competent stakeholders within the Croatian Government have undertaken commendable initiatives aimed at putting in place a comprehensive policy framework aimed at ensuring protection of children from instances of child abuse that are embedded in key international documents adopted by the UN, Council of Europe and EU, namely the Convention on the Rights of the Child, the Lanzarote Convention and the EU Strategy on the Rights of the Child.
- In particular, by adopting the National Plan for Combating Sexual Exploitation and Sexual Harassment for the Period until 2027, the Croatian Government pursuant to the preparations made by Ministry of Labour, Pension System, Family and Social Policy, has carried out its first step towards the establishment of the Barnahus model in Croatia by explicitly embedding its implementation in this core policy document aimed at ensuring protection of children against sexual abuse. It thereby endorsed the joint Council of Europe and EU initiative aimed at unifying the protection of the best interests of the child in cases of sexual harassment and sexual exploitation. It furthermore recognized the efforts made by the international community gathered through relevant Council of Europe and EU bodies to implement a child-focused approach in cases involving child sexual abuse by bringing together all relevant professionals to work with and for the child under one roof with a view to preventing re-victimisation.
- In addition, the National Plan for the Rights of the Child for the Period between 2022 and 2024 adopted by the Croatian Government in line with the draft prepared by the Ministry of Labour, Pension System, Family and Social Policy, can be regarded as another important step taken by Croatia to enhance a child-friendly response of the national justice system to instances of child sexual abuse that contributes to establishing the Barnahus model in Croatia by placing an emphasis on the inter-agency co-operation.

ANALYSIS OF THE LEGISLATIVE, POLICY AND INSTITUTIONAL FRAMEWORK REGARDING PROTECTION OF CHILDREN AND PROCEDURES FOR CASES ON VIOLENCE AGAINST CHILDREN, INCLUDING SEXUAL VIOLENCE IN CROATIA

- Moreover, by adopting the Strategic Framework for Mental Health Development until 2030, the Ministry of Health as one of the stakeholders in handling child sexual abuse cases has also put in place a child-friendly policy paper aimed at ensuring the protection of mental health of children who are victims of sexual abuse.
- Furthermore, the Ministry of Science, Education and Youth has also undertaken efforts to prevent and provide an effective response to sexual violence against children within the education system, by initiating the adoption of the Action Plan for the Prevention of School Violence for the period between 2020 and 2024.

4. LEGISLATIVE FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA

The Overview of the legislative framework regarding protection of children against sexual violence in Croatia consists of: (i) the table of relevant legislative framework, (ii) identification of relevant stakeholders and (iii) an outline of protection procedures in cases of child sexual abuse cases.

4.1. Table of relevant legislative framework

The table gives an overview of the legislative framework that includes the Constitution of the Republic of Croatia as well as primary and secondary pieces of legislation adopted by Croatia related to providing response to sexual abuse of children.

CONSTITUTION OF THE REPUBLIC OF CROATIA

(Official Gazette No. 56/90, 135/97, 113/00, 28/01, 76/10, 5/14)

PRIMARY LEGISLATION

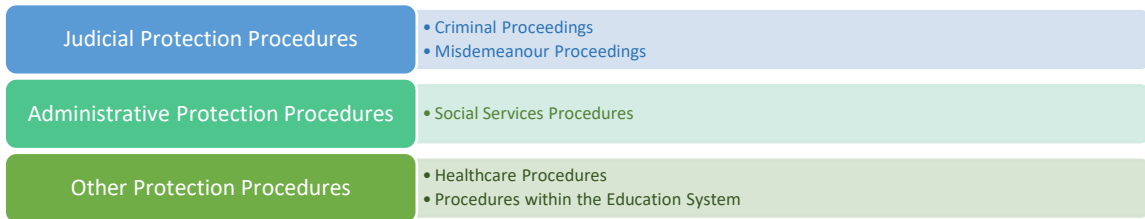
- ⇒ **Criminal Code**
(Official Gazette No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24)
- ⇒ **Criminal Procedure Act**
(Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22, 36/24)
- ⇒ **Juvenile Courts Act**
(Official Gazette No. 84/11, 143/12, 148/13, 56/15, 126/19)
- ⇒ **Protection against Domestic Violence Act**
(Official Gazette No. 70/17, 126/19, 84/21, 114/22, 36/24)
- ⇒ **Social Welfare Act**
(Official Gazette No. 18/22, 46/22, 119/22, 71/23, 156/23)
- ⇒ **Healthcare Act**
(Official Gazette No. 125/19, 147/20, 119/22, 156/22, 33/23, 36/24)
- ⇒ **Primary and Secondary School Education Act**
(Official Gazette No. 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12, 86/12, 126/12, 94/13, 152/14, 07/17, 68/18, 98/19, 64/20, 151/22, 155/23, 156/23)
- ⇒ **Family Act**
(Official Gazette No. 103/15, 98/19, 47/20, 49/23, 156/23)
- ⇒ **Police Powers Act**
(Official Gazette No. 76/09, 92/14, 70/19)

SECONDARY LEGISLATION

- ⇒ **Protocol on Procedures in Cases of Sexual Violence**
(Official Gazette No. 70/18)
- ⇒ **Protocol on Procedures in Cases of Child Abuse and Neglect**
(adopted at the Government session of 13 November 2014)
- ⇒ **Protocol on Procedures in Cases of Domestic Violence**
(adopted at the Government session of 19 June 2019)
- ⇒ **Protocol on Procedures in Cases of Violence among Children and Young People**
(adopted at the Government session of 15 April 2024)
- ⇒ **Protocol for the Identification, Assistance and Protection of Victims of Trafficking in Human Beings**
- ⇒ **Rules on Procedure of Police Officers**
(Official Gazette No. 20/22)
- ⇒ **Rules on Procedure of Educational Workers in Schools on Undertaking Protective Measures of Pupil's Rights and on Reporting any Violation of These Rights to Competent Authorities**
(Official Gazette No. 132/2013)
- ⇒ **Rules of Procedure on the Work of Non-Legal Expert Assistants in the Field of Youth Delinquency and Criminal Justice Protection of Children in State Attorney's Offices and Courts**
(Official Gazette No. 22/13)
- ⇒ **Rules of Procedure on the Manner of Conducting an Individual Assessment of the Victim**
(Official Gazette No. 106/2017)

4.2. Protection procedures for handling child sexual abuse cases

The response of State agencies handling child sexual abuse cases is carried out through several protection procedures that can by virtue of their nature be characterized as judicial, administrative and other. This is in line with the need to ensure a MDIA approach of competent authorities to child victims and witnesses bearing in mind to place the best interests of the child in their focus of their functioning. These procedures are outlined below.



JUDICIAL PROTECTION PROCEDURES

Judicial protection procedures that involve child sexual abuse cases include criminal proceedings regulated by the applicable Criminal Code, Criminal Procedure Act and Juvenile Courts Act and misdemeanour proceedings regulated by the Protection against Domestic Violence Act. These primary pieces of legislation are complimented by the above-mentioned secondary legislation envisaging an inter-agency approach.

✦ Criminal proceedings



The Criminal Code envisages, *inter alia*, a catalogue of criminal offences that relate to sexual abuse of children against which the State has ensured protection through criminal proceedings. In this respect a separate Head XVII of the Criminal Code is dedicated to criminal offences of sexual abuse and sexual exploitation of children.

They include: (i) sexual abuse of children under the age of 15 (Article 158), (ii) sexual abuse of children over the age of 15 (Article 159), (iii) satisfying lust in front of the child under the age of 15 (Art 160), (iv) grooming children to meet sexual needs (Article 161), (v) subjugation of a child (Article 162), (vi) exploitation of children for pornography (Article 163), (vii) exploitation of children for pornographic performances (Article 164), (viii) introducing children to pornography (Article 165), (ix) serious offences of sexual abuse and exploitation of children (Article 166). Furthermore, under Head XVIII on criminal offences against marriage, family and children, the Criminal Code prescribes the criminal offence of violations of the right of the child (Article 177) while under Head IX regulating criminal offences against humanity and human dignity it envisages the criminal offence of trafficking in human beings that also includes children (Article 106(2)).

As regards the prescribed sanctions, for the indicated criminal offences under Head XVII, the Criminal Code envisages imprisonment ranging from 6 months to long-term imprisonment, for the criminal offence under the Head XVIII imprisonment from 1 to 8 years and for the criminal offence under Head IX imprisonment from 3 to 15 years. Moreover, pursuant to the Criminal Code the prescribed statute of limitation for prosecuting the indicated criminal offences varies from 6 to 40 years with a specific indication that prosecution shall not become time-barred for the criminal offence of serious offences of sexual abuse and exploitation of children prescribed in Article 166 of the Criminal Code. It is furthermore important to highlight that the statute of limitation for prosecution of criminal offences under Article 158-164, Article 177 and Article 106(2) committed against a child shall begin to run from the victim's age of majority.

CRIMINAL PROCEEDINGS
REGARDING CHILD SEXUAL
ABUSE



As regards the Criminal Procedure Act it regulates the functioning of criminal proceedings as a *lex generalis*, by prescribing among other things, its basic principles, the jurisdiction of courts, the persons authorised to initiate it, the rights of victims, child interviews, as well as the stages of criminal proceedings.

With regards to its basic principles, it is indicated that, *inter alia*, in criminal proceedings involving a child victim, the police, the state attorney and the court shall pay special attention to the child victim and to appropriately inform them on their rights and obligations. In addition, it also prohibits discrimination based on, *inter alia*, age. The provisions regulating the jurisdiction of courts, the persons authorised to initiate it, the rights of victims, as well as the stages of criminal proceedings are described in Chapter 6 below.

The Juvenile Courts Act, as *lex specialis*, lays down provisions governing the conduct of two types of criminal proceedings involving children, first being the one regarding criminal offences committed by juveniles and the other involving criminal offences committed by adult offenders to the detriment of a child, including sexual abuse. The provisions of the Criminal Code and the Criminal Procedure Act will apply only if not otherwise prescribed by the Juvenile Courts Act. It prescribes criminal offences that fall under its scope of competencies, functioning of juvenile courts, manner of conducting child interviews, rights of the child, co-operation with competent authorities and underlines the importance of the principle of urgency as the key principle for conducting such criminal proceedings.

JUVENILE COURTS
AND JUDGES DEALING WITH
CHILD SEXUAL ABUSE CASES



Criminal proceedings related to child sexual abuse cases in Croatia are carried out by juvenile departments established at municipal courts, county courts, the High Criminal Court and the Supreme Court. In addition, the Constitutional Court is competent for examining violations of humans rights and freedoms guaranteed by the Constitution of the Republic of Croatia that also related to violations of children's rights.

Municipal courts adjudicate at the first level for criminal offences related to child sexual abuse punishable by imprisonment up 12 years, unless otherwise prescribed by law.

County courts carry out criminal proceedings at the first level regarding criminal offences related to child sexual abuse punishable by imprisonment exceeding 12 years or long-term imprisonment, for criminal offences related to subjugation of a child and for criminal offences that fall under the sole competence of county courts according to special law. They furthermore decide at the second level in cases following appeals against the first instance decisions rendered by municipal courts.

The High Criminal Court at the second level decides on the appeals against first instance decisions rendered by county courts and at the third level on the appeal against second-instance decisions. The Supreme Court decides in child sexual abuse cases on the basis of extraordinary legal remedies.

According to the Juvenile Courts Act, Juvenile Departments are established at: (i) municipal courts operating at seats of county courts, with the exception of the establishment of Juvenile Departments at municipal courts in Gospić, Čakovec, Koprivnica, Požega and Virovitica (ii) all county courts, and (iii) the High Criminal Court. The detailed list of municipal and county courts that have set up Juvenile Departments is presented in Table 3 below. Juvenile Departments consist of Juvenile Councils and juvenile judges who are competent for hearing cases regarding sexual abuse of children. Juvenile Councils consist of juvenile judges and juvenile jurors.

At Juvenile Departments at county courts, the president of the county court appoints a juvenile investigating judge competent for conducting forensic interviews with child victims of sexual abuse during the pre-trial phase of the criminal proceedings.

Juvenile judges at municipal and county courts, and at the High Criminal Court are appointed for a period of five years by the President of the Supreme Court among the judges of those courts, with the possibility of re-election. Juvenile jurors are appointed by local administrative authorities from the ranks of professors, teachers, educators and other persons who have professional experience in working with young people.

The manner in which the criminal proceedings related to child sexual abuse is carried out along with its phases is described in Chapter 6 below.

✧ Misdemeanour proceedings

Judicial protection through the misdemeanour proceeding will be provided in cases of sexual violence towards children envisaged by the Protection against Domestic Violence Act that include, among others, the use of physical force that did not result in bodily injury, and corporal punishment or other forms of degrading treatment of children. The application of this Act will come into play if the sexual abuse instance does not fulfil the elements of a respective criminal offence. It prescribes that in cases where the victim of domestic violence is a child, the competent authorities are obliged to act with special regard to his or her age, personality and personal and family circumstances to avoid harmful consequences for the upbringing and development of the child and to be guided by the best interests of the child. This Act furthermore prescribes the rights of victims of domestic violence, determines forms of domestic violence, misdemeanour sanctions, collection of data on the application of this Act, and the establishment of a Commission for monitoring and improving the work of criminal and misdemeanour proceedings bodies. In addition, it is highlighted that misdemeanour proceedings at the first level are conducted by Misdemeanour Departments within the municipal courts and by two specially appointed Misdemeanour Court in Split and Zagreb.

✧ Family proceedings

According to the applicable Juvenile Courts Act, the competent state attorney is under an obligation to request the social welfare centre to initiate non-contentious proceedings against a parent who abuses or grossly violates parental responsibilities, duties, and rights, in order to divest them of parental care or to divest them of the right to live with the child, when such violations of parental rights are identified during criminal proceedings. In practice, this means that two separate sets of proceedings will take place in parallel for the protection of the child's best interests related to sexual abuse, namely the criminal proceedings related to child sexual abuse and non-contentious proceedings regarding parental rights. It is therefore important to ensure that the juvenile judge and the judge competent for carrying out the non-contentious proceedings effectively co-operate by exchanging relevant information and coordinate their activities since both of the proceedings complement each other and contribute to stopping and preventing perpetrators to continue the abuse by sentencing them to a criminal sanction and by divesting them of parental care or the right to live with the child.

■ ADMINISTRATIVE PROTECTION PROCEDURES

Administrative protection procedures involve those carried out by social welfare services in cases of sexual violence towards children and are regulated by the applicable Social Welfare Act. Their purpose is to provide necessary social service to victims of this type of violence that are described below.

■ OTHER PROTECTION PROCEDURES

Other protection procedures include those provided by healthcare professionals to victims of child sexual abuse (medical examinations, gynaecological examination, psychological and psychiatric support) regulated by the applicable Healthcare Act and the applicable above-mentioned by-laws. The Healthcare Act regulates the principles and measures of health protection, the rights and obligations of persons in the use of health care, the holders of social care for the health of the population, the content and organisational forms of performing health activities and the supervision of the performance of health activities. Health-protection measures also include the provision of

comprehensive (preventive, curative and rehabilitation) health care for children and young people, including victims of sexual abuse.

Other protection procedures also include procedures involving professionals within the education system if complaints of child sexual abuse cases are made to principals, teachers and other school staff members. They are governed by the applicable Primary and Secondary School Education Act and coupled with the relevant by-laws. The latter Act prescribes that teachers and other school staff members are under an obligation to undertake protection measures towards pupils and report without delays to the school principal any instance of sexual abuse towards pupils. The principal is then obliged to report the said violence to the social welfare services, and other competent authorities.

4.3. Identification of relevant stakeholders handling cases of sexual violence towards children

The State's response to instances of sexual abuse of children is ensured by an inter-agency approach that encompasses joint actions from several competent stakeholders, namely judges, state attorneys, police, expert assistants, social services, healthcare services, and education professionals. They are identified in line with their competencies in protection procedures related to handling sexual abuse cases involving children that are described below.



JUVENILE JUDGES

As indicated above, juvenile judges are competent for deciding in criminal proceedings involving sexual abuse of children. Key requirements for their appointment are a strong propensity for the upbringing, needs and benefits of juveniles and possessing initial knowledge in the fields of criminology, social pedagogy, youth psychology and social work related to juveniles. According to the information provided by the Ministry of Justice, Public Administration and Digital Transformation, in Croatia there is a total of 30 municipal courts and 15 county courts. As regards the municipal courts, according to the provisions of the Juvenile Courts Act, 20 have set up juvenile departments (15 that operate at seats of all municipal courts and 5 additional ones) with 84 juvenile judges. In respect of county courts, all have juvenile departments that include 109 juvenile judges. There are furthermore 4 juvenile judges appointed at

the High Criminal Court and 3 at the Supreme Court. In total, there are 200 juvenile judges currently appointed at national courts.

Table 3: Presentation of Municipal and County Courts with/without Juvenile Departments

Municipal Courts operating at County Court seats with Juvenile Departments	Municipal Courts operating outside of County Court seats with Juvenile Departments	Municipal Courts operating outside of County Court seats without Juvenile Departments	County Courts with Juvenile Departments
Bjelovar Municipal Court Dubrovnik Municipal Court Karlovac Municipal Court Osijeku Municipal Court Pula-Pola Municipal Court Rijeka Municipal Court Sisak Municipal Court Slavonski Brod Municipal Court	Čakovec Municipal Court Gospić Municipal Court Koprivnica Municipal Court Požega Municipal Court Virovitica Municipal Court	Crikvenica Municipal Court Đakovo Municipal Court Kutina Municipal Court Makarska Municipal Court Metković Municipal Court Novi Zagreb Municipal Court Pazin Municipal Court Sesvete Municipal Court	Bjelovar County Court Dubrovnik County Court Karlovac County Court Osijek County Court Pula-Pola County Court Rijeka County Court Sisak County Court Slavonski Brod County Court
Split Municipal Court Šibenik Municipal Court Varaždin Municipal Court Velika Gorica Municipal Court		Vinkovci Municipal Court Zlatar Municipal Court	Split County Court Šibenik County Court Varaždin County Court Velika Gorica County Court
Vukovar Municipal Court Zadar Municipal Court Zagreb Municipal Criminal Court			Vukovar County Court Zadar County Court Zagreb County Court

It is furthermore noted that the competencies and the obligations of juvenile judges in criminal proceedings for handling child sexual abuse cases are regulated by the Criminal Procedure Act, Juvenile Courts Act, Rules of Procedure on the Manner of Conducting an Individual Assessment of the Victim, Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect, Protocol on Procedures in Cases of Domestic Violence.

JUVENILE STATE ATTORNEYS

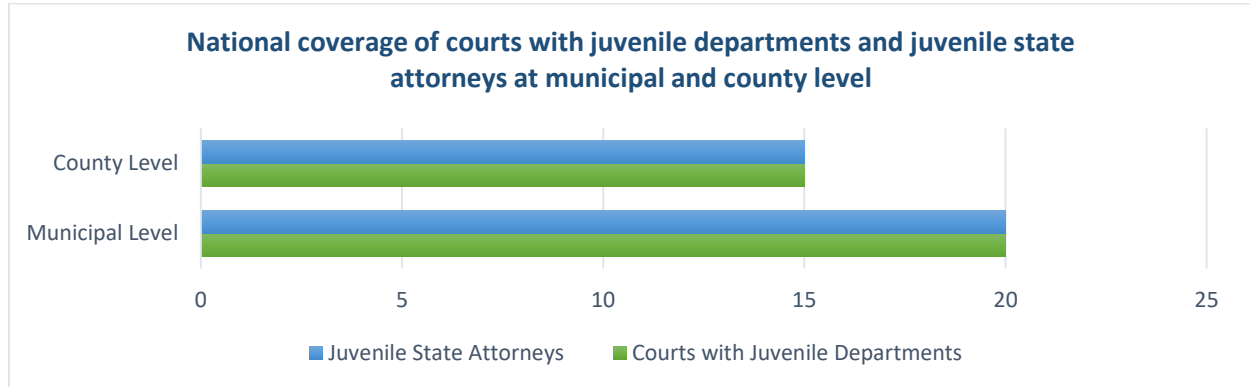
In Croatia, juvenile state attorneys act as competent prosecutors for criminal offences that involve sexual abuse of children that are prosecuted *ex officio*. In this respect it is noted that all criminal offences related to sexual abuse of children that are indicated in sub-chapter 4.2. are prosecuted *ex officio* by juvenile state attorneys. In addition, juvenile state attorneys conduct inquiries and prosecutorial investigations involving suspicion of child sexual abuse during the pre-trial phase of the criminal proceedings and decide on filing an indictment against the defendant.

Juvenile state attorneys are appointed for a period of five years, from the ranks of state attorneys or deputy state attorneys in these state attorney's offices, by the State Attorney General of the Republic of Croatia, with the possibility of re-election. They are required to have a strong sensitivity for the upbringing, needs and benefits of juveniles and possess initial knowledge in the fields of criminology, social pedagogy, youth psychology and social work related to juveniles.

According to the information provided by the State Attorney's General Office, there are 20 juvenile state attorneys appointed at municipal state attorney's offices and 15 at county state attorney's offices. In total, there are 35 juvenile state attorneys in Croatia competent for prosecuting criminal offences related to child sexual abuse. In relation to the data above, it seems that there is one juvenile state attorney for each municipal and each county court that has a juvenile department ensuring national coverage as indicated in the Table 4 below.

It is furthermore noted that the competencies and obligations of juvenile state attorneys in criminal proceedings regarding child sexual abuse cases are regulated by the Criminal Procedure Act, Juvenile Courts Act, Rules of Procedure on the Manner of Conducting an Individual Assessment of the Victim, Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect, Protocol on Procedures in Cases of Domestic Violence.

Table 4: National coverage of courts with juvenile departments and juvenile state attorneys at municipal and county level



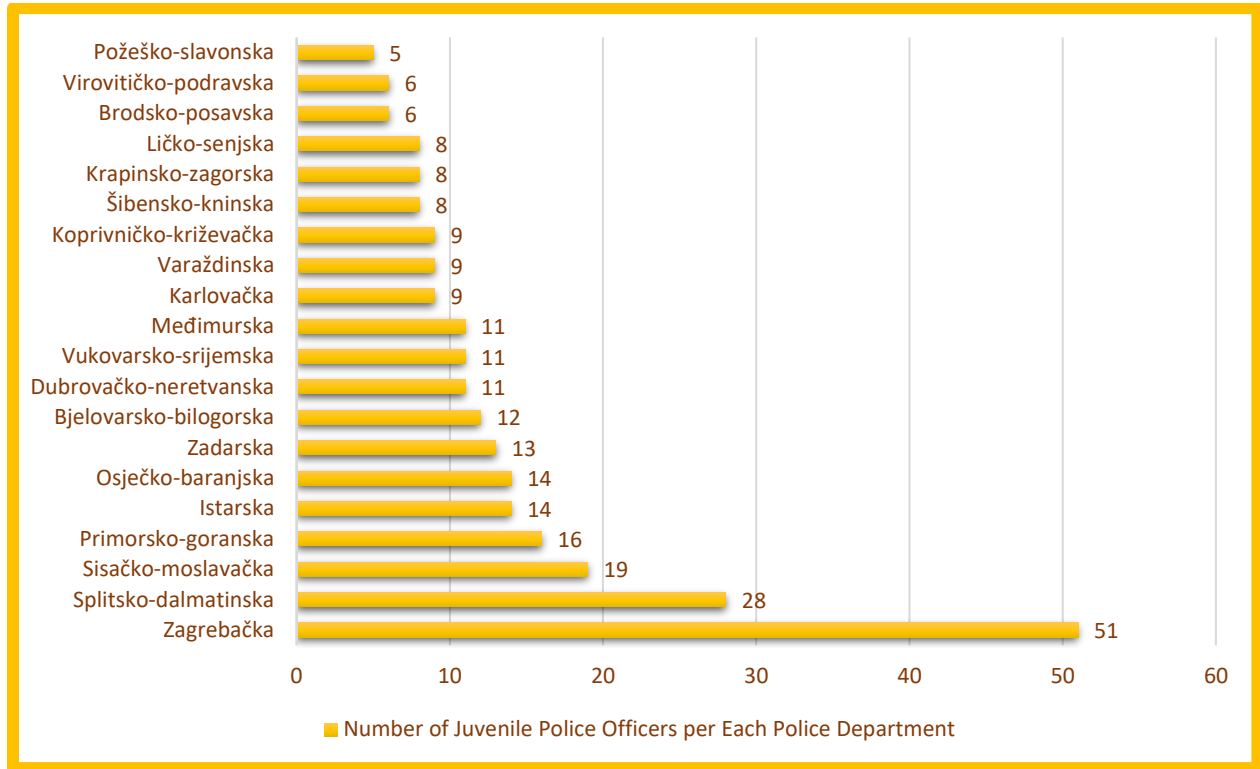
JUVENILE POLICE OFFICERS

Juvenile police officers are vested with powers to carry out steps towards a child victim or witness of sexual abuse. They receive special training organized by the Police Academy to ensure that they have a particular sensitivity to the needs of children. They are therefore required to bear in mind the best interests of the child and adapt their approach in a child-friendly manner.

They are authorized to carry out investigatory steps related to child sexual abuse cases and to undertake protective measures towards the child victim of sexual abuse during the pre-trial phase of the criminal proceedings. These steps and measures include eliminating imminent danger, ensuring urgent medical care, conducting an individual assessment of the child victim's protection needs, gathering of relevant information, and interviewing the child victim or witness of sexual abuse. On the basis of the evidentiary material gathered by the police, the juvenile state attorney decides on the prosecution of the case. Exceptionally, pursuant to the Juvenile Courts Act, other police officers may also carry out steps towards children victims/witnesses of sexual abuse.

According to the information provided by the Ministry of the Interior there are currently 268 juvenile police officers at the national level. Their regional coverage is ensured in a way that each police department in Croatia has appointed a number of juvenile police officers indicated in the Table 5 below. However, it is highlighted that these juvenile police officers are not distributed evenly among every police station within a police department. In line with the information provided by the Ministry of the Interior this depends on the local prevalence of child sexual abuse cases and availability of police staff.

Table 5: Regional coverage of juvenile police officers in Croatia per each police department



It is furthermore noted that the manner in which juvenile police officers carry out their duties in criminal proceedings regarding child sexual abuse cases are regulated by the Criminal Procedure Act, Juvenile Courts Act, Police Powers Act, Rules of Procedure on the Manner of Conducting an Individual Assessment of the Victim, Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect, Protocol on Procedures in Cases of Domestic Violence, Protocol on Procedures in Cases of Violence among Children and Young People, and Protocol for the Identification, Assistance and Protection of Victims of Trafficking in Human Beings.

EXPERT ASSISTANTS

Expert assistance is provided to juvenile judges and juvenile state attorneys through expert assistants. The scope of competencies of expert assistants who are appointed at municipal and county courts include facilitating the conduct of forensic interviews with child victims of sexual abuse. They are the ones who prepare the child for the interview, ask questions posed by the juvenile investigation judge in a child-adapted manner using a microphone and prepare necessary assessments of the child, including proposals for carrying out additional interviews. Their competencies and the manner of handling child sexual abuse cases in regulated by the Criminal Procedure Act, Juvenile Courts Act and the Rules of Procedure on the Work of Non-Legal Expert Assistants in the Field of Youth Delinquency and Criminal Justice Protection of Children in State Attorney's Offices and Courts.

According to the information provided by the Ministry of Justice, Public Administration and Digital Transformation, it appears that 17 out of 20 municipal courts with Juvenile departments appointed relevant expert assistants while as regards county courts with Juvenile departments, 3 out of 15 have done so.

Table 6: Availability of expert assistants at competent county and municipal court

Municipal Courts with Juvenile Departments	Expert Assistants Appointed	County Courts with Juvenile Departments	Expert Assistants Appointed
Bjelovar Municipal Court	√	Bjelovar County Court	
Čakovec Municipal Court	√	Dubrovnik County Court	
Dubrovnik Municipal Court	√	Karlovac County Court	
Gospić Municipal Court		Osijek County Court	
Karlovac Municipal Court	√	Pula-Pola County Court	
Koprivnica Municipal Court	√	Rijeka County Court	√
Osijeku Municipal Court	√	Sisak County Court	√
Pula-Pola Municipal Court	√	Slavonski Brod County Court	
Požega Municipal Court		Split County Court	
Rijeka Municipal Court	√	Šibenik County Court	
Sisak Municipal Court	√	Varaždin County Court	
Slavonski Brod Municipal Court	√	Velika Gorica County Court	
Split Municipal Court	√	Vukovar County Court	
Šibenik Municipal Court	√	Zadar County Court	
Varaždin Municipal Court	√	Zagreb County Court	√
Velika Gorica Municipal Court	√		
Virovitica Municipal Court			
Vukovar Municipal Court	√		
Zadar Municipal Court	√		
Zagreb Municipal Criminal Court	√		

■ SOCIAL WELFARE PROFESSIONALS

The Croatian Bureau of Social Work is competent for providing protection and support to child victims of sexual abuse at the national level as well as at the regional through their branch offices and for providing competent authorities with information necessary for conducting relevant criminal proceedings in this respect. In particular, in instances of child sexual abuse they carry out an individual assessment on the needs of the child and his/her family to decide on the type of adequate social services and measures. They consist of ensuring counselling and psychosocial support to the child, appointing a special guardian to the child in case of conflicting interests with the caretaker, separation of the child from the family if a parent is suspected of sexual abuse. The social welfare procedures for handling child sexual abuse cases by social welfare professionals are regulated by the Social Welfare Act, Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect, Protocol on Procedures in Cases of Domestic Violence, Protocol on Procedures in Cases of Violence among Children and Young People.

In addition, it is highlighted that social welfare professionals are under an obligation to promptly report instances of child sexual abuse to competent authorities as soon as they have become aware of it

■ HEALTHCARE PROFESSIONALS

In cases of sexual abuse of children, healthcare professionals provide the necessary medical assistance to the child victim by conducting relevant medical examinations by paediatricians and gynaecologists and by prescribing medical treatments. They furthermore co-operate with other relevant stakeholders within the criminal proceedings by furnishing necessary medical documentation regarding the child victim. In Croatia, medical services can be carried out in healthcare facilities (clinics, hospitals and medical centres) only. Their way of handling child sexual abuse cases is regulated by the Healthcare Act, Protocol on Procedure in Cases of Sexual Violence, Protocol on the Procedure in Cases of Child Abuse and Neglect, Protocol on Procedure in Cases of Domestic Violence.

■ EDUCATION PROFESSIONALS

Professionals working in elementary and high schools and kindergartens that come into contact with children victims or witnesses of sexual abuse are under an obligation to bear in mind the need to protect the best interests of the child if they are conducting conversations with the child in this respect, to immediately report the violence to competent authorities and to undertake urgent preventive measures. The kindergarten and mandatory education system is furthermore under an obligation to place emphasis on prevention measures and raising knowledge of child victims of sexual abuse to report such violence. Regarding abuse of children, their conduct is regulated by the Primary and Secondary Education Act, Rules on Procedure of Educational Workers in Schools on Undertaking Protective Measures of Pupil's Rights and on Reporting any Violation of These Rights to Competent Authorities, Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect and the Protocol on Procedures in Cases of Violence among Children and Young People.

■ LAWYERS

A child who is a victim of sexual abuse has the right to free legal aid in criminal proceedings through the assistance of a legal representative. The representative is appointed by the court from a list of lawyers provided by the Croatian Bar Association. In order to be admitted to the list kept by the Croatian Bar Association, the lawyer must undergo a targeted training provided by the Lawyer's Academy of the Croatian Bar Association. The representative therefore must be a lawyer well-versed in children's rights in criminal proceedings. Once the lawyer completes the initial training and is added on the said list, it appears that there are no mandatory continuous training requirements on topics related to protection of children victims in criminal proceedings. The costs of lawyer's services are borne by the State budget. The legal representative assists the child victim to understand how the criminal proceedings function, the scope of their rights, and is under an obligation to protect the child's best interests. In addition, the legal representative is authorized to represent the child in court during criminal proceedings and assist the child in claiming compensation for damages.

5. INSTITUTIONAL FRAMEWORK ON PROTECTION OF CHILDREN AGAINST SEXUAL VIOLENCE IN CROATIA



The overview of the institutional framework includes initiatives taken by competent authorities at national and regional level to effectively deal with cases of protection of children from sexual violence. Initiatives relate to the establishment of appropriate working bodies responsible for monitoring the occurrence of sexual violence against children, identifying challenges and making recommendations for improvement. It also identifies organised forms of assistance and support for child victims and ways to ensure child participation within the justice system, as well as other relevant initiatives.

5.1. Ombudsperson

The Ombudsperson is the central NHRI for monitoring the manner in which human rights are protected in Croatia, combating discrimination, acting as the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, external reporting of irregularities (whistleblowing). The Ombudsperson prepares annual reports on the overall level of protection of human rights in Croatia with identified challenges and recommendations for improvement. Annual reports also contain a dedicated part regarding the challenges faced by children in Croatia with pertaining recommendations.

5.2. Ombudsperson for Children

The Ombudsperson for Children acts as the NHRI competent for ensuring that the protection of the best interests of the child is continuously and systematically applied by State agencies at the national and regional level. These competencies include among others: (i) monitoring the compliance of the national legal framework related to the protection of a child with the Croatian Constitution, the Convention on the Rights of the Child and other international documents that set standards for an effective and child-friendly State action, (ii) monitoring individual violations of children's rights and the overall prevalence of these violations at the national level, (iii) proposing measures for the development of a comprehensive system for the protection and promotion of children's rights and for the prevention of harmful actions that threaten their interests.

It is furthermore highlighted that the Ombudsperson for Children also regularly publishes annual reports on the activities taken and the results of the monitoring of the protection of children's rights in Croatia as well as the manner and level of child participation. Annual reports also reflect the findings and recommendations of the Ombudsperson for Children on the identified challenges related to protection of children against sexual abuse as well as the number of and issues raised in complaints received in this respect.

The Office of the Ombudsperson for Children furthermore places particular emphasis on the importance of children and young people to have the opportunity and the chance to express their opinions on matters that concern them. Therefore, it strives to be in contact with children and young people as much as possible to learn what is important to them, what worries and troubles them, and what they would like to change and how. In this respect, the Ombudsperson for Children set up the Network of Young Advisors as already indicated in Chapter 2 above. It is a permanent advisory and collaborative body that brings together children and young people at national level. It consists of 25 members, children and young people aged 12 to 18. Membership in the network lasts three years, but interested members can, after the expiry of their mandate, remain associates at the Office of the Ombudsperson for Children. Children and young people can participate in the Network as: (i) advisors who participate in activities related to the adoption of new laws, policies, preparation of conferences, public appearances of the Ombudsperson on certain topics and issues important for the life of young people; they suggest topics for discussion with the

Ombudsperson and participate in the creation of promotional and educational materials about children's rights; (ii) associates who propose activities to the Office of the Ombudsperson for Children and (iii) ambassadors who convey to their peers in their communities (school, city, etc.) information on children's rights and the possibilities of their protection, on the existence and role of the Office of the Ombudsperson for Children as well as on the existence and role of the Network and encourage children and young to reach out to the Network.

The Lanzarote Committee in its [2nd implementation report of 31 January 2018](#), highlighted that the existence of the Network of Young Advisors that consults the Ombudsperson for children contributes to ensuring child participation in policy making.

5.3. Ombudsperson for Persons with Disabilities

The Ombudsperson for Persons with Disabilities is the NHRI competent for monitoring the protection of persons with disabilities, including children in Croatia. The main findings and recommendations from the monitoring cycles are made in annual reports that include the identified gaps and recommendation involving children with disabilities regarding the areas of early detection, and elementary and high school education. The Ombudsperson for Persons with Disabilities moreover decides on complaints raising, *inter alia*, violation of human rights of children with disabilities, including violations stemming from sexual abuse.

5.4. Zagreb Child and Youth Protection Centre

The primary purpose of the Centre is to provide psychological, social, psychiatric, educational, and paediatric assistance to children with various traumatic experiences, as well as to their parents, to help them better cope with the consequences of these experiences. This primarily includes sexually, physically, and emotionally abused and neglected children, but also children at risk of traumatization. In addition to diagnostics and forensic processing, the Centre's professionals provide individual and group counselling and support to children and parents. Within its scope of work, the Centre also organizes and conducts supervision, and professional training for professionals working in institutions handling abuse cases. Upon the court's request, the Centre examines child victims of criminal and misdemeanour offenses by a specially trained expert. The testimony is recorded and provided to the court for further use in hearings. The judge, prosecutor, defendant, and defence attorney listen to the child's testimony and can ask questions via microphone with the judge's approval through headphones worn by the expert talking to the child. This possibility enables the competent judges to interview children in a child-adapted house outside the court.

The diagnostics and therapeutic work with children and their families includes: (i) conducting comprehensive individual assessments and diagnostics of children referred for treatment, which is done by a multidisciplinary team of psychologists, psychiatrists, neuro-paediatricians, social educators, speech therapists, and social workers, (ii) planning the best possible treatment for each child and parent by the multidisciplinary team and with the participation of the child and parents, (iii) co-operating with institutions ensuring the child's well-being (schools, kindergartens, social welfare centres, police, etc.), (iv) conducting psychological, psychiatric, and special education treatment of the child, (v) organizing and conducting group work with children and their parents (group therapy, personal growth and development groups, socialization groups, support groups), (vi) conducting partner and family psychotherapy, (vii) conducting psychotherapeutic treatment through a day hospital program.

5.5. National Team for Preventing and Combating Violence against Women Domestic violence

The State Attorney General, the President of the Supreme Court, the President of the High Misdemeanour Court, and ministers competent for family and social affairs, health, justice and administration, education, and internal, foreign and European affairs signed the Co-operation Agreement on Preventing and Combating Violence against Women and Domestic Violence. The Co-operation Agreement expressed the intent of State agencies to ensure joint and co-ordinated State's response aimed at preventing and combating violence against women and domestic violence by setting up the National team and its county counterpart.

Members of the National Team are high representatives of State agencies that signed the Co-operation Agreement as well as two NGOs actively engage in providing assistance and support to victims of violence against women and domestic violence. Members of county teams are juvenile judges at municipal and county courts, social welfare professionals, education professionals, and relevant NGOs.

5.6. National Committee for Combating Trafficking in Human Beings

This National Committee was established by the Office for Human Rights and Rights of National Minorities in order to enhance the protection of victims of trafficking of human beings by: (i) providing guidelines for the development of national strategies and plans (ii) monitoring and coordinating the implementation of relevant legislation, (iii) proposing the establishment of an expert working group, (iv) co-operating with relevant NGOs, (v) organises thematic events on challenges in the matter at hand, (vi) monitoring the implementation of applicable international treaties ratified by Croatia. It consists of representatives of the Croatian Government, the State Attorney's General Office, relevant ministries, the Croatian Bureau of Employment, NGOs and the Croatian Journalists' Association.

5.7. Committee for Monitoring and Improving the Work of Criminal Procedure Bodies and the Execution of Juvenile Sanctions

Under the Juvenile Courts Act, the minister competent for justice matters established the said Commission that operates pursuant to the Rules of Procedure that were last amended in 2024. The members of the Commission are appointed among prominent juvenile judges, juvenile state attorneys, expert associates, lawyers, officials from competent ministries for interior, justice matters, health, social welfare and other experts. Its work scope includes monitoring the implementation of relevant legislative framework related to juvenile delinquency and protection of children in criminal proceedings, assessing statistics and trends in this respect as well as proposing targeted training programs for juvenile judges, juvenile state attorneys, expert assistants and other professionals working in the field.

As regards the activities related to the protection of children in criminal proceedings, in 2015 the Committee prepared a questionnaire for juvenile judges aimed at assessing if these proceedings are conducted in line with the best interests of the child. In particular, information was gathered on the number of expert assistants, the availability of child-friendly rooms, the manner of preventing contact between the child and the perpetrator, the manner in which forensic interviews of children are conducted and if there were occurrences of multiple interviews, the availability of audio-video equipment for conducting forensic interviews with children.

5.8. Commission for Monitoring the Application of the Protocol of Procedure in the cases of sexual violence

The Office for Gender Equality set up the said Commission consisting of representatives of state administration bodies, Ombudspersons' offices and NGOs. It is tasked with identifying difficulties arising in the implementation and application of the Protocol at hand, with a view to preventing them and proposing development needs. The Commission prepared a template for collecting data on the implementation of the Protocol.

5.9. Committee for Monitoring and Improving the Work of Criminal and misdemeanour proceedings and enforcement of sanctions related to protection against Domestic violence

In accordance with the above-mentioned Protection from Domestic Violence Act, the minister competent for judicial matters established the Commission entailing members elected among judges, state attorneys, lawyers, competent ministries, relevant NHRIs, Academia, and NGOs. The President and members of the Commission are appointed by the minister competent for judicial matters for a period of four years. The competencies of the Committee include monitoring relevant legislative framework related to domestic violence and the trends in this respect as well as gathering statistics from relevant authorities. The Committee submits its annual reports on a yearly basis entailing an overview of statistics divided per state authority and general conclusions and recommendations on the current state of play and the need for improvement.

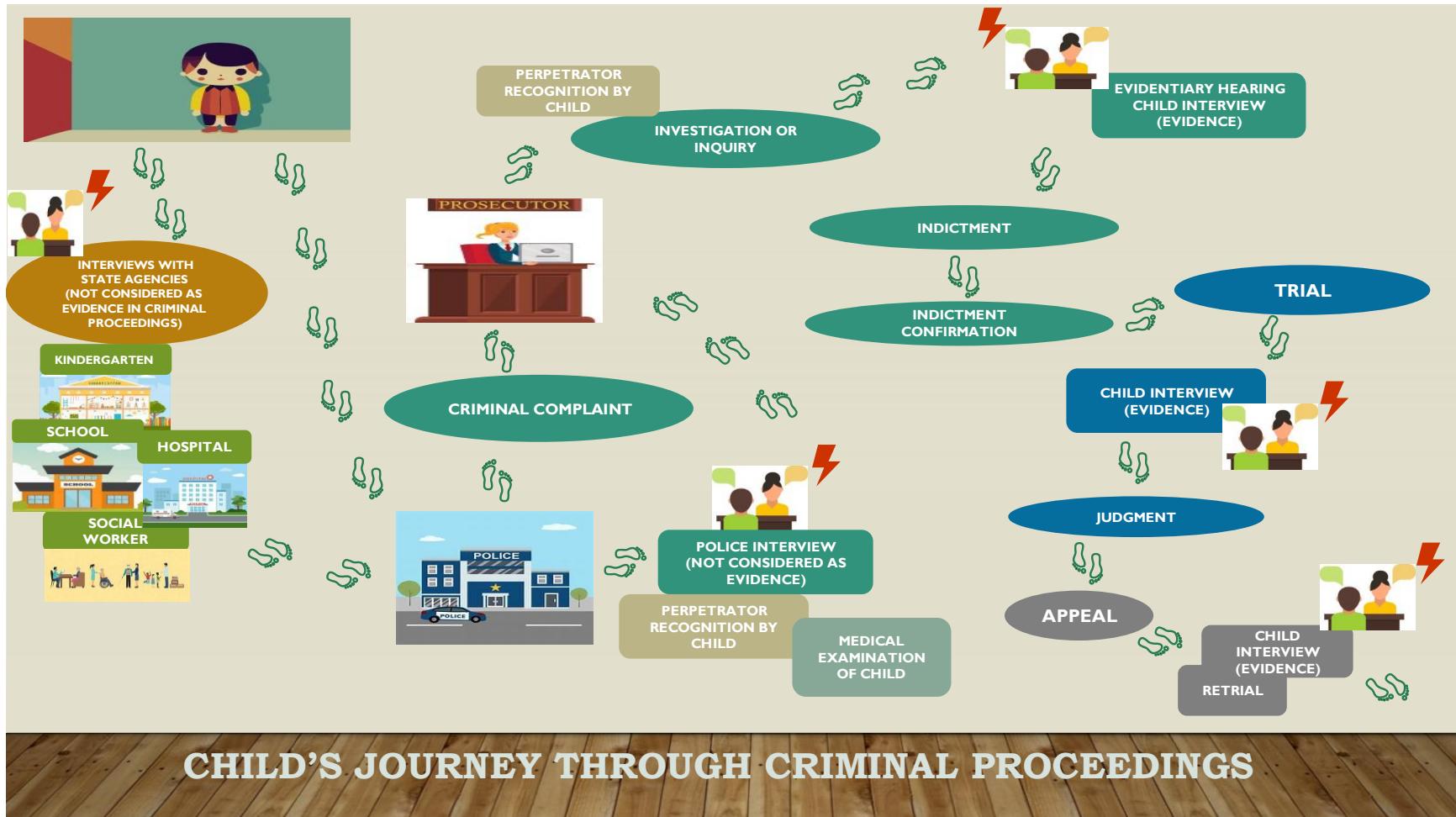
5.10. RED BUTTON application

The Red Button application of the Ministry of the Interior enables online reporting of child sexual abuse conducted online or offline, as well as any other criminal conduct committed to the detriment of the child. The application is widely disseminated on dedicated webpages of State agencies handling child abuse cases.

6. OVERVIEW OF THE CHILD'S JOURNEY THROUGH CRIMINAL PROCEEDINGS FOR SEXUAL ABUSE

This Chapter presents the flow chart on the way the child victim or witness participates in criminal proceedings for sexual abuse, describes how the criminal proceedings are carried out as well as examples of relevant national case-law.

6.1. Flow chart on the child's journey through criminal proceedings for sexual abuse



The above flow chart shows the child's journey through criminal proceedings related to the sexual abuse by highlighting possible interviews between the child and the competent authorities. It is highlighted that according to the applicable Criminal Proceedings Act in the pre-trial phase, the only obligatory interview during which the child provides their testimony that is used as evidence before court is the one carried out at the evidentiary hearing. Other interviews are a possibility which means that they may or may not occur. In particular, the child does not have to confide to the professionals in kindergarten, school, healthcare institution or social welfare service. As regards the trial phase, the competent court, as a rule reproduces the interview from the evidentiary hearing and may in exceptional cases order an additional forensic interview with evidentiary powers. The same applies for the phase upon appeal.

6.2. Description of criminal proceedings for child sexual abuse cases

This sub-chapter describes how the competent State agencies conduct relevant steps towards the child victim or witness during the initial information phase prior to criminal proceedings, the pre-trial, trial and post-trial phase of the criminal proceedings as well as its key principles and the rights of child victims or witnesses of sexual abuse. The manner in which relevant stakeholders handle cases related to child sexual abuse is regulated by the Criminal Procedure Act (as *lex generalis*), Juvenile Courts Act (as *lex specialis*), and the Protocol for Procedures in Cases of Sexual Violence.

6.2.1. Initial information phase prior to criminal proceedings and code of procedures of relevant stakeholders



The first time that the child starts the conversation on sexual abuse with State agencies is before the criminal proceedings officially starts. In particular, the majority of interlocutors indicated that in many cases the child confides to teachers in kindergarten or in school, or to doctors during a medical check-up or to social workers if for an example the child or his or her family receive social services. These stakeholders often embark on their own mini-investigation.

Many interviewed interlocutors highlighted that as regards the school, the child often talks to several school staff members, including the teacher, the principal, and the school psychologist. This means that prior to commencing the criminal proceedings, in many cases, the child was already asked to repeat what happened more than once. Along these lines, there is a high chance child will be exposed to re-traumatisation without even talking to State agencies in a manner that will be admissible as evidence before the court. The envisaged codes of conduct for handling child sexual abuse cases for each of the stakeholders that may initially come to contact with a child victim of sexual abuse are described below in line with the applicable Protocol for Procedures in Cases of Sexual Violence.

■ CODE OF CONDUCT OF HEALTHCARE PROFESSIONALS



KEY PRINCIPLES OF CONDUCT: If the child victim is admitted to a healthcare institution without the presence of the police and the caretaker, the healthcare professionals are under an obligation to promptly call the police to report the instance of sexual abuse and notify the caretaker, unless the caretaker is under suspicion for committing the sexual abuse. In that case, the healthcare professionals will contact the competent branch office of the Croatian Institute for Social Work. The caretaker or a person of trust may attend the medical examination of the child that is carried out by a senior specialist - paediatrician, preferably two. If a paediatrician is not available, the child will be examined by a specialist with necessary knowledge regarding the health issue.

INFORMED CONSENT: Prior to conducting the medical examination, the specialist is under an obligation to explain to the child the scope and reasons for the examination, both verbally and in writing. The child victim has the right to refuse the medical exam. The consent and the refusal will be entered in a dedicated Consent form. The child

has the right to choose whether the examination will be carried out by a female or a male specialist, depending on their availability.

SCOPE OF EXAMINATION: The medical examination includes a comprehensive examination of the child's entire body as well as gathering relevant samples and conducting tests. The findings will be entered in a dedicated form. If needed due to the injury type, the child may be referred to another specialist, e.g. gynaecologist. The specialist is also under an obligation to report the physical injury to the competent branch office of the Croatian Bureau of Health Insurance.

PRESCRIBED THERAPY: Following the examination, the child will be prescribed necessary medical therapy, including postcoital contraception and will be referred to a mental healthcare professional to alleviate the harmful consequences of the event. The child victim will also receive information on alternative possibilities of outpatient counselling.

CO-OPERATION WITH STATE ATTORNEYS: The healthcare institution is under an obligation to immediately deliver the necessary medical documentation to the juvenile state attorney, upon their request.

OBLIGATION TO TESTIFY: Healthcare professionals are under an obligation to testify in criminal proceedings related to child sexual abuse cases and cannot waive this right as witnesses.

RESPONSIBILITY OF HEALTHCARE INSTITUTIONS: (i) non-stop availability of healthcare professionals for conducting examinations of victims of sexual abuse, (ii) ensure continuous targeted training, (iii) assign a co-ordinator for sexual violence cases, (iv) ensure necessary prophylaxis, (v) enable the police to carry out the police investigation without interference.

■ CODE OF CONDUCT OF SOCIAL WELFARE PROFESSIONALS



KEY PRINCIPLES OF CONDUCT: In cases of child sexual abuse, the social welfare worker of the Croatian Institute for Social Work is under an obligation to apply particular sensitivity to the victim and ensure the personal data protection. In addition, the social worker must: (i) ensure adequate premises for receiving the victim, (ii) immediately include the competent team of the Institute, (iii) offer and ensure adequate alternative housing, (v) prepare the Safety plan in accordance with the victim.

SCOPE OF PROVIDED INFORMATION: The social worker of the Institute must inform the victim on rights guaranteed by the social welfare system, on the right to financial compensation, on the right to free legal aid, on the right to healthcare services and on specialized victim support services.

CO-ORDINATED ACTION WITH THE POLICE: If the information of child sexual abuse has primarily reached the social welfare worker of the Croatian Institute for Social Work, they must immediately report the abuse to the police regardless of whether the abuse was already reported by others, and through a co-ordinated response with the police establish a prompt contact with the child and the caretaker (unless there is a conflicting interest between the child and the caretaker) to carry out emergency measures to stop the abuse and provide protection to the child. In addition, the expert team of the Institute must promptly prepare the Specific Child Assessment taking into account the child's needs and the family situation that is coupled with a psychological evaluation of the child. On the basis of the Assessment, the expert team proposes protection measures for the child victim and other children in the family, if applicable. If the caretaker is suspected of sexual abuse, the expert team shall immediately assess the family situation and to separate the child from the family by ensuring alternative care and accommodation. In case of conflicting interests between the child and the caretaker, the Institute shall appoint a special guardian. The expert team shall furthermore refer the child to counselling based on its needs.

CO-OPERATION WITH OTHER STAKEHOLDERS: Healthcare institutions, education institutions are under an obligation to co-operate with the Institute by exchanging relevant information for the protection of children bearing in mind the need to act in line with the professional ethics principles. The Institute is also under an obligation to immediately deliver to the state attorney, the police and the court the documentation necessary for deciding on criminal proceedings.

OBLIGATION TO TESTIFY: Social welfare professionals are under an obligation to testify in criminal proceedings related to child sexual abuse cases and cannot waive this right as witnesses.

■ **CODE OF CONDUCT OF EDUCATION PROFESSIONALS AND OTHER CHILD PROTECTION INSTITUTIONS**



STAKEHOLDERS: Education institutions include kindergartens, schools and children's homes while other child protection institutions include institutions for children without adequate parental care, institutions for children with disabilities, sports clubs, juvenile correctional facilities, child activities organizers and others.

KEY PRINCIPLES OF CONDUCT: The above-mentioned stakeholders are under an obligation to apply particular sensitivities to the protection of the child's wellbeing and put in place adequate detection and reporting procedures. In addition, they are required to immediately prevent further abuse, provide support to the child. The interview with the child must be carried out in a child-adapted manner, enabling the child to freely describe the event without leading the child. They also must check if there are any obstacles preventing a person for working with children in such institutions.

SCOPE OF PROVIDED INFORMATION: The above-mentioned professionals must inform the child on the envisaged activities in a child-adapted manner, and on the right to seek counselling.

CO-ORDINATED ACTION WITH STAKEHOLDERS: When any of the above stakeholders receives information on child sexual abuse, the principle or any other member staff in charge are under an obligation to report the abuse to the police or the state attorney and to the Institute. If the suspected perpetrator is an employer of the education institution or other child protection institution, the staff member in charge must carry out disciplinary measures. They are also under an obligation to inform the caretaker, or the Institute if a caretaker is suspected of abuse. In case of emergency medical assistance, they are under an obligation to accompany the child to the healthcare institution and wait the doctor's recommendation for further action. In addition, these stakeholders are also under an obligation to inform the competent Ministry, the competent doctor, the Ombudsperson for Children and the Ombudsperson for Persons with Disabilities (in case of a child with disabilities) on the abuse within 7 days of carrying out activities in this respect.

OBLIGATION TO TESTIFY: Education professionals and professionals from other child protection institutions are under an obligation to testify in criminal proceedings related to child sexual abuse cases and cannot waive this right as witnesses.

6.2.2. Criminal proceedings



The criminal proceedings regarding child sexual abuse is regulated by the applicable Criminal Procedure Act (*lex generalis*) and the Juvenile Courts Act (*lex specialis*) that envisage, *inter alia*, its key principles, rights of the child victim and witness of criminal offence, steps carried out in the pre-trial, trial, and post-trial phase. In addition to the said legislation, the code of conduct of relevant stakeholders within the criminal proceedings is also regulated by the Protocol for Procedures in Cases of Sexual Violence.

■ KEY PRINCIPLES OF CRIMINAL PROCEEDINGS

All persons under the age of eighteen at the time when the criminal offense was committed are considered children. The key principle of criminal proceedings in cases of child protection is the principle of urgency. All the relevant stakeholders, from judges, state attorneys, police, to social welfare, medical and education professionals are under an obligation to protect the best interests of the child and carry out their activities in a child-adapted manner.

■ GENERAL RIGHTS OF VICTIMS IN CRIMINAL PROCEEDINGS

In Croatia, all victims, including children who are victims of sexual abuse are provided with the right to:

- ✧ confidential and free of charge support services, including psychological assistance in line with victim's needs immediately after the criminal offense was committed and as long as the need for support exists,
- ✧ protection from intimidation and retaliation,
- ✧ protection of dignity during interviews that need to be conducted without undue delay and unnecessary repetition,
- ✧ presence of victim's person of trust throughout the entire proceedings,
- ✧ medical procedures restricted to a need's basis,
- ✧ confidentiality of information,
- ✧ testifying by use of audio-video equipment,
- ✧ information on the perpetrator's release from prison and detention and on other decisions enabling possible contact with the perpetrator,
- ✧ information of the possibility to take over proceedings from the state attorney.

■ ADDITIONAL RIGHTS OF A CHILD WHO IS A VICTIM OR INJURED PARTY IN CRIMINAL PROCEEDINGS

In addition to the above-mentioned general rights of victims, a child who is a victim of a criminal offence or an injured party, is conferred with the following set of rights:

- ✧ counselling free of charge,
- ✧ protection of data confidentiality,
- ✧ exclusion of the public,
- ✧ obligation of court, state attorney, police, and investigator to protect the best interests of the child, bearing in mind their age, personality and other circumstances, to avoid harmful consequences for the upbringing and development of the child,
- ✧ if the age of the victim is not known, it will be presumed that the child is under the age of 18,
- ✧ if interests of the child who is an injured party are contrary to the interests of the parents, the court shall invite the competent social welfare authority to appoint a special guardian to the child,

- ✧ if the child who is an injured party is deprived of legal capacity, their legal representative or special guardian shall be authorised to make all statements and take all actions to which the child as an injured party is authorised,
- ✧ if the child who is an injured party has reached the age of 16, they may give statements and take other action in proceedings.

■ INDIVIDUAL ASSESSMENT OF THE CHILD VICTIM IN CRIMINAL PROCEEDINGS

- ✧ Before interviewing the child victim, the interviewing authority shall carry out an individual assessment of the child with a view to applying special protection measures. The assessment will be made in co-operation with victim support authorities, organisations or institutions. The assessment will take into account the child's personal characteristics, the type and nature of the offence and the circumstances in which the offence was committed. Special attention shall be paid to children who have suffered significant damage due to the gravity of the crime, and children whose relationship with the offender makes them particularly vulnerable.
- ✧ When the victim is a child, it will be assumed that there is a need to apply special protection measures and determine which special protection measures should be applied.
- ✧ The authority conducting the proceedings shall minimise the number of interviews of victims for whom a special need for protection has been identified.

■ SUMMONING CHILD VICTIM OR WITNESS AND CONFRONTATION IN CRIMINAL PROCEEDINGS

A child who is a victim or witness and is under the age of 16 will be summoned through their parents or legal representative, unless this is not possible due to reasons of emergency or other justified circumstances. Moreover, the child victim or witness in criminal proceedings is not under an obligation to testify. If the child is summoned to provide a testimony and the child does not appear before the court without providing a justification or the child leaves the premises at which the interview is scheduled to take place without a justifying reason or permission, the court cannot order the child to be brought before the judge nor impose a fine or imprisonment on the child. In addition, if the witness is a child, they cannot be confronted with the defendant if the testimony of the child and of the defendant differ.



PRE-TRIAL PHASE

The pre-trial phase commences when the police or the competent state attorney receive a criminal complaint on child sexual abuse that can come from professionals from the education, healthcare, or social welfare system, child's family members or others. It entails the following activities regulated by the Criminal Procedure Act, the Juvenile Court's Act and the Protocol on Procedures in Cases of Sexual Abuse.

■ PROCEEDINGS FOLLOWING THE CRIMINAL COMPLAINT ON CHILD SEXUAL ABUSE

- ✧ In Croatia everyone is obliged to report a criminal offense prosecuted *ex officio*, if it was reported to them or they have otherwise become aware of it. This obligation of reporting includes social welfare professionals, healthcare professionals and education professionals. According to the applicable Criminal Procedure Act, criminal complaints are, as a rule, submitted to the competent state attorney. The practice, however, shows, that in the majority of cases, criminal complaints are firstly submitted to the police. The police is then under an obligation to immediately inform the competent state attorney on the child sexual abuse. Along these lines it is described what happens if the criminal complaint is submitted to the police and what if it is submitted to the state attorney as follows.

A. Proceedings following the submission of a criminal complaint to the police

✚ The police investigation (“*kriminalističko istraživanje*”) is carried out after the police receives the criminal complaint with a view to gathering information necessary for the state attorney to decide on the future of the criminal complaint. In this respect, the police carry out informative interviews with persons of interest, e.g. family members, possible suspects, medical/education/social welfare professionals, as well as the child victim or witness. This interview with the child is carried out by a juvenile police officer as a part of their activities related to information gathering and is not considered as evidence before the court. If the results of the police investigation show ground for suspicion that sexual abuse was committed, the police will submit their own criminal complaint to the juvenile state attorney. If there are no grounds for suspicion, they will submit a report on the gathered information to the juvenile state attorney who will decide on further steps.

✚ KEY PRINCIPLES OF CODE OF CONDUCT

- *urgent action*: (i) immediate appointment of one juvenile police officer who conducts and co-ordinates police activities towards the child victim of sexual abuse, (ii) elimination of imminent danger and prompt carrying out competent police activities following the report of child sexual abuse within the scope of police investigation, inquiry and prosecutorial investigation aimed at gathering and securing evidence and information and finding the perpetrator, (iii) prevention of unnecessary delays;
- *building a circle of trust*: taking into account traumatic experience, avoiding prejudice and discrimination, using child-adapted language, ensuring data confidentiality, enabling presence of the child’s person of trust and/or caretaker and/or social worker if there is no conflicting interest with the child; seeking expert assistants for a child with disabilities;
- *individual assessment of the child victim*: carried out in co-operation with authorities and organisations providing support to victims and prior to conducting the police interview with the child victim;
- *police interview of child victim*: it should, as a rule, be carried out in a child-adapted room in the police station;

✚ SCOPE OF PROVIDED INFORMATION: The police must inform the child in a child-adapted manner on his or her rights guaranteed by the Criminal Procedure Act, on the scope and reasons of planned police activities, and on the right to seek counselling and compensation for damages.

✚ CO-OPERATION WITH RELEVANT STAKEHOLDERS APART FROM THE JUVENILE STATE ATTORNEY: In case of suspected sexual abuse of a child, the police is required to immediately accompany the child to a healthcare institution to receive necessary medical care. The manner of their mutual co-operation is described in sub-chapter 6.2.1. above. As regards the Croatian Institute for Social Work, the police shall inform its competent branch office within 24 hours on the sexual abuse so that the Institute can assess and provide necessary social welfare services to the child and his or her family. In respect of education institutions, the police shall inform the competent school/kindergarten on suspicion of abuse by education professional in the respective education institution. Once the co-operation channels are established, they are continued in the manner prescribed in sub-chapter 6.2.1. above.

B. Proceedings following the submission of a criminal complaint to the competent state attorney

✚ If the criminal complaint regarding child sexual abuse was submitted to the competent state attorney, they are firstly under an obligation to request the juvenile investigating judge to hold an evidentiary hearing for the purpose of interviewing the child as a witness, within three days of the entry of the criminal complaint in the relevant register. In practice, the juvenile state attorney may decide to firstly order a combined psychological and psychiatric expert report. The purpose of the report is to assess if the child is able to testify bearing in mind the child’s age and the level of maturity and to determine if the child wishes to testify or not.

If the child does not wish to testify, the juvenile state attorney must respect the child's wishes in line with the provisions of the Criminal Procedure Act and the Convention on the Rights of the Child prescribing that the child cannot be compelled to give testimony. After obtaining the expert report, the juvenile state attorney will decide on whether to request the evidentiary hearing pursuant to the child's ability and expressed wishes to testify.

- ✦ The ensuing activities of the juvenile state attorney depend on whether the criminal offence is punishable by: (i) a monetary fine or imprisonment not exceeding five years or (ii) imprisonment exceeding five years.

i. Inquiry ("istraživanje")

- ✦ In cases in which the criminal offence related to sexual abuse is punishable by a monetary fine or a prison term not exceeding five years, the juvenile state attorney shall carry out an inquiry ("*istraživanje*") through inquiry activities ("*dokazne radnje*") either by him/herself or they will request the police to do so. Inquiry activities are carried out by the juvenile state attorney or the police pursuant to juvenile state attorney's request. In this respect the police is authorized to conduct steps aimed at information and evidence gathering and securing and finding the perpetrator. They include interviews with the child victim or witness that are carried out by the juvenile police officer and are not considered as evidence but a form of information gathering. The police will adapt their code of conduct with the procedures described under point A. in sub-chapter 6.2.1. The results of the inquiry activities and the child interview from the evidentiary hearing will aid the state attorney to decide on whether or not to file an indictment.

ii. Prosecutorial investigation ("*istraga*")

- ✦ For criminal offences punishable for a minimum prison sentence of five years, the juvenile state attorney is under an obligation to carry out a prosecutorial investigation or to entrust its conduct to a juvenile investigator. The investigation must be concluded within six months of the date on which the decision to conduct the investigation becomes final, which may be extended by a maximum of six months, if there are reasonable grounds for doing so, with notification to the senior state attorney. Exceptionally, if it is not possible to complete the investigation within the extended time limit, the State Attorney General may extend the investigation by a maximum of six months, and if even then the investigation has not been completed, the accused and the victim have the right to lodge an objection with the investigating judge for delaying the proceedings. If the investigating judge finds that the complaint is well founded, they shall issue a decision setting a time limit within which the prosecutor must complete the investigation.
- ✦ If the investigation is entrusted to the juvenile investigator, he or she is under the supervision of the juvenile state attorney. The information gathering includes evidence gathering and securing and finding the perpetrator as well as the possibility of conducting an interview with the child victim or witness. However, this interview is not admitted as evidence before the court. The investigator shall adapt their code of conduct with the procedures described under point A. in sub-chapter 6.2.1. On the basis of the information gathered by the juvenile investigator, and the results of the child interview from the evidentiary hearing the juvenile state attorney decides on whether or not to file an indictment.

iii. Key principles of code of conduct

The juvenile state attorney when handling child sexual abuse cases is under an obligation to: (i) bear in mind the best interests of the child, (ii) act without unnecessary delay, (iii) inform the child in a child-adapted manner on their rights guaranteed by the Criminal Procedure Act, on the scope and reasons of planned activities, on the right to free legal aid, on the right to seek counselling and compensation for damages, (iv) carry out the individual assessment of the child victim.

iv. Co-ordinated action with other stakeholders apart from the police

The juvenile state attorney shall inform the branch office of the Croatian Institute for Social Welfare within 24 hours on the sexual abuse so that the Institute can assess and provide necessary social welfare services to the child and their family. In respect of education institutions, the juvenile state attorney shall inform the competent school/kindergarten on suspicion of abuse by education professional in the respective education institution. In addition, the juvenile state attorney is authorized to request information from the healthcare institutions, social welfare institutions and education institutions and other child-protection institutions relevant for the criminal proceedings, which they are under an obligation to provide. In addition, the expert assistants within the state attorneys' offices provide support to the competent state attorneys by gathering data from the social welfare services and other institutions relevant for deciding on the suspension of criminal proceedings carried out against adult offenders to the detriment of the child.

CHILD INTERVIEW AT EVIDENTIARY HEARING

✚ The child interview at the evidentiary hearing is the first interview of a child victim or witness of sexual abuse considered as evidence before court. It is carried out by the juvenile investigation judge at court's premises, or in the child's place of residence, or at other location specially equipped for interviewing children. The testimony of a child cannot be used as evidence in proceedings if the child cannot understand the meaning of the right not to be required to give evidence. In the case of the latter, the expert assistant, the child's relative and/or other persons who were in contact with the child may testify about the information obtained from the child.

Prior to conducting the hearing, the juvenile investigation judge is under an obligation to carry out an individual assessment of the child during which they can seek assistance from the Croatian Institute for Social Work (e.g. on the child's family history) and organizations providing support to victims. In practice this is done through the aid of the expert assistant who liaises with the relevant authorities and carries out the steps necessary for the evaluation. The hearing has to be carried out bearing in mind the best interests of the child.

✚ Pursuant to the Juvenile Courts Act that is applied *as lex specialis* in criminal proceedings related to child sexual abuse cases, if the child victim or witness has not reached the age of sixteen at the time of the interview, such interview shall always be carried out in the manner prescribed by the Criminal Procedure below.

✚ However, the Criminal Procedure Act differentiates the manner of conducting forensic interviews with child victims or witnesses depending on their age groups as follows:

- interview of the child under the age of 14: unless otherwise provided for by a special law, the interview shall be carried out in a way that the juvenile investigation judge, and the parties to the proceedings shall not be in the same room with the child. In particular, with a view to guaranteeing the principle of equality of arms, the juvenile investigating judge shall summon the juvenile state attorney, the defendant and his legal representative to participate at the hearing. They will be placed in a separate room along with the juvenile investigating judge to prevent re-victimisation. The child will be placed in another room with the expert assistant. The child may also request that the evidentiary hearing is attended by the child's person of trust who will be in the same room as the child (the caretaker or special guardian unless its contrary to the interests of the proceedings or of the child). The parties to the proceedings (state attorney, defendant) may suggest questions to the juvenile investigation judge who may convey them to the expert assistant by use of audio-video equipment (microphone and camera). This means that it depends on the discretionary powers of the juvenile investigating judge whether they will allow a question posed by parties to the proceedings or reject them as inappropriate or irrelevant. The expert assistant will then reformulate the questions in a child-adapted manner and pose them to the child.

The interview will be recorded with an audio-video recording device and the recording will be sealed and attached to the minutes of the evidentiary hearing. In the case of criminal offences involving sexual abuse of children, the recording will always be transcribed. The transcript shall be signed by the person who made it and the professional who made the recording. The recording will be produced at hearings during the trial phase. Data collected by means of technical imaging and sound transmission devices shall be kept as long as the criminal file is also kept. The child can only be re-examined exceptionally, and in the same way.

- interview of the child between the age of 14 and 18: unless otherwise provided for by a special law, the interview shall be carried out by the juvenile investigating judge personally. When interviewing a child, especially if they have been harmed by a criminal offense, particular care will be taken to ensure that the interview does not negatively affect the child's psychological state. However, the juvenile investigating judge may decide to interview the child between the age of 14 and 18 in the same manner as the child under the age of 14 described above if warranted by circumstances of the case and bearing in mind the need to protect the child.

■ DEPRIVATION OF LIBERTY OF THE DEFENDANT AND CAUTIONARY MEASURES

Following the report of sexual abuse of a child, the juvenile state attorney may order a pretrial detention ("*pritvor*") to the defendant for a period of 36 hours (for criminal offences sanctioned with imprisonment up to one year) or for 48 hours (for more severe criminal offences). On the basis of the request of the juvenile state attorney, the juvenile investigation judge may extend the pre-trial detention for additional 36 hours for criminal offences punishable by imprisonment lasting for a minimum of 5 years.

After the questioning of the defendant, during the inquiry/prosecutorial investigation and until the indictment, pursuant to the request of the juvenile state attorney, within 12 hours the juvenile investigation judge may order detention on remand ("*istražni zatvor*") for a maximum period of one month. Detention on remand may be ordered due to the risk of absconding; the risk that the defendant will destroy, hide, alter or falsify evidence or traces important for criminal proceedings; or that the defendant will interfere with the criminal proceedings by influencing witnesses, experts, participants or concealers. A detention on remand can also be imposed because of the risk of repeating the crime or because of the risk of committing a more serious crime. The detention on remand can be prolonged for the first time for additional two months in case of justified circumstances and after that for additional three months for criminal offences falling under the competencies of county courts or when it is prescribed by a special act. Following the indictment, the detention on remand may last until the first instance judgment becomes final.

The juvenile state attorney, the juvenile investigation judge and the juvenile judge may, moreover, order cautionary measures ("*mjere opreza*") to the defendant as a substitution of detention on remand, if the purpose of the detention on remand may be achieved by a cautionary measure. Cautionary measure may include for example, prohibition of leaving the place of residence or visiting a certain place or area; an obligation to report to the police regularly; prohibition of approaching, establishing and maintaining a relationship with the victim; prohibition of carrying out certain business activities; prohibition of stalking or harassing the victim; removal from the household and prohibition of internet access. If the perpetrator violates cautionary measures, they can be replaced by detention on remand, and if the duration of detention on remand has expired, the violation of cautionary measures represents an independent criminal offense (criminal offense against the judiciary related to non-execution of a court decision, Article 311, paragraph 3 of the Criminal Code).

■ DECISION ON THE CRIMINAL COMPLAINT

- ✧ The juvenile state attorney is obliged to issue a decision on the criminal complaint within six months from the date of registration of the complaint in the register of criminal complaints and to notify the complainant thereof, stating brief reasons for that decision.

- ✧ The injured party and the victim may lodge a complaint with a senior state attorney for failure of the subordinate state attorney to promptly take action. The senior state attorney will request the subordinate to justify the delay and to take action within a fixed deadline. The senior state attorney is obliged to inform the complainant of the action taken within 15 days from the date of receipt of the complaint. The complainant may repeat the complaint if the complaint is not resolved within the deadline set by the senior state attorney.

■ INDICTMENT

- ✧ The juvenile state attorney shall, within one month of the entry of the completion of the inquiry or the investigation in the register of criminal complaints, file an indictment or discontinue the investigation or dismiss the criminal complaint. If the juvenile state attorney discontinues the investigation or dismisses the criminal complaint, it will inform the victim on the possibility to take-over the prosecution.
- ✧ The indictment is filed before the competent indictment council that will assess it and decide on its confirmation. In case that the council issues a decision confirming the indictment it will transmit it to president of the council to schedule the hearing.



TRIAL PHASE

During the trial phase the court shall conduct evidentiary activities (“*izvođenje dokaza*”) aimed at deciding on the defendant’s guilt during which there is a prescribed possibility of carrying out an additional interview with the child who is a victim or a witness of the criminal offence.

The request in this respect can be made by the defence or the prosecution to the competent judge who will decide pursuant to their discretionary powers, and after having consulted with the expert assistant who interviewed the child at the evidentiary hearing. If the judge orders an additional interview, it will be carried out in the manner described above for the evidentiary hearing and will be the second time the child will be interviewed in a manner that is considered as evidence before court. Pursuant to the examined evidentiary materials the court shall render the first-instance judgment and deliver it to the parties.

In addition, the court may order the imposition of safety measures (“*sigurnosne mjere*”) to the defendant aimed at eliminating the circumstances that enable or encourage the commission of a new criminal offence. In cases related to child sexual abuse, they predominantly relate to the imposition of a mandatory psychiatric or psychosocial treatment; the mandatory treatment of alcoholism; prohibition of performing certain duties and/or activities (if for an example the criminal offence was committed by a professional competent for carrying out activities related to children or by use of modern technologies); prohibition of approaching, stalking or harassing the child victim; removal from the joint household, prohibition of internet access; protective supervision after the full execution of the prison sentence.



POST-TRIAL PHASE

The parties to the proceedings are entitled to lodge legal remedies against the first-instance judgment in line with the provisions of the Criminal Procedure Act.

Along this lines it is highlighted that if the second-instance court grants the appeal and renders a second-instance judgment annulling the first-instance judgment and ordering a reopening of the case (retrial), the proceedings will start from the beginning. This means that there is a possibility of the child to undergo interviews once again in the manner prescribed above. However, in the reopened proceeding, the court may use the evidence gathered in the annulled first-instance proceedings if they relate to activities during which the defence was present, including the child interview from the evidentiary hearing. The appellate court is authorized to refer a case for a retrial only once.

6.2.3. Case-law regarding child sexual abuse cases

The overview of the case-law regarding child sexual abuse cases was prepared on the basis of expert contribution and analysis of relevant jurisprudence carried out by Ms Lana Petö Kujundžić, judge of the High Criminal Court and Ms Kristina Knežević Červar, juvenile judge of the Pula-Pola Municipal Court. In addition, the Ministry of Justice, Public Administration and Digital Transformation facilitated the research of the case-law by granting access to the *e-Spis* data base. The author would like to thank judge Petö Kujundžić, judge Knežević Červar and the Ministry for their assistance and professional insight that was instrumental in preparing this overview.

The overview entails excerpts from judicial decisions of the Supreme Court, the High Criminal Court, the Constitutional Court and county courts indicating how they help steer juvenile judges in the application of the protection of the child's best interests and ensuring the evidentiary validity of the child's testimony in criminal proceedings related to child sexual abuse. They also include excerpts from municipal court's decisions since it was necessary to research how these standards of the highest courts are applied at the first level.

At the outset, it is highlighted that 22 years ago the Croatian legislator overhauled the child interviewing technique in criminal proceedings by introducing the possibility of interviewing the child in a considerate manner by using a video link. Namely, the amendments of the Juvenile Courts Act (Official Gazette no. 12/02) that entered into force on 30 January 2002 stipulate that the investigating judge shall order that the [child] witness interview be recorded using technical devices for audio and video transmission, and that the interview will be conducted without the presence of the judge and parties in the room where the [child] witness is located. The parties can ask questions through the investigating judge, as well as through the psychologist, pedagogue, or other professional.

Children and younger minors who are witnesses and victims of a criminal offense under Article 117 of this Act may be examined, instead of in court, at their home or another place where they reside, or at a social welfare centre. During the examination of the witness, the procedure prescribed in Paragraphs 2 and 3 of this Article will be followed. When a child or younger minor has been examined using the provisions of Paragraphs 2 and 3 of this Article, a record of the witness's testimony or the recording of the examination will always be read out at the main hearing. These amendments furthermore limit the number of child interviews to a maximum of two.

With a view to aligning the amendments of the Juvenile Courts Act with the Criminal Procedure Act that is the fundamental piece of legislation regulating the criminal proceedings, on 20 May 2002 the amendments to the Criminal Procedure Act (Official Gazette n. 58/02) entered into force. They introduced the provision according to which if a child who is a victim of a criminal offense is being interviewed as a witness, the interview will be conducted with the assistance of a psychologist, pedagogue, or another expert. The investigating judge will order that the witness's testimony be audio and video recorded. The interview will take place without the presence of the judge and parties in the room where the child is located, with the parties being able to ask questions through the investigating judge and the psychologist, pedagogue, or another expert.

These two essential legislative amendments were introduced following a pilot interview of a child in 2000 during criminal proceedings before the Zagreb County Court in a child sexual abuse case by using a video link. The child was placed in a room with a psychologist separate from the room in which the investigating judge and parties to the proceedings were located. The recordings of the interview were then reproduced at the main hearing to prevent multiple interviews and re-victimisation.

Subsequently, the Ministry competent for justice matters commenced furnishing municipal and county courts with the equipment necessary for interviewing the child in such a manner through a project carried out in co-operation with UNICEF. The Ministry competent for justice matters recognized the importance of introducing this child-friendly model into the Croatian legal system with the support of UNICEF that enabled the viewing of interviews on a television screen in a separate room, with the possibility of using the video-recording of a single interview many

times during court proceedings, so the child is not forced to repeat the testimony over and over again and experience further trauma. During the supervision of the execution of the ECtHR's judgment in the case of *M. and M. v. Croatia* (app. no. 10161/13), the Committee of Ministers of the Council of Europe assessed the activities conducted under the framework of this project as capable of preventing similar violations related to the inability of the competent court to interview a child by using audio-video equipment.

The purpose of this legislative novelty was to prevent direct contact between the child and the defendant and ensure that the child is interviewed in a safe environment and in a manner adapted to its needs and emotional state. It therefore laid the groundwork for preventing re-traumatisation of children as a particularly vulnerable group of victims in criminal proceedings and securing credibility and validity of the interview often being the only immediate evidence describing the sexual abuse. In doing so, the Croatian legislator also contributed to strengthening the much-needed MDIA approach in these criminal proceedings by highlighting the professional help of expert assistants. Their knowledge in the areas such as psychology, sociology, pedagogy, defectology, and social work, aims at approaching the child victim or witness in a careful and considerate manner so as to minimize discomfort during the interview, provide a safe haven for opening up and revealing what happened and thereby securing the evidentiary validity of the child's testimony.

It is therefore concluded that the possibility of interviewing children as victims or witnesses of child abuse in criminal proceedings has been present in the Croatian legal system for 22 years and has therefore produced abundant case-law of competent courts, namely higher courts that are constantly developing steering guides for juvenile courts to adequately implement this manner of interviewing the child in line with the protection of the child's best interests. In particular, in its comprehensive judicial practice, the Supreme Court during the said period paved the way for juvenile courts to interview the child according to its needs and wellbeing and in a manner that is child-friendly. This jurisprudence continues to be developed by the High Criminal Court that was set up on 1 January 2021 as the competent court for deciding on the appeals against the county court judgments at the second instance. Moreover, the jurisprudence of county courts shows that they adhere to the findings of higher courts in child sexual abuse cases. The Constitutional Court, furthermore, as the guarantor of human rights in judicial proceedings in Croatia ensures that the child sexual abuse cases are carried out in line with the ECtHR's case-law and relevant international standards expressed by UN, Council of Europe and EU bodies mandated for ensuring the protection of children against sexual abuse.

Along these lines, the analysed case-law includes judicial decisions from 2002 when the above-mentioned child interview technique was introduced in the Croatian legislation with a view to describing how national courts integrated and continue developing and strengthening this particular manner of interviewing the child shaped by relevant documents of competent UN, Council of Europe and EU bodies.

In this respect it flows from the analysed case-law that in the majority of cases related to child sexual abuse the child is interviewed, as a rule, by using a video link and with the support of expert assistants.

Along these lines, the presented case-law focuses on the following key requirements that according to findings of the Supreme Court, the High Criminal Court, the Constitutional Court and county courts, juvenile judges should take into account when deliberating in child sexual abuse cases to ensure that the child's best interests are protected throughout the criminal proceedings: the importance of ensuring child's testimony and its credibility; the impact of lack of existence of material evidence; the need for adequate preparation of the child for the interview; the particular manner of interviewing the child tailored to its individual needs; the importance of avoiding multiple interviews.

The excerpts from relevant judicial decisions are presented in Tables below.

[Table 7: Excerpts from relevant case-law of the Supreme Court and the Constitutional Court indicating the development of the national jurisprudence over the years warranting effective conduct of child-friendly interviews in child sexual abuse cases](#)

According to the findings of the Supreme Court, during the interview with the child, the defence should refrain from posing confusing and irrelevant questions to the child that might additionally aggravate its vulnerable state, and the competent court is therefore under an obligation to determine if such questions are relevant for establishing decisive facts for rendering a decision on the abuse.

"It was of course necessary to consider whether the question was important for determining crucial or decisive facts, as there is a tendency in legal proceedings for parties to confuse the interviewee with numerous irrelevant questions, thereby undermining the credibility of the essential part of the testimony. Such manipulation is especially significant and procedurally inadmissible when interrogating children and minors. In this regard, one might, for example, question the purpose of the defendant's counsel asking whether the defendant's jacket had a zipper and pockets at the time of the crime and how many and which teeth the defendant was missing. Is it reasonable and logical to expect a child, a victim of a serious crime, to notice these details, irrelevant circumstances, during an attack while in a state of severe shock, in a traumatized psychophysical state, and then to provide precise statements about them after a significant period has passed, speaking into a microphone in front of a camera, regardless of the fact that the audio and video recording devices were in a separate room?" (decision no. Kž-784/2001 of 6 February 2003)

The Supreme Court emphasizes the importance of interviewing the child with the professional aid of the expert assistants since they possess the necessary knowledge on how to adapt questions to the child and carefully approach its wellbeing to prevent re-traumatization. It therefore explains how expert assistants contribute to determining crucial facts for rendering a decision and to securing the evidentiary validity of the child's testimony.

"The assistance of a pedagogue, psychologist, or other expert during the examination of a child or minor serves, among other things, to protect such participants in the process, due to the need for careful treatment towards them, but also because such experts can provide the necessary clarifications, enabling the court to clarify often observed discrepancies in their statements from the actual course of events, which may sometimes be certain personal contributions to the delinquent situations, be caused by the desire to avoid the reproach of the community in which they live, and similar, which still does not necessarily mean that the specific incriminating event is not fundamentally true. The first-instance court, during the investigation, nor in the main hearing that preceded the challenged judgment, did not examine the victim in the manner prescribed by Article 119 of the Juvenile Courts Act, and this is one of the reasons why, without expert assistance, it inadequately assessed the victim's statement on its own and in connection with other presented evidence. Therefore, the evidence procedure carried out so far, in the opinion of the appellate court, was not entirely proper, as the evidence was not evaluated in accordance with the provision of Article 351, Paragraph 2 of the CPC, resulting in an insufficiently reliably established factual situation, which the state attorney rightfully appealed, challenging the first-instance judgment for wrongly established facts." (judgment no. Kž-299/2005 of 18 May 2005)

The Supreme Court indicates the need to minimize the number of interviews of children in criminal proceedings to prevent re-traumatization if, in particular, defence was present at the interview and was able to pose

"The victims provided detailed testimony about the alleged actions during the investigation with the presence of two defence lawyers, thereby preserving the defence's interests at this stage of the proceedings. By applying Article 119, Paragraph 4 of the Juvenile Courts Act, the first-instance court rightly concluded that it was not necessary to re-examine victims at the main hearing to avoid further traumatization, given the established disturbances from the spectrum of post-traumatic stress disorder (victims J.T. and M.N.) or acute stress disorder (victim M.Z.)...The appellant disregards the fact that the

questions aimed at establishing relevant facts and circumstances.

children examined were victims of a criminal offense and therefore the manner of their examination cannot be identical to that of an adult...taking into account their age, personality characteristics, growing-up circumstances, etc., to avoid possible harmful consequences on their upbringing and development. The assistance of an expert is necessary so that a child – a trauma victim – can 'open up' and testify freely without hesitation about the sexual abuse they have experienced, which by nature induces a sense of shame in the victim during this sensitive stage of growing up, making it difficult to speak spontaneously in a free, uninhibited manner." (judgment no. Kž-1102/2006 of 21 February 2007)

The need to carefully balance the protection of the best interests of the child and the rights of the defence so as to ensure the right to a fair hearing is also pointed out by the Supreme Court regarding the possibility to read the minutes or reproduce a recording of the interview at the main hearing and prevent re-traumatization through an additional interview.

"It is true that the main hearing is based, among other things, on the principle of immediacy, but this principle has its exception concerning proceedings for criminal offenses related to the criminal law protection of children and minors, to protect the victim, i.e., the minor victim. Although the victim was not re-examined at the main hearing, given that her previous examination was attended by the defendant's counsel with the opportunity to ask questions and monitor the course of the examination as a guarantee of protecting and ensuring the rights of the defence, and considering the quality of the victim's testimony, on which the first-instance court took a clear position in the challenged judgment, there was no violation of the defence's rights at the main hearing that would have influenced the judgment." (judgment no. Kž-43/2008 of 19 June 2008)

The Supreme Court explains the need to carefully interview the child by adapting the manner of the interview to the child's emotional state and possible limitation factors that could hamper the quality of the testimony. It is therefore of the utmost importance to carefully choose the interviewing technique, even if it requires the child to provide its answers in writing during the interview that is video recorded.

"However, according to the content of the minutes of the child's examination, on two occasions during the examination, the child felt discomfort, in the first case, she cried, and then when she had to comment on specific acts of sexual abuse she was exposed to by her father, she could not verbally express the description of those acts. Considering the imperative norm that the psychological expert as the immediate examiner must act with utmost caution towards the child during her testimony, which is why the psychological expert in agreement with the court ordered two breaks in the examination, in the first case when the victim cried, and in the second case when she could not verbally express what her father had done to her. Therefore, to avoid the child's evident discomfort, the examiner, in agreement with the court, switched to written responses from the victim, which, together with the minutes of the victim's examination, as well as the attached VHS recording, constitute an integral part of the minutes of the victim's examination before the investigating judge. Therefore, contrary to the appellant's claims, the wording of Article 119, Paragraph 1 of the Juvenile Courts Act requires the court, and the person involved in the examination of the victim to proceed with utmost caution towards the victim at all times. In this context, the described method of examination in the form of written responses, in which she described both acts of sexual abuse, as the appellant claims, represents only the examiner's reaction to the psychological condition of the child victim." (decision no. Kž-998/09 of 20 May 2010)

"When questioning children victims of criminal offenses, the manner of their examination cannot be identical to that of questioning an adult,

The Supreme Court emphasizes that the manner of interviewing a child should differ from interviewing an adult and that the competent court must consider the child's age, personality, the circumstances in which the child grew up, and other child's circumstances.

(...). This provision mandates careful handling, considering the child's age, personality traits, and upbringing circumstances, among other factors, to avoid potential harmful effects on the child's upbringing and development. The assistance of a professional during such questioning is essential to help the child—a victim of trauma—feel comfortable enough to "open up" and testify without hesitation about the experienced sexual abuse, which, by its nature, causes feelings of shame in a victim at this sensitive stage of development, making it difficult to speak freely and without prompting. This court also accepts the assessment of the first-instance court that the victim's testimony was hindered by pauses, discomfort, and shame, but that she described the actions and situations in a manner and language appropriate for a child of her age (then seven and a half years old) with the help of a professional, without being asked leading questions that would suggest only one type of answer." (judgment Kžm-8/15 of 9 February 2016)

The Supreme Court points out that the conversation between the child and the expert for the purposes of preparing an expert report cannot in any way be equated with an interview of the child that can only be carried out by a judge.

"Moreover, the appellant's arguments that the victim was questioned during the psychological expert examination, and that the expert's findings and opinions contain her testimony, are entirely unfounded...it is clear and unequivocal that this action is carried out by the investigative judge and not, under any circumstances, by an expert. Therefore, the first-instance court was correct in determining that the expert's findings and opinions do not contain the victim's testimony, but rather involve a conversation between the expert and the victim, which, along with other applied techniques, serves as an auxiliary tool for the psychological evaluation of the victim." (decision no. Kžm-30/2019 of 17 October 2019)

According to the Supreme Court's stance the need to protect the child's best interest outweighs the principle of publicity.

"Namely, the fact that the witnesses were questioned in accordance with Article 292, paragraph 1 of the Criminal Procedure Code (ZKP/08), and considering their age, were not required to be questioned in such a manner, points to the need for their special protection during questioning in this criminal proceeding, which need, in the opinion of this appellate court, justifies the exclusion of the public during their questioning at the hearing. The fact that only the parties who would normally attend the hearing were present, even if the public had not been excluded, is irrelevant for such a decision, considering that the exclusion of the public relates not only to persons who may attend the hearing but also to the obligation of the participants to keep everything heard at the hearing confidential, and that revealing such information is a criminal offense, as they were warned after the public was excluded from the hearing. In addition to the above, the defendant's appeal arguments about the witnesses' age, who will soon become adults...are irrelevant for the decision on the exclusion of the public..." (decision no. Kž-47/2020 of 5 February 2020)

The Supreme Court stresses the importance of applying particular consideration and individual approach when interviewing the child and carefully ensuring that the child feels

"When considering the provisions of Article 44, paragraphs 2 and 4 of the Criminal Procedure Code (ZKP/08-II), which stipulate the duty of special consideration towards a child victim, especially one who is a victim of a criminal act against sexual freedom, the appeal's arguments that the expert assistant of the County Court in Zagreb, with phrases like 'you're nervous...drink some water', 'slowly', and 'okay', interrupted the victim's testimony and 'contaminated' it, instead of 'letting the

safe and is given the necessary time and support to provide the testimony.

victim struggle with the testimony', because 'it is in the exhaustion that true authenticity is obtained', and that these circumstances render this evidence illegal, appear unfounded, and even extremely inappropriate." (judgment no. Kžd-23/2019 of 30 January 2020)

The practice of the Supreme Court shows that in child sexual abuse cases material evidence are often scarce if any and that there might be no physical injuries on the victim. This however does not automatically mean that the criminal offence did not take place but that the court should obtain expert reports to establish crucial facts. In addition, their expertise is also essential when assessing the child's capability to give a testimony and understand reasons for testifying.

"According to the conducted expert assessment, it has been determined that despite the delayed psychological development and mild mental retardation, the victim has sufficient capacity to testify. Indeed, the victim has poorer time orientation abilities and difficulties in mathematical-logical thinking, which complicates placing events in the context of time and assessing the frequency of events. However, given that the victim's thinking, including imagination, is concrete, as well as the identified intellectual difficulties and reduced cognitive abilities, along with appropriate emotional engagement during the description of the events, supports the conclusion of an authentic representation of the experiences lived.

(...)

In fact, according to this second-instance court, the findings and opinions of the experts are not based on any presumption of the occurrence of the alleged events, but rather possess all the necessary characteristics of a professionally grounded evaluation of the victim's personality. This is because they are based on the application of scientific methods and techniques (including several different psychodiagnostics tests) which are specifically and clearly detailed in the written findings and opinions, provided by individuals who have no reason to be biased and are trained for this type of expert assessment. Therefore, the quality and reliability of this evidence are unjustifiably challenged in the appeal. Furthermore, the experts addressed all inquiries during the hearing with professional argumentation and explained in detail that there was no need to re-interview the victim to supplement the findings and opinions. Hence, the first-instance court rightly rejected the defence's proposal for a new expert examination.

The fact that the victim's (...) was not found to be torn and is, as the appellant claims, still "intact," does not exculpate the defendant or discredit the victim's testimony. According to the testimony of the gynaecologist who examined the victim and prepared the medical documentation (witness I. K.), and particularly the findings and opinion of the gynaecological expert, the victim has a so-called annular (circular) (...) with a degree of elasticity such that (...) may not cause damage to the (...). Based on the gynaecological examination performed, it is not possible to objectively and definitively determine whether the victim had (...) involving (...). In other words, the condition of the victim's (...) neither confirms nor excludes the possibility that the victim had (...), so this fact does not have a clear-cut character as the appellant attempts to present." (judgment no. Kžd 13/2020 of 21 May 2020)

"Although it can already be said that, despite the absence of material evidence (injuries to the victim's ...), the evidentiary situation in the case file justifies the conclusion that the victim was repeatedly subjected to sexual abuse by the defendant, the previously mentioned discrepancies in describing the incriminated act of sexual intercourse with the victim

The Supreme Court warrants that the competent court must examine the child in an adequate manner and to determine all crucial facts to decide on the defendant's guilt. If this results in remitting the case for a retrial the Supreme Court may instruct the competent court to additionally interview the child but only if it will be indispensable and necessary for rendering its decision.

have not been sufficiently analysed, nor did the first-instance court attempt to clarify this by interviewing the victim at the trial, even though this crucial determination affects the more severe or less severe legal qualification of the criminal offense for which the defendant is being prosecuted.

(...)

In the retrial, the first-instance court will clarify the ambiguities previously pointed out to it, and will present all evidence already submitted, as well as new evidence if deemed justified. If necessary, the court will interview the child J. N. (now 11 years old) as a vulnerable witness according to Article 292, Paragraph 1 of the Criminal Procedure Act (ZKP/08) and Article 115 of the Juvenile Courts Act ("Official Gazette" No. 84/11, 143/12, 148/13, and 56/15 – hereinafter: ZSM/11). The court will evaluate all evidence individually and in connection with each other, particularly in terms of whether all elements of the criminal offense under Article 166, Paragraph 2 in conjunction with Article 158, Paragraph 5 in conjunction with Paragraph 1 of the Criminal Code (KZ/11) committed against the child J. N. or any other, lesser offense of sexual exploitation of a child under 15 years old have been proven. (decision no. Kžd 15/2020 of 18 February 2021

The Constitutional Court as the guarantor of human rights in judicial proceedings stresses the importance of assessing each sexual abuse case individually and of evaluating the emotional state of the child that could indicate that having an interview could be detrimental to the child's wellbeing. It is not necessary to hold an interview at all costs if the child is in such a state that could be worsened by the interview, as long as the court rendered and elaborated its decision on the well-established facts.

"The Constitutional Court concludes from all the aforementioned that the first-instance court made reasonable efforts to ensure the presence of the child victim at the trial and carefully considered the reasons for the child victim's inability to attend the trial. In accordance with the positive obligations that the state has under Articles 3 and 8 of the Convention, as well as other mentioned international instruments, the first-instance court took into account the specific situation of the child victim—her young age at the time of the incriminated events (seven years old) and at the trial (nine years old), her unprocessed trauma, post-traumatic stress disorder, and the vulnerable situation in which she finds herself. Guided by the best interests of the child, it rightly rejected the proposal for direct examination of the child victim, with the aim of preventing further traumatization, secondary victimization, and deterioration of her physical and mental health. Therefore, the Constitutional Court concludes that there was a valid reason to accept the unverified (unconfronted) testimony of the absent witness, the child victim, as evidence." (decision no U-III-7231/2022 of 14 September 2023 rendered within the context of the case no. Kzd-18/202 Oof of the Pula-Pola Municipal Court.

Table 8: Excerpts from the case law of the High Criminal Court and county courts showing continuous efforts to ensure that forensic interviews of children are carried out in an effective and child-adapted manner

The High Criminal Court points out that the fact that the victim reached adulthood during the criminal proceedings does not override the principle of contradiction that warrants cross-examination.

"The appellant's claim that the first-instance court unjustifiably and without reason rejected the defence's proposal to examine M. K., despite her having reached adulthood, is not justified. The appellant argues that it would be necessary for M. K. to undergo cross-examination at the trial. However, the first-instance court correctly applied the provision of Article 115, Paragraph 4 of the Juvenile Courts Act ("Official Gazette" No. 84/11, 143/12, 148/13, 56/15, 126/19, hereinafter: ZSM/11), which stipulates that when a child is examined as

a witness via video link, the recording of the examination must always be played at the trial. Furthermore, based on Article 292, Paragraph 1 of the Criminal Procedure Act (ZKP/08), a child can only be re-examined exceptionally and in the same manner. Thus, this provision applies to all witnesses who were children, i.e., under eighteen years of age, at the time of the offense they are testifying about.” (judgment no. Kžzd-6/2021 of 27 May 2021)

Split County Court endorses this stance of the High Criminal Court by pointing out that the child victim may only be re-examined if the court finds it necessary and the victim does not oppose: *“Indeed, the appellant overlooks that this is a criminal case within the domain of the criminal protection of children, where a special provision regarding the examination of child victims of criminal offenses has been applied. This provision is aimed at protecting these individuals from repeated victimization and traumatization. The fact that the victim has since reached adulthood is not of decisive importance in terms of requiring her to be re-examined at the trial under these circumstances. This is especially true since Article 292, paragraph 4 of the Criminal Procedure Act (ZKP/08) stipulates that the victim will only be re-examined if the court deems it necessary and if the victim does not oppose it.” (judgment no. Kžzd-42/2019 of 8 August 2019)*

The High Criminal Court highlights that the difference in child’s accounts of events does not necessarily render them invalid due to the passing of time.

“The appellant also unjustifiably challenges the credibility of K. T.’s testimony regarding the act described in point 2 of the first-instance judgment. However, this second-instance court finds that the first-instance court correctly evaluated this testimony by correlating it with the testimony of the child M. K., as well as the relationship between the defendant and K. T., and the findings and opinions of the psychiatrist and psychologist who also assessed whether there was any motivation for K. T. to falsely accuse the defendant while she was in his house. It is also indicative that the victim of the criminal offense, K. T., testified twice: first during the investigation and then at the trial in the presence of the defendant and his defence attorney. Although the appellant claims that K. T.’s testimony changed because she mentioned a different time of the crime during the investigation than at the trial, it is evident (pages 638 and 639 of the first-instance case file) that the witness was uncertain about the exact time when she began living with D. T. due to the lapse of nearly two years (she herself mentions that she is not sure). Therefore, it is understandable that her memory was fresher at the time of her testimony during the investigation.” (judgment no. Kžzd-6/2021 of 27 May 2021)

The above-mentioned stance of the High Criminal Court is also endorsed by the Zagreb County Court by highlighting that the court should take into account the level of experienced trauma and discomfort when deciding on the credibility of the child’s testimony: *“However, it has been indisputably established that the sexual abuse occurred during 2010, and the fact that the exact time of the offense is not specified cannot be considered a lack of evidence regarding the commission of the crime. The prosecutor rightly points out that it is unrealistic to expect that a child victim, who was not even 9 years old at the time, would be able to remember exactly what happened on which day. This is especially true given that the accused, A.T., is the child’s uncle, and at the beginning of his incriminating actions, the child could not immediately comprehend his intentions or what he was doing. Furthermore, the nature of such criminal offenses, specifically sexual abuse of children under 15, is not transparent; these acts occur without public presence and often induce feelings of shame in the victims. Consequently, as the prosecutor rightly emphasizes, it is not unusual for a child victim to react as indicated by the psychological expert’s findings and opinions, which show that child victims often repress such events and only verbalize them later. Therefore, in the opinion of this appellate court, the conclusions of the trial court are premature, and the factual situation has been incorrectly established.” (judgment no Kžzd-113/2022 of 13 September 2022)*

The High Criminal Court highlights the importance of ensuring the principle of contradiction at the evidentiary hearing by enabling the defence to participate. This guarantees that the child is interviewed in a manner that enables all parties in the proceedings to pose questions and that each party is given an opportunity to rebut the allegations of their counterpart. In doing so, the need for ordering additional interviews in later stages of the proceedings is minimized since both parties were given an equal opportunity to participate in the interview.

“A key right of the victim is to be heard without unjustified delay and for any further questioning to be conducted only to the extent necessary for the purposes of the criminal proceedings, not for the repetition of testimony. Therefore, the defendant's right to defence, which requires that he be given a fair and proper opportunity to challenge the credibility of and cross-examine the witness who is testifying against him, whether during the [child] witness's testimony or at a later stage of the proceedings, is not violated by the fact that the [child] victim was not re-examined at trial. This is because the defendant was already given the opportunity to cross-examine the [child] victim, both personally and through his defence attorney, when she gave her testimony before the investigating judge, (...), during the evidentiary hearing on 20 September 2018.” (judgment no. Kžzd-6/2021 of 27 May 2021)

According to the Zagreb County Court the absence of direct eyewitnesses does not imply that the abuse did not take place since it is common that such criminal offences often happen behind closed doors.

“Regarding the appellate objections concerning the alleged contradictions in the victim's behavior, including minor discrepancies in her behavior and slight inconsistencies in the testimony of witness N. Č., such discrepancies are not relevant to the specific event and do not diminish the criminal activity of the accused. The fact that there were no eyewitnesses in this case, except for the father of the minor victim, G. Č., does not affect the credibility of the testimony given by the victim, I. Č., or that of other witnesses. It is common for such criminal offenses not to occur transparently, nor should this be expected. Therefore, the absence of direct eyewitnesses in such cases is typical and does not imply that the event did not take place. Witnesses who have indirect knowledge do not lose their credibility due to the indirect nature of their information, nor can their testimony be dismissed as mere hearsay, as the appellant suggests. Instead, they represent personal evidence of corroborative facts that retain their relevance.” (judgment no. Kžzd-218/2022 of 17 January 2023)

The High Criminal Court stresses the importance of preventing secondary victimisation of the child victim by minimizing multiple interviews that could be detrimental for the child's wellbeing.

“Furthermore, additional interview of the child M. K. would indeed constitute secondary victimization of a victim who experienced sexual abuse at the ages of 15 and 16, with consequences identified in the findings and opinion of the multidisciplinary team of the Polyclinic for the Protection of Children of the City of Z., as well as in the findings and opinions of the psychiatrist and psychologist who spoke with the girl. Specifically, the victim was diagnosed with reactions to severe stress, development of PTSD, sexual and emotional abuse by a member of the extended family, and the stepfather. It was recommended that she be referred to the Clinical Hospital Center Z., Department of Child and Adolescent Psychiatry for an assessment of the need for inpatient treatment. Therefore, any additional examination of such a child, even after some time has passed, would certainly be secondary victimization of the victim, and there is no justification in the defense's proposal which claims that it has not been specified what additional information should be obtained from re-examining the victim, on which the court has already decided.” (decision no. Kžzd 6/21 of 27 May 2021)

The High Criminal Court highlights the importance of assessing the credibility

“The appellant unjustifiably reiterates the objection previously raised in the appeal submitted against the earlier first-instance judgment, that

of the testimony provided by the child victim or witness and indirect witnesses. This should be done by cross-referencing testimonies with other established facts, by evaluating the general credibility of the witness and by analysing the content of the testimony.

the court merely reproduced the content of the defence and the testimony of the victim's witness without analysing them or drawing conclusions from them. Specifically, the first-instance court, contrary to these objections by the defendant, regarding the act described in point 1 which the defendant disputes, provided reasons in paragraphs 17, 18, 19, and 20 explaining why it concluded that the victim's testimony was credible. The court linked this testimony to the findings and opinion of the Polyclinic and the testimony of the indirect witness, J. Š." (judgement no. Kžzd-32/21 of 16 December 2021)

In addition, the analysed case-law shows that the child victim is often interviewed several times before the interview at the evidentiary hearing takes place. For an example the judgment of the High Criminal Court no. Kžzd 19/20 of 13 January 2022 indicates: *"In addition, the defence, with regard to the original proposal from the preparatory hearing for the "immediate examination" of the victim, modified this proposal at the hearing on 26 September 2019, stating that the "key evidence in this case is the testimony of the victimized girl. She has given one testimony before the court but has also discussed the event on six occasions. Therefore, for the purpose of comparing the mentioned [testimony], the defence proposes to examine the following as witnesses: the pedagogues from R. G. E. Primary School and D. K., the social worker from CZSS D. S. A. L., and the expert from the Polyclinic for the Protection of Children of the City of Z. D. K."*

Moreover, according to the case-law analysis in the majority of cases there is a lack of material evidence that even more so warrants that the child's testimony is ensured and carried out in a child adapted manner. It is therefore important that investigative authorities carry out all available steps to discover relevant material evidence indicating that the abuse took place. This is emphasized in for example the judgment of the High Criminal Court no. Kžzd-18/21 of 5 January 2022: *"The appellant is also wrong in claiming that there is insufficient personal and material evidence to support the commission of the criminal offense. The defendant overlooks the findings and opinion of the Centre for Forensic Examination, Research, and Expertise "Ivan Vučetić," which conducted biological examinations as the biological and contact examination service and determined the presence of epithelial cells and spermatozoa on the defendant's towel and mattress cover. DNA profiles of a male individual were isolated from both seized items from the defendant's room, matching the DNA profile of the accused S. G. Moreover, molecular-genetic analysis of the sample from the mattress cover revealed a mixed DNA profile, with the dominant profile being that of the accused S. G., while the remaining alleles matched the DNA profile of the victim A. S. G. (case file page 212). These data and items (towel) showing the DNA profiles of the accused confirm the truthfulness of the victim's account, who described that the defendant used exactly that towel to wipe himself after the incriminated acts, as the first-instance court correctly observes and emphasizes."*

Lastly, in line with the analysed case-law it can be concluded that in many cases child victims are often physically or mentally impaired and/or come from poor social backgrounds making them susceptible to sexual abuse and warranting specific professional knowledge of expert assistants to carry out the interview in a child-adapted manner (for example judgment no. Kzd-110/20 of 16 June 2020 of the Osijek Municipal Court). In the judgment no. Kzd-41/17 of the Municipal Criminal Court in Zagreb and judgment no. Kzd-43/18 of the Osijek Municipal Court, the courts highlighted the need for adequate care of children with developmental disabilities with the help of appropriate specialists even though the defendant was acquitted. The judgment of the High Criminal Court no. Kžzd 19/20 of 13 January 2020 furthermore relates to the commission of several criminal offences related to continuous sexual abuse of a child who is mentally challenged. The judgment of the Supreme Court no. Kžzd 7/2021 of 2 June 2022 entails repetitive sexual abuse of a child from a poor socio-economic background and forcing the child victim to have relations with the defendant in exchange of money. The judgment of the High Criminal Court no. Kžzd 32/2021 of 16 December 2021 moreover includes sexual abuse of particularly young children of 6 and 8 years of age by their father.

7. EXAMPLES OF GOOD PRACTICES AND BARNAHUS-TYPE SERVICES FOR THE IMPLEMENTATION OF THE BARNAHUS MODEL IN CROATIA



With a view to preparing targeted recommendations for the implementation of the Barnahus model in Croatia, it was important to identify examples of good practices with a view to assessing the existence of Barnahus-type service in Croatia, and to draw inspiration from existing effective models that could be used as source of inspiration or transposed to the Croatian Barnahus model.

These good practices were gathered from the results of desk research, questionnaires and interviews carried out with professionals that will be working with and for children once the Barnahus model becomes operational in Croatia. They are outlined below according to European Barnahus Quality Standards and other relevant criteria that should be taken into account when probing the national system for the establishment of the Barnahus model.

■ HARMONIZATION OF THE NATIONAL SYSTEM WITH RELEVANT INTERNATIONAL STANDARDS

Bearing in mind the findings in Chapter 3 outlining international documents related to protection of children that were ratified or transposed into the Croatian legal system, it can be concluded that Croatia represents an example of good practices when it comes to its commitment to harmonize its policy making and legislation with globally regulated framework that involves protection of children against sexual abuse. Along these lines, these efforts were acknowledged as strengths in the SWOT analysis carried out for the purposes of the National plan for Combating Sexual Violence and Sexual Harassment for the period until 2027 and in the National plan on the Rights of the Child of the Republic of Croatia for the period between 2022 and 2026. In addition, the level of Croatian willingness to align the functioning of its legal system with key UN and Council of Europe documents aimed at combating sexual violence against children are also regularly being commended by their monitoring bodies, such as the UN's Committee on the Rights of the Child and Council of Europe's Lanzarote Committee as well as ECtHR in its evolving case-law. In particular, in its [1st implementation report of 4 December 2015](#), the Lanzarote Committee welcomed Croatia's practices related to: (i) having clear victim removal procedures based on the best interests of the child, (ii) provision of specific treatment such as counselling with a professional to the non-offending parent by the health-care system, (iv) recognised knowledge of children's rights as a prerequisite for appointing lawyers to represent children in judicial proceedings. In the [2nd implementation report of 31 January 2018](#), it highlighted that the Network of Young Advisors consulting the Ombudsperson for children ensures child participation in policy making. Lastly, in its [8th activity report of 6 March 2024](#), the Lanzarote Committee noted the Croatian support of the implementation of the Barnahus model through the Project at hand.

■ EXISTENCE OF BARNAHUS TYPE SERVICES IN CROATIA

It is highlighted that the Council of Europe in its above-mentioned "Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states" identified the existence of Barnahus-type services in Croatia in the following manner:

"It is also noteworthy that some Council of Europe member states that do not self-assess as having Barnahus or Barnahus-type services in place have gone a long way to establish elaborate models of multidisciplinary and interagency services which – except for the wording used – could be seen as corresponding in terms of scope and service offer to Barnahus-type services. One such example is Croatia."

...

"The Zagreb Child Protection Centre in Croatia was founded in 2002 and operates integrated services for children victims of abuse. It is based upon three core principles of 1) a multidisciplinary approach, 2) interagency co-operation and 3) a child-friendly environment. The Centre combines services to victims through assessment and

treatment, with scientific research, education and forensics. Child victims from all over the country can receive help at the Zagreb Child Protection Centre.”

■ BEST INTERESTS OF THE CHILD

The analysis of the applicable legal framework reveals that the principle of the best interests of the child warranting all stakeholders in cases involving sexual abuse of children to act in a child-friendly manner and bearing in mind needs of the child is incorporated in relevant primary and secondary legislation.

■ CHILD PARTICIPATION

Participation of children in criminal proceedings is ensured by enabling them to express their views through interviews as victims or witnesses of child sexual abuse. Moreover, if the children are over the age of 16, they have the right to give statements and act independently in criminal proceedings. In addition, the competent authorities are also obliged to ensure that the child receives the necessary information regarding his or her rights and on the criminal proceedings, including on the activities in which the child will be participating. This must be done in a child-adapted manner so that the child understands the situation they have found themselves in, what they are entitled to do and why are they asked to be interviewed and participate in other activities during the proceedings. Along these lines it is noted that to ensure a child-friendly participation in criminal proceedings the child under the age of 16 is summoned through their parents/representative, unless justified and urgent circumstances warrant otherwise. Furthermore, the child cannot be forcefully brought to court, the child is not under an obligation to testify, nor can the child be sanctioned with a fine or imprisonment for lack of attendance in proceedings.

■ NON – DISCRIMINATION

All procedures for handling cases related to child sexual abuse within the judiciary, healthcare system, social welfare system and education system are made available for all children who are victims or witnesses of all types of violence, including sexual violence. In particular, the Criminal Procedure Act particularly prescribes the non-discrimination principle that includes a catalogue of discriminatory basis. It is furthermore worthy to indicate that the applicable legislative framework enables provision of therapeutic support services and treatments to non-offending family members as well. They are therefore included as a secondary target group for receiving targeted support in relation to the abuse occurred.

■ PRESCRIBED SPECIALIZATION OF STAKEHOLDERS

The applicable legislative framework has ensured that cases related to child sexual abuse are handled by professionals specialized for providing protection to children as follows:

- ✧ within the judicial system: Croatia has put in place juvenile courts dedicated at, *inter alia*, conducting criminal proceedings involving child sexual abuse. Along these lines, the majority of municipal courts, all county courts, as well as the High Criminal Court and the Supreme Court have established juvenile departments consisting of juvenile councils and juvenile judges. In addition, the interview of the child in criminal proceedings is carried out by a juvenile investigation judge. As a result, the cases at hand are tried by judges specialized in the protection of children at all judicial levels, including the Supreme Court tasked with harmonizing the case-law related to sexual abuse of children with relevant international standards.
- ✧ as regards the prosecution authority: in cases involving instances of child sexual abuse, juvenile state attorneys are appointed at all county and municipal state attorney's offices to represent the prosecution. In addition, the organizational structure of the State Attorney's General Office has also appointed a deputy State Attorney General to monitor the occurrences of these cases at the prosecutorial level and provide steering guides to municipal and county state attorneys. It can therefore be concluded that the prosecution authority has also envisaged a horizontal approach in ensuring that cases at hand are prosecuted by state attorneys specialized in the protection of children.

- ✦ as regards the police: juvenile police officers conduct relevant steps aimed at gathering necessary evidence and providing emergency protection to children victims or witnesses of sexual abuse. The information analysed shows that the Ministry of the Interior has ensured their national coverage by appointing a number of juvenile officers in each police department. In addition, the Ministry of the Interior has set up a dedicated organization unit within the Ministry, tasked with monitoring the occurrences of child sexual abuse cases on the field and carrying out necessary improvements in this respect.
- ✦ as regards legal representatives of children: in criminal proceedings related to child sexual abuse, children have the right to a legal representative free of charge, who in order to carry out this competence is under an obligation to undergo a specialized initial training provided by the Lawyer's Academy of the Croatian Bar Association.

It is furthermore highlighted that the Juvenile Court's Act warrants that juvenile judges, juvenile state attorneys and juvenile police officers have a strong proclivity for the protection of children and that they possess initial knowledge in the field of criminology, social pedagogy, youth psychology and social work related to children.

■ FORENSIC INTERVIEWS

It is concluded that the Croatian applicable legislation, namely the Criminal Procedure Act and the Juvenile Courts Act envisage that the forensic interview carried out in the pre-trial phase at the evidentiary hearing is carried out by specialized staff (juvenile investigation judge with the assistance of the expert assistant) and is considered as evidence before court. It furthermore prescribes the possibility of recording the forensic interview by using an audio-video recording system. The forensic interview is furthermore carried out by one person who is in a separate room with a child (expert assistant) while the juvenile investigation judge, the juvenile state attorney and the defence are in another. The juvenile investigation judge poses questions through a microphone to the expert assistant who adapts the questions to the needs of the child. The rights of the defence are guaranteed in this respect by enabling the defendant or his representative to submit their questions to the juvenile investigation judge. In addition, it is highlighted that the Criminal Procedure Act enables the conduct of the forensic interview outside of the premises of the court and the child's home, by generally prescribing that it can be carried out on a location adapted to the needs of the child.

■ EXPERT ASSISTANTS

The introduction of expert assistants in criminal proceedings related to the protection of children can be regarded as a particular example of good practice that provides the necessary expert support to juvenile judges by facilitating that forensic interviews carried out by use of audio-video recording are done in a child-adapted manner. In particular, expert assistants possess relevant knowledge on how to approach and talk to a child victim or witness of criminal offence in a child-friendly manner and bearing in mind the trauma suffered as well as other challenges involving the child. They are therefore appointed from the ranks of child psychologists, social pedagogues, and social workers. Moreover, it is highlighted that the expert assistants also provide professional opinion to the juvenile judge during the individual assessment of the child by assessing the child's readiness and ability to participate at the interview and prepare the child for the forensic interview. They furthermore co-operate with the social welfare services by requesting relevant documentation on the social circumstances of the child and of his or her family to align their assessment with particular needs of the child and the family.

■ RIGHTS OF THE CHILD VICTIM

The Criminal Procedure Act has envisaged an extensive catalogue of the rights of the child who is a victim of sexual abuse that include general rights guaranteed for all victims of criminal offences and specific rights guaranteed to children victims only. Apart from procedural rights enabling the victim to be informed on activities taken in the criminal proceedings, to be heard without undue delay and the right to take over prosecution as the injured party, the Criminal Procedure act guarantees a broad set of therapy-related rights such as right to support services, and to psychological and other counselling. They ensure that the criminal proceedings not only protect victims from further

abuse by sanctioning the perpetrator but also provide targeted support services and treatments aimed at protecting the child's wellbeing and development. They are guaranteed immediately after the abuse takes place and can be provided for a short-term or a long-term duration period, depending on the need of the child.

■ LEGISLATIVE FRAMEWORK FOR MDIA COLLABORATION

According to the research made, it appears that Croatia has put in place a legislative framework for collaboration procedures between relevant stakeholders handling child abuse cases, including sexual abuse that entail the following Protocols: (i) Protocol on Procedures in Cases of Sexual Violence, (ii) Protocol on Procedures in Cases of Child Abuse and Neglect, (iii) Protocol on Procedures in Cases of Domestic Violence, (iv) Protocol on Procedures in Cases of Violence among Children and Young People, (v) Protocol for the Identification, Assistance and Protection of Victims of Trafficking in Human Beings. These protocols call for synergies among the court, state attorney, police, as well as professionals from the social welfare system, healthcare system and education system in cases of child abuse, including sexual abuse.

These implemented efforts of the Croatian authority represent an example of good practices in terms of regulating cross-sectoral procedures and response by State agencies. Therefore, the current co-operation modalities can be used as a source of inspiration for the implementation of the Barnahus model in Croatia.

■ PRESCRIBED COMPREHENSIVE SOCIAL WELFARE MEASURES AND SERVICES

A broad set of child-protection measures can be ordered to the parents if it is determined that the child's rights and well-being are violated or that the child's rights, well-being, and development are endangered. When selecting the most adequate measure, the social welfare service must ensure that it least restricts the parents' rights to care for the child, provided that such a measure can protect the child's rights and well-being. They include: (i) warning for errors and omissions in child care, (ii) measure of professional assistance and support in child care, (iii) measure of intensive professional assistance and supervision in child care, (iii) urgent measure of removal and placement of the child outside the family, (iv) temporary placement of the child with another person, foster family, or social welfare institution, (v) prohibition of approaching the child, (vi) revocation of the right to reside with the child and assignment of daily care to another, (vii) deprivation of parental rights.

■ EXPERT MEDICAL TEAMS FOR SEXUAL ABUSE CASES

The Ministry of Health designated expert medical teams for sexual abuse cases in clinical hospital centres in Zagreb, Osijek, Rijeka and Split. They are competent for carrying out the first medical examination of the child victim.

■ INSTITUTIONAL EXAMPLES OF VICTIM SUPPORT

The identified institutional framework shows examples of good practices that could be used as a source of inspiration for the efficient functioning of the Barnahus, e.g. various Committees tasked with analysing relevant trends in the criminal proceedings.

8. CHALLENGES FOR IMPLEMENTING THE BARNAHUS MODEL IN CROATIA



The challenges for implementing the Barnahus model in Croatia were identified on the basis of information obtained from the desk research of the applicable legislative framework, and relevant national and international documents that analyse the state of play regarding protection of children against sexual abuse in Croatia and envisage specific recommendations for Croatia in this respect. They are complemented by the insights of professionals dealing with child sexual abuse cases provided in completed questionnaires and through interviews. Particular emphasis was also placed on the challenges identified in the Inception Report as well as the need to implement the European Barnahus Quality Standards.

The challenges are presented thematically in bullet points with an indication of sources that support their identification to ensure reader-friendly approach. The order of presentation does not mean that the one indicated before is more important than that follows, since they are all equally important for ensuring a comprehensive and cross-sectoral approach. If one key link is not functioning it will cause the entire process to become faulty. It is furthermore emphasized that the purpose of this identification is to detect areas in which additional support and assistance is needed for professionals to ensure that they all operate effectively for the child.

■ LEGISLATIVE FRAMEWORK

- ✧ *adoption and/or amendments of applicable acts and by-laws without a prior in-depth analysis of the existing legislation and impact assessment of its application in practice to identify examples of good practices and challenges that need to be addressed to ensure that all acts and by-laws relating to child sexual abuse cases are developed in line with the protection of the best interests of the child, the needs of the Croatian legal system, its particularities and gaps;*

As regards national policy documents related to the protection of children against sexual abuse, this challenge was identified in above-mentioned National Plan for Combating Sexual Harassment and Sexual Exploitation for the period until 2027. The National Plan therefore, within the Priority 2, Particular Goal 2, envisages Measure 8 that foresees the preparation of analyses and evaluations of the implementation of guaranteed rights for victims of criminal offenses against sexual freedom, along with an assessment of their adequacy; the preparation of comparative analyses of legal provisions and judicial practices aimed at providing more effective criminal and misdemeanour legal protection to victims of sexual violence and sexual harassment; and the preparation of comparative analyses of legal provisions under specific regulations in various areas and sectors, all with the aim of improving legislative and other measures for protecting children from all forms of violence. In addition, according to the findings of the SWOT analysis prepared for the needs of the National Plan for the Protection of the Rights of the Child in the Republic of Croatia (2022-2026), in Croatia, there is a lack of effective tools to systematically measure the outcomes of activities envisaged in strategic policy documents.

With respect to the relevant international documents, in its above-mentioned Recommendation of 22 June 2022, the UN Committee on the Rights of the Child invites Croatia to carry out *ex ante* and *ex post* impact analysis of the application of the best interests of the child. In addition, the European Union Strategy for a More Effective Fight Against Child Sexual Abuse calls for the identification of legislative gaps, good practices and priority actions.

Certain stakeholders moreover indicated in interviews that Croatia often adopts and implements relevant international documents without a prior genuine analysis of the state of play and without harmonizing the standards expressed therein with specific needs of the Croatia legal system.

- ✧ *lack of a comprehensive approach when adopting legislation related to child sexual abuse that take into account all relevant legal proceedings, stakeholders and co-operation directions in a unified manner since procedures handling child sexual abuse, warrant a MDIA approach and the protection of the best interests of the child as the key focal points;*

Such comprehensive approach is envisaged by all of the above-mentioned analysed international documents adopted by the UN, Council of Europe and EU. In addition, in its above-mentioned Recommendation of 22 June 2022 for Croatia, the UN Committee on the Rights of the Child calls for the principle of the best interests of the child to be consistently applied in all legislative, administrative and judicial proceedings, including those involving child victims and witness of crime.

Many stakeholders who completed the questionnaire or participated at the interviews indicate that “*there is no bigger picture when drafting legislation*” and that the manner of carrying out activities in child sexual abuse cases is scattered in different legislative acts and by-laws which hampers the need to ensure unified and clear codes of conduct and an effective MDIA response.

- ✧ *overregulation and lack of consolidated and comprehensive secondary pieces of legislation regulating procedures for handling child sexual abuse cases that hampers smooth application of the MDIA response and an individual approach to each child adapted to their specific needs and circumstances of the case:*
 - instances of child sexual abuse are regulated by different by-laws that do not envisage a unified procedure and inter-agency co-operation including all relevant stakeholders (4 Protocols currently regulate procedures for handling child sexual abuse cases: Protocol on Procedures in Cases of Sexual Violence, Protocol on Procedures in Cases of Child Abuse and Neglect, Protocol on Procedures in Cases of Domestic Violence, Protocol on Procedures in Cases of Violence among Children and Young People).

According to the opinions of many interviewed stakeholders and conclusions from the information provided by some stakeholders through questionnaires it seems that it is very difficult for them to keep up with the number of by-laws adopted in this respect and that sometimes it is confusing for them to decide which by-law should they apply in instances of child sexual abuse. Some even mentioned that this is why they don't really consult the procedures envisaged by the protocols since they didn't receive specific training on how to apply them or were not able to attend the trainings organized in Zagreb only. As a result, they support the adoption of a dedicated Act that would unify the code of procedures in these cases and that would be a “one stop shop” piece of regulation for all professionals concerned.

■ LACK OF VERITABLE SPECIALIZATION OF JUDGES

- ✧ *lack of clearly pre-determined criteria for appointing juvenile judges related to training requirements and to verifying their initial knowledge in the field of criminology, social pedagogy, youth psychology and social work related to children;*
- ✧ *current organizational system does not foster an environment that would motivate judges to become or remain working as juvenile judges: (i) apart from working on cases related to children, they are also assigned cases related to criminal offences that do not include children which contributes to their extensive workload and hampers their genuine specialization; (ii) criminal cases related to children do not bring additional points for reaching the prescribed yearly target of decided cases although they require additional specific knowledge and a specific proclivity for the protection of children;*
- ✧ *lack of initial and continuous trainings for juvenile judges that are based on a MDIA approach;*

- ✧ *challenges related to the reduction of the number of juvenile courts;*
- ✧ *lack of motivation to work on child-related cases as juvenile judges;*

According to the applicable legislation, there are two criteria for appointing a juvenile judge: (i) proclivity for working on child-related cases, and (ii) initial knowledge in the field of criminology, social pedagogy, youth psychology and social work related to children.

However, according to the information from many interlocutors, namely juvenile judges, it seems that there is no verification or an assessment for neither of the two criteria. Some juvenile judges say that it is important for a juvenile judge to be *“a woman with children”* or that *“men that have a strong facial expression are not preferred”*, while adding that in some cases *“judges are appointed since nobody else wants to work on child-related cases because they do not envisage extra points when assessing their yearly targets”* or *“sometimes they are appointed as a sort of punishment”*. This challenge was also detected in the Inception Report.

Furthermore, the data obtained in this respect shows that there is no obligatory or practical evaluation of the necessary knowledge that the judge should possess to become a juvenile judge, neither for the appointment or later during the work on child-related cases. They are not required to demonstrate the specific knowledge required nor their sensitivity for working on these cases.

This is also linked to the fact that according to the information provided by juvenile judges and expert assistants working with them, there is a lack of tailor-made trainings on child sexual abuse cases that would contribute to raising their expertise by providing information related not only to the criminal proceedings but to knowledge stemming from the field of social pedagogy, youth psychology and social work related to children.

In addition, the data obtained from the research shows that more or less, all of the appointed juvenile judges are also assigned with other criminal cases which means that they do not deal with child sexual abuse cases only. According to the interviewed juvenile judges, the ratio of cases in favour of the child-related ones depends and can vary from 30% to 70%, depending on the case flow of other criminal cases, e.g. *“as from couple of years ago, we managed to organize our court in a manner that child-related cases assigned to juvenile judges encompass 70% since our court and in general our county has many child sexual abuse cases, however for many years this ratio was more in favour of other criminal offences”*. This particular challenge seems to significantly prevent the veritable specialization since it burdens juvenile judges with other non-child related cases due to a general lack of judges in the system.

It is furthermore emphasized that the Initial Report detected the issue of a genuine specialization and possible need to reduce the number of juvenile courts to four or five. As regards the latter, it is highlighted that approx. 90% of the interlocutors indicated that this reduction will not contribute to ensuring a more effective response to child sexual abuse, and that the actual problem here is the above-mentioned lack of a veritable specialization of juvenile judges. This is why primarily the juvenile system should be re-organized in a manner ensuring that juvenile judges are appointed from the ranks of those with true affinity for these cases, and that they receive targeted initial and continuous trainings. In particular, they added that in case of a reduction, the right to access to court could be compromised for those children living in remote areas who are most often victims of these abuses, e.g. *“if we take this road to reduction, the problem here is the access to court, there are no buses, how will children from rural areas that are predominantly victims come to court, they barely have the money necessary for basic living needs, they first have to ask a neighbour to take them to the bus station and then to take the bus and the bus lines are often limited”*.

All these challenges combined, result in a lack of interest of judges to work on child-related cases and for those who are juvenile judges in feeling like their work is not appreciated or taken seriously, e.g. *“I was a juvenile judge for 15 years and when I saw that nobody understands what we go through when listening to children who suffered abuse and deciding on their protection against further abuse, and that the only important thing is whether I met my yearly target or not, I just decide to stop working on these cases, there is no motivation for me there anymore”*.

■ EXPERT ASSISTANTS

- ✧ *insufficient number of expert assistants: in some regions the expert assistant who is appointed at a municipal court also provides services of conducting forensic interviews at the county court within the same territorial jurisdiction, indicating that not all courts appointed expert assistants who would facilitate the forensic interview and provide support to the child and the competent judge in this respect;*
- ✧ *non-existence of a centralized focal point competent for monitoring the work of expert assistants, tendencies, and improvement requirements;*
- ✧ *lack of their participation in the decision-making process;*
- ✧ *non-existence of supervision;*
- ✧ *lack of targeted, cross-sectoral and continuous trainings;*
- ✧ *lack of motivation and feeling under-appreciated for the efforts made;*

According to the information provided by the Ministry of Justice, Public Administration and Digital Transformation, 3 out of 15 municipal courts with juvenile departments and 12 out of 15 county courts with juvenile departments have not appointed expert assistants competent for working on child sexual abuse cases. As a result, there is a certain number of them who carry out their duties and provide their expertise to juvenile judges at the municipal and the county court within the same territorial jurisdiction, by e.g., preparing and facilitating the conduct of the forensic interview. This negatively affects the preparation of the interview since they often do not have time to do it in advance but several minutes before the interview. In addition, this contributes to their workload since they are often running from one court to the other, e.g., *“I functioned like this for many years, I was bringing work home since I wasn’t able to finish everything during my workhours, and then I decided to stop since I was constantly interviewing other children while I had no time to talk and take care of my own child”*.

All the expert assistants who either completed the questionnaire or were interviewed, noted that that there is no centralized body competent for monitoring their work, identifying good practices and challenges and for introducing measures for improvement in this respect. It seems that the exchange of information between them depends on their own initiative and personal connections, e.g. *“there is no State body that would help us strengthen our position and hear our concerns, it all depends on whether we know each other and whether we are willing to pick up the phone and call a colleague, this is why we set up a Viber group so that we can consult with colleagues and exchange views since our work is quite specific and there are not that many of us, plus there are practically no trainings”*. In addition, none of the expert assistants mentioned that they were consulted in drafting necessary legislation or that they participate in projects related to the protection of children against child sexual abuse.

They furthermore noted that there is no mandatory supervision of their work such as those for e.g., practicing psychologists while their work is quite stressful since they have to provide support for the child that suffered from a serious trauma, bear in mind the need to protect their best interests, contribute to ensuring the validity of the child’s testimony, and adapt questions to the child while understanding the need to ensure the relevance of posed questions. An expert assistant noted *“I pay for the supervisions myself, since it is important for me to ensure my wellbeing so to ensure that I am there for the child and that I can provide adequate assistance”*.

The expert assistants who contributed to the preparation of this Legal Analysis indicated that there is a lack of targeted trainings, whether just for them or with other professionals working on these cases to ensure an exchange of views and challenges. Some of them say that there was only one training organized many years ago when they were explained how to conduct forensic interviews with children in a child-friendly manner. They added that some of them apply the NICHD protocol when interviewing children while some don’t since they did not receive training on how to apply it. Certain expert assistants also noted that the trainings should be organized throughout the country since it would be difficult for them to attend those organized in Zagreb due to their workload.

In addition, according to the Inception Report, the role of expert assistants should be better defined as well as their training requirements and they should be appointed at all competent courts.

Against this backdrop, expert assistants often feel under-appreciated since many aspects relevant for ensuring a child-friendly justice depends on their will and motivation without the genuine interest of the system, e.g. *“I took me ages to convince them to buy furniture for children and other child-friendly materials”*; *“when it comes to colouring books and similar things, I often buy them myself”*; *“they expect us to do everything quickly, without understanding that I have to first gain the trust of the child and make the child feel comfortable prior to start posing questions”*.

It is also noted that in the Recommendation of 22 June 2022 for Croatia, the UN Committee on the Rights of the Child calls Croatia to ensure prompt questioning of children by specially trained professionals in a child-friendly manner. The use of specialized experts is also highlighted by the Lanzarote Convention, EU Directive on Child Sexual Abuse and the EU Directive on Trafficking in Human Beings.

■ INDIVIDUAL ASSESSMENT OF THE CHILD VICTIM OR WITNESS

- ✚ *inconsistent application in criminal proceedings: not carried out by all judges;*
- ✚ *in some cases, the assessment of the expert assistant is not sought;*
- ✚ *the possibility to request assistance from organizations providing support and assistance to victims is not regularly done;*

In accordance with the applicable Criminal Procedure Act, the juvenile investigating judge shall carry out an individual assessment of the victim, prior to carrying out the interview and in cooperation with authorities, organizations or institutions providing support to victims. If the child is a victim, it will be assumed that there is a need to apply special protection measures and determine which of them should be applied. The information obtained from the interlocutors shows that in practice the assessment is done through the aid of the expert assistants who usually request relevant information from the competent social welfare services regarding the family history. Certain juvenile judges, however, do not carry out the individual assessment of the child due to the backlog of cases or they do not consult the expert assistant. This challenge is particularly worrying in courts that did not appoint expert assistants who can help the juvenile judge to carry out the assessment. In addition, it appears that the legislative possibility of seeking assistance of relevant organization providing support to victims such as relevant NGOs, as an alternative, is not explored, even though there are many NGOs and institutions licensed to provide such support and with a good track record.

It is also noted that importance of continuous assessment of the child before, during and after criminal proceedings is highlighted by the European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child.

■ AUDIO – VIDEO EQUIPMENT FOR CONDUCTING FORENSIC INTRVIEWS

- ✚ *lack of available and/or functioning audio-video equipment at courts;*

A high majority of interlocutors indicated that courts are furnished with audio-video equipment for conducting forensic interviews with children. As regards those who do not possess the necessary equipment (municipal court detected only), this obstacle is overcome by using the equipment from the higher (county) court.

In addition, during the interviews it was revealed that the current equipment at some courts is outdated and should be replaced with modern devices. Furthermore, many interlocutors noted that the Internet connection is often poor causing disruption in the connection, e.g. *“it is great that we have this possibility for interviewing the child, however,*

the connection is poor, and the connection breaks and this is why sometimes we have to stop the interview and schedule it anew”.

It is also noted that key pieces of international documents such as the Lanzarote Convention, EU Directive on Child Sexual Abuse and the European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child, envisage the importance of using modern technologies for interviewing children.

■ CHILD-FRIENDLY ENVIRONMENT AND PREVENTION OF CONTACT BETWEEN VICTIM AND PERPETRATOR

- ✧ *lack of child-adapted interview rooms at police stations, at courts and in healthcare facilities conducting medical examination of children victims;*
- ✧ *lack of structural capacities at a larger number of courts, in particular those that are in smaller cities to completely ensure the possibility of the child victim to see the perpetrator;*

At the outset it is noted that the UN Committee on the Rights of the Child in its Recommendation of 22 June 2022 for Croatia, called for ensuring questioning of children in child-friendly premises. This requirement is also highlighted in the Lanzarote Convention, the EU Directive on Child Sexual Abuse, and the EU Directive on Trafficking in Human Beings.

According to the analysed information obtained through questionnaires and interviews, it seems that the majority of competent courts have allocated a separate room for forensic interviews of children. In addition, it seems that these rooms are not designed in a child-friendly manner and are predominantly used for other purposes as well. In particular, they are usually the offices of expert assistants, or judicial offices that can be used for child interviews on certain days/hours only, or rooms for recognition of perpetrators.

It furthermore appears that the majority of courts find it difficult to prevent possible contact between the child and the perpetrator despite of the measures taken in this respect, e.g., *“we co-ordinate with the judicial officer so that we first ensure that the defendant enters the building and then we signal the expert assistant to bring in the child”;* *“however, the child still has to go through the same entrance, pass the same hallway in which they can see courtrooms, sometimes there are people crying, or defendants being brought in cufflinks, etc.”.* This is particularly noticeable at smaller courts that have only one entrance and one small parking space. One particular example shows that the court is located next to the prison, so there is a possibility of the child seeing prison bars and other perpetrators.

The information obtained from the Ministry of the Interior furthermore shows a high number of police premises having child-adapted rooms for carrying out police interviews. In particular, 60 of such rooms are ensured throughout the country. However, not all include child-friendly design, such as small furniture, and colouring books. In addition, it was also concluded from the information obtained, that there are many healthcare facilities that examine children victims that do not have rooms adapted to children.

Lastly, the Inception report also recognized that special rooms for interviewing children are not always available.

■ FORENSIC INTERVIEWS

- ✧ *discrepancies in the manner of carrying out forensic interviews between the Juvenile Courts Act and the Criminal Procedure Act in terms of the child’s age;*

The Juvenile Courts act, *as lex specialis*, prescribes that children under the age of 16 will be interviewed in the manner prescribed by the Criminal Procedure Act. On the other hand, the Criminal Procedure Act stipulates that children will be interviewed depending on their age group (e.g. children who have not reached the age of 14 will be mandatory interviewed by the use of audio-video equipment, while children between the ages of 14 and 18 may

be interviewed in this manner, depending on the circumstances). This discrepancy was also detected in the Inception Report stating that procedures for interviewing children are not always clear in practice.

According to the opinions of the great majority of interlocutors, all children under the age of 18 should be interviewed in line with the provision of the applicable Criminal Procedure Act envisaging the use of the audio-video equipment. Only a few indicated that this should depend on particular circumstances of the case. It was also established that many courts, as a rule, carry out this type of forensic interview for all children under the age of 18 because *“this alleviates pressure experienced by the child and minimizes the possible contact between the child and the perpetrator”* or *“a child is every person under the age of 18 and it is necessary to prevent secondary traumatisation”* or *“the very fact that children have to come to the court is stressful enough, let alone providing a testimony”*.

This can also be connected with the UN Committee on the Rights of the Child, that in its Recommendation of 22 June 2022 for Croatia, called for a unified definition of the definition of a child in its national legislation by emphasizing that according to the Convention on the Rights of the Child, children are all persons under the age of 18. In addition the importance of carrying out forensic interviews by use of audio-video link is also emphasized in the Lanzarote Convention, the EU Directive on Child Sexual Abuse and the European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child, in a manner that they do not envisage this possibility of exercising rights according to a specific group of children depending on their age.

✧ *existence of multiple interviews;*

This challenge was particularly identified in the phase prior to the criminal proceedings, when the child for the first time comes into contact with various institutions describing what happened. According to the analysed data, the child can be interviewed more than twice by for an example professionals working in the kindergarten, school, social services, healthcare institutions. Many interlocutors mentioned that these professionals often embark on their fact-finding mission prior to informing the police or the state attorney’s office to identify what happened. Although there are several by-laws envisaging that in such cases the questions posed should be limited and made in a considerate manner, they have a high risk of contributing to re-traumatisation since the child is requested to repeat what happened before different authorities and this interview cannot be admitted as evidence before court. For example: *“these institutions often carry out their own investigation before calling the police”* or *“it seems that they are not keen on reporting immediately since it could bring shame on their institution that should be protecting children”*. One of the interviewed interlocutors stressed that *“multiple interviews should be prohibited by the Constitution”*.

As regards the criminal proceedings itself, it is highlighted that the child is also interviewed by the police to gather information, and the testimony cannot be used as evidence during the trial. The first forensic interview that is admissible as evidence is the one conducted at the evidentiary. However, the practice shows that by that time the child was already interviewed, two, three or more times. In addition, the Criminal Procedure Act stipulates that the competent judge may re-interview the child without clearly prescribing in which cases this can be done. This challenge was also identified by the Inception Report.

However, the information provided by the questionnaires, interviews and the case-law analysis show that after the child was interviewed at the evidentiary hearing, they will not be interviewed again. A very small number of cases shows that additional interviews are carried out, e.g. the appellate court may order the re-interview, but they are instructed by the Supreme Court to do this in a manner that the additional interview should be done only if this is necessary for the establishment of the facts and depending on the assessment of the trial judge.

The key need to limit multiple interviews is also stressed by the EU Directive on Child Sexual Abuse, and the EU Directive on Trafficking in Human Beings.

- ✧ *challenges stemming from the powers of the police to carry out interviews with children in the pre-trial phase of the criminal proceedings;*

According to the Inception Report, the fact that the child's testimony obtained at the police interview is not considered as evidence, is considered a challenge. In addition, according to the information obtained by the Ministry of the Interior, they have invested significant financial and training efforts at ensuring that police stations are child-adapted, that the child is handled by the juvenile police officer and that they receive initial and continuous training on how to effectively protect children's rights. These efforts should be acknowledged and commended as an important example of putting the best interests' child first. This is also supported by the fact that often, at this stage of the proceedings the child's memory is still fresh and they are willing to testify, albeit the stress experienced. In addition, according to the analysis of the gathered data from interviews, it seems that the majority of interlocutors are reluctant to enabling the police to interview the child in a manner that would be admitted as evidence before court although they all assessed the co-operation with the police as very good or excellent and highlighted the efforts made by the Ministry of the Interior to ensure continuous relevant MDIA trainings for police officers, often in co-operation with relevant NGOs. This is predominantly due to a procedural reason since *"at the interviews that are called informative conversations, the defence is not present and therefore the principle of contradiction and equality of arms is not respected, this is why we cannot use this testimony as evidence at the trial"*. It is furthermore noted that the police are a body of criminal prosecution that assists the state attorney (one of the parties on the proceedings) in the pre-trial phase of the criminal proceedings. This is why the evidentiary hearing during which the child is interviewed is conducted by a juvenile investigation judge to ensure impartiality.

- ✧ *lack of sufficient time for the preparation of the forensic interview and unified approach for carrying out the interview;*

According to the information provided by the interviews, in many cases the expert assistants due to their backlog of cases and the fact that some provide services for both competent municipal and county court, do not have sufficient time to prepare the child. Some indicated that they carry out the preparation via phone, especially if the children come from remote areas, or 15 minutes before the interview itself. In addition, it appears that unified rules of conduct are not envisaged for expert assistants for forensic interviews. In particular, some apply the NICHD protocol while others did not receive training for its application. This can also be linked with the fact that there is no centralized State body regulating expert assistants and the lack of organized trainings in this respect.

- ✧ *lack of sensitivity of defence lawyers;*

Many interlocutors highlighted that defence lawyers are often not sensitized to the fact that in front of them stands a child, regardless of the fact that they should protect the best interest of their client. This results in posing suggestive questions and using children's disabilities as a tool for diminishing the validity of the child's testimony, e.g., *"at the end of the interview when the juvenile judge asks if there are additional questions, the defence often says that the child is lying and the expert assistant has to convey this to the child which additionally traumatizes them, especially since in many cases the perpetrator has made them believe that is their fault and that they somehow contributed to the abuse"*.

■ MEDICAL EVALUATION AND TREATMENT

- ✧ *impossibility to carry out a medical examination of the child victim outside a healthcare institution (clinic, hospital, medical centre),*

According to the Healthcare Act, currently there is no legal possibility to examine the child victim outside a healthcare institution. This was also identified by the Inception Report. However, it appears that according to Article 41 of the Healthcare Act, the healthcare activity can be performed by other legal and physical persons in line with specific legislation and add that such activity is carried out by specific units of the ministry competent for justice in line with special legislation. It could be concluded that if the Barnahus in Croatia will be established under the

auspices of the Ministry of Justice, Public Administration and Digital Transformation, there is a legal ground for enabling the medical examination of child victims outside healthcare institution.

- ✧ *lack of targeted psychological support to children victims and non-offending family members;*

According to the Recommendation of 22 June 2022 for Croatia adopted by the UN Committee on the Rights of the Child, Croatia is called to strengthen comprehensive psycho-social assistance to child victims, including trauma-focused therapy. In addition, the EU Directive on Child Sexual Abuse emphasizes the need to ensure support and assistance to victims before, during and after the criminal proceedings to ensure psychological and physical recovery of the child.

In addition, according to the interviews, it seems that there are challenges in this respect since there is a lack of licensed child psychologists and psychiatrists for providing the necessary support to children. Also, many interlocutors highlighted the extended impact of child sexual abuse to non-offending family members that should also be provided support in this respect, e.g. *“I had a mother who was ostracized by the family for reporting the child sexual abuse and she needed the support and assistance as much as the child did”* or *“parents are often poorly educated and themselves do not know what to do or how to help the child, this is why it is essential that they receive counselling as well”*.

Certain interlocutors noted that in this respect it will be very difficult to organize a 24-hour availability of medical staff in the Barnahus.

- ✧ *lack of gynaecologists with adequate medical equipment adapted to the anatomy of the child victim;*

Pursuant to the information obtained by interviews there are apparently only five gynaecologists in Croatia who have at their disposal such medical equipment. In this respect, it is noted that the lack of medical staff at the regional level was also identified in the National Plan for Combating Sexual Violence and Sexual Harassment for the Period until 2027. In its Priority 2, Particular Goal 2, it foresees Measure 3 according to which it envisages conditions for providing high-quality and timely gynaecological and/or urological services regionally accessible during the examination of child victims in healthcare institutions (clinics) adapted to the needs of children, as well as ensuring psychological treatment for child victims and providing professional support during examinations/therapy.

■ INTER-AGENCY PLANNING AND CASE MANAGEMENT

- ✧ *lack of inter-agency planning and cases management amounting to an inadequate MDIA approach in child sexual abuse cases;*
- ✧ *challenges in co-operation between the social welfare services and healthcare institutions;*

The Inception Report initially detected that the MDIA approach is fragmented and that the relevant institutions are not working under “single roof”. The daily implementation of the Protocol on Procedures in Cases of Sexual Violence seems challenging. There are also disparities in the management of cases in Zagreb compared to the regions.

These findings were confirmed by the information provided by the interviews. For example: *“I think that social welfare services are pressured to tick all the boxes envisaged by various prescribed procedures that they are just not able to tailor their approach to the individual needs of the child”* or *“when we ask the healthcare institution, they often don’t provide the information necessary for our assessment due to data protection regulation although there are regulations enabling our co-operation in this respect”* or *“it is sometimes difficult to obtain information from schools since they don’t like it that the abuse took place on their watch”* or *“it would be good if the courts kept us informed on the outcome of the criminal complaint so that we know if we need to carry out additional protection measures”*. In addition, some of the interlocutors noted that they just do not possess the same resources as their colleagues in Zagreb making it difficult for them to provide the same level of services.

The importance of minimizing such challenge is even more so strengthened by relevant international documents that placed the MDIA approach at the centre of attention in these cases, e.g., the Convention on the Rights of the Child, the Lanzarote Convention, the European Union Strategy on the Rights of the Child, the European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child. Furthermore, the UN Committee on the Rights of the Child in its Recommendations of June 2022 delivered in respect of Croatia, invited Croatia to ensure an inter-sectional approach to prevent re-victimisation of the child. The MDIA approach is moreover at the core of the European Barnahus Quality Standards.

■ ACCESSIBILITY OF INSTITUTIONS HANDLING CHILD SEXUAL ABUSE CASES TO VICTIMS FROM REMOTE AREAS

The vast majority of interviewees highlighted the issue of a general lack of availability of institutions handling child sexual abuse cases to child victims from remote areas. They include the accessibility of juvenile courts, of police stations, state attorney's offices, social welfare and healthcare institutions since they are situated in the region capitals. This challenge is additionally exacerbated by the fact that a high number of these cases occur in rural and remote areas that are poorly connected with the capitals, e.g. *"how is the child suppose to come to the court when the bus line was cancelled and the family has to ask a neighbour to take them"*, or *"the majority of these children live at the countryside and in poor living conditions making it difficult to attend the forensic interview"*. The Inception Report also noted a territorial gap regarding the availability of child protection services (Zagreb versus regions).

■ GENERAL LACK OF PROFESSIONALS HANDLING CHILD SEXUAL ABUSE CASES

According to the information provided by interviews it appears that there is a general lack of different professionals working on child sexual abuse case. This gap was also identified by the Inception Report. As already indicated above, it seems that not all competent courts appointed expert assistants and that there is a lack of motivation among professionals competent for becoming expert assistants to take up this duty due to the challenges in the current organizational system. It was also highlighted that there is a lack of personnel competent for transcribing the recorded forensic interviews which is crucial for ensuring that the recordings are reproduced during the trial.

The majority of interviewees noted a lack of social welfare professionals which they associated with an overall overburdening of the social welfare system with the workload and overly formalistic procedures that coupled with unappealing financial aspect do not contribute to the attractiveness of these work posts. Additional deterring element is the highly stressful impact caused by working on these highly sensitive cases including one of the most vulnerable groups of the society, e.g. *"sometimes I feel like my head will explode after hearing about all of the monstrosities that the child experienced"*.

Another worrying factor revealed through interviews is the low number of paediatricians, child psychologists, child psychiatrists, and child gynaecologists, both at the national and regional level, e.g. *"in our municipality, there is only one State child psychiatrist"*. This severely hampers the need to ensure that medical examinations are done by child specialists and in a child-adapted manner. These identified challenges are particularly problematic for ensuring the protection of the best interests of the child in the context of ensuring the MDIA approach in child sexual abuse cases.

Furthermore, the information provided by the questionnaires and interviews shows that a rather important number of child sexual abuse cases concern particularly vulnerable children such as children who are physically or mentally impaired, or experience developmental difficulties or come from families that are financially challenged. In order to ensure that they receive adequate assistance and support it is necessary to envisage the availability of specialists such as speech therapists, rehabilitation specialists and other that are lacking both at the national and regional level, e.g. *"many perpetrators target children with disabilities since they are easily manipulated; the defence moreover uses their disability to discredit the validity of the child's testimony"*.

■ GENERAL LACK OF TRAININGS FOR ALL PROFESSIONALS WORKING ON CHILD SEXUAL ABUSE CASES

According to the information obtained from almost all interlocutors, it seems that there is a general lack of trainings for all professionals working on child sexual abuse cases, including, juvenile judges, expert assistants, police officers, state attorneys, and professionals within the social welfare/healthcare and educational system. This gap was also identified by the Inception Report. This is why it is crucial to ensure targeted systematic and continuous trainings for all professionals that will be involved in the functioning of the Barnahus.

■ RESISTANCE TO CHANGE AND LACK OF TRUST IN THE SYSTEM

According to the overall perception of the interviewed interlocutors, including the children victims of sexual abuse, it seems that there is a general distrust in the system. In addition, many interviewees mentioned that in the past there were some attempts to establish the Barnahus that fell through the cracks which was also detected by the Inception Report. Some interlocutors also show a certain resistance to change due to previous failed attempts to instigate child protection improvements in the system. This is why it is of the utmost importance to use this momentum and an overall support by the professionals working with children and the institutions as well as the support provided by the Council of Europe and EU to establish the Barnahus model in Croatia.

■ STATISTICS

- ✧ *lack of centralised data gathering by one competent authority;*
- ✧ *non-existence of centralised data analysis entailing identification of the current state of play, examples of good practices, and challenges based on which recommendations for strengthening the protection of children against abuse would be made to strengthen the legislative, policy and institutional framework on protection of children;*

According to the information provided by questionnaires and interviews, the data related to child sexual abuse is currently gathered by: the Ministry of the Interior, the Ministry of Justice, Public Administration and Digital Transformation, the Ministry of Science, Education and Youth, the Ministry of Labour, Pension System, Family and Social Policy, the State Attorney's General Office, the State Bureau of Statistics, certain municipal and county courts, some expert assistants. The criteria for data gathering depends on their competencies. There is no centralised authority that would consolidate the data gathered by the said stakeholders nor provisions warranting centralized data gathering and analysis. This is why it is difficult to identify relevant challenges and tendencies related to this type of abuse and prepare tailored recommendations aimed at filling out the identified gaps as well as legislative changes.

The vast majority of interlocutors highlighted the need to designate a central body responsible for data collection and analysis, and introducing an integrated data collection system that would enable consolidated statistics and systematic monitoring of tendencies related to sexual violence of children.

The importance of developing an integrated data collection system is also an essential element for providing an adequate response to child sexual abuse envisaged by the Convention on the Rights of the Child, the Lanzarote Convention, the EU Directive on Child Sexual Abuse, the European Union Strategy on the Rights of the Child, the European Commission Recommendation on Developing and Strengthening Integrated Child Protection Systems in the Best Interests of the Child. Furthermore, the UN Committee on the Rights of the Child in its Recommendations of June 2022 delivered in respect of Croatia, invited Croatia to ensure such data gathering. The lack of systematic collection of statistics in these cases was also detected by the Inception Report.

■ GEOGRAPHICAL DISTRIBUTION OF CHILD SEXUAL ABUSE CASES

The geographical distribution of cases was prepared on the basis of data kindly submitted by the State Bureau of Statistics that currently acts as the only State body that gathers and consolidates information regarding child sexual

abuse cases. The data is submitted from various State bodies such as the competent courts, and the State Attorney’s General Office. However, according to its competencies the Bureau’s task is to gather and consolidate data and it is not vested with powers to perform its analysis. The data is focused on the presentation of tendencies related to criminal offences from Chapter XVII of the applicable Criminal Code, e.g. criminal offences related to child sexual abuse and sexual exploitation. In addition, the data encompasses a 5-year period from 2019 to 2023. The author wishes to thank the Bureau for its contributions and efforts to facilitate the research of this Legal Analysis and shaping the Recommendations in line with numerical values revealing the situation on the ground.

Total number of convicted perpetrators per gender

There was a total of 570 convicted perpetrators, out of which the majority were men (552) amounting to 96.84% and the minority women (18) amounting to 3.16%.

Total number of convictions

There was a total of 570 convictions that include 268 conditional prison sentences (47.02%) and 250 unconditional prison sentences (43.86%).

Table 9: Top 15 courts with the highest prevalence of convicted criminal offences related to child sexual abuse and sexual exploitation

The Table below shows top 15 courts with the highest prevalence of convicted criminal offences related to child sexual abuse and sexual exploitation. In total, these courts rendered 310 convictions that in relation to the total number of convictions rendered (570) amounts to 54.38%.

NO.	COURT	CONVICTIONS	
		NO. OF CONVICTIONS	PERCENTAGE IN RELATION TO TOTAL NO. OF CONVICTIONS
1.	ZAGREB MUNICIPAL CRIMINAL COURT	71	12.46%
2.	OSIJEK MUNICIAPL COURT	54	9.47%
3.	BJELOVAR MUNICIPAL COURT	35	6.14%
4.	SPLIT MUNICIPAL COURT	23	4.03%
5.	ČAKOVEC MUNICIPAL COURT	19	3.33%
6.	PULA-POLA MUNICIPAL COURT VUKOVAR MUNICIPAL COURT	17 (EACH)	2.99%
7.	SISAK MUNICIPAL COURT	16	2.81%
8.	KORPIVNICA MUNICIPAL COURT	15	2.63%
9.	SLAVONSKI BROD MUNICIPAL COURT VELIKA GORICA MUNICIAPL COURT	14 (EACH)	2.46%
10.	ZAGREB COUNTY COURT	11	1.93%
11.	OSIJEK COUNTY COURT VARAŽDIN COUNTY COURT	9 (EACH)	1.58%
12.	VARAŽDIN MUNICIPAL COURT	8	1.40%
13.	VELIKA GORICA COUNTY COURT ZADAR MUNICIPAL COURT	7 (EACH)	1.23%
14.	GOSPIĆ MUNICIPAL COURT	6	1.05%
15.	KARLOVAC MUNICIPAL COURT	5	0.89%

If these numbers were translated to distribution of criminal offence related to child sexual abuse and sexual exploitation per municipality, they would showcase that the Zagrebačka municipality and the City of Zagreb have the highest number of convictions (103) amounting to 18.07% in the total number of convictions.

Table 10: Distribution of criminal offence related to child sexual abuse and sexual exploitation per municipality

NO.	MUNICIPALITY	CONVICTIONS	
		NO. OF CONVICTIONS	PERCENTAGE IN RELATION TO TOTAL NUMBER OF CONVICTIONS
1.	ZAGREBAČKA AND THE CITY OF ZAGREB	103	18.07%
2.	OSJEČKO-BARANJSKA	60	10.53%
3.	BJELOVARSKO-BILOGORSKA	35	6.14%
4.	SPLITSKO-DALMATINSKA	23	4.03%
5.	MEĐIMURSKA	19	3.33%
6.	ISTARSKA VARAŽDINSKA VUKOVARSKO-SRIJEMSKA	17 (EACH)	2.99%
7.	SISAČKO-MOSLAVAČKA	16	2.81%
8.	KOPRIVNIČKO-KRIŽEVAČKA	15	2.63%
9.	BRODSKO-POSAVSKA	14	2.46%
10.	ZADARSKA	7	1.23%
11.	LIČKO-SENJSKA	6	1.05%
12.	KARLOVAČKA	5	0.88%

■ TERM OF PRISON SENTENCES

The statistics provided regarding the sanctions rendered in child sexual abuse cases were provided by the Croatian Bureau of Statistics. They include a 5-year period between 2019 and 2023 and entail criminal offences that fall within the realm of Chapter XVII of the applicable Criminal Code – criminal offences related to child sexual abuse and sexual exploitation. In this respect, there were a total of 570 convictions that include 268 conditional prison sentences (47.02%) and 250 unconditional prison sentences (43.86%). As regards their lengths, the majority of prison sentences (including conditional and unconditional) were rendered for a term of more than 6 to 12 months (46.67%) as indicated below. There were only two (conditional) prison sentences rendered for a term of more than 15 years, including one long-term imprisonment. It can therefore be concluded that in almost 50% of criminal cases from Chapter XVII of the applicable Criminal Code, courts ordered prison sentences in the prescribed lower range.

In addition, it is noted that the Inception Report identified that sentences are often limited to probation. This is corroborated by the presented statistics. However, it should be noted that the difference between the rendered unconditional (250) and conditional sentences (268) is quite small, e.g. a difference of 3.16%.

Table 11: Conditional and Unconditional Prison Sentences for Criminal Offences from Chapter XVII of the Criminal Code

	PRISON SENTENCE							
	> 15* (years)	> 10-15 (years)	> 5-10 (years)	> 3-5 (years)	> 2-3 (years)	> 1-2 (years)	> 6-12 (months)	> 3-6 (months)
UNCONDITIONAL	2	10	26	56	18	43	91	4
CONDITIONAL (PROBATION)	0	0	0	0	14	61	175	13
TOTAL	2	10	26	56	32	104	266	17

*including long-term imprisonment

■ LENGTH OF CRIMINAL PROCEEDINGS

The relevant data was also obtained from the State Bureau of Statistics and entails criminal offences from Chapter XVII of the applicable Criminal Code from the period between 2019 and 2023. The length presented includes the period from filing the criminal complaint until rendering the final decision and is given for indicted perpetrators.

The Table 12 below shows that in the period from 2019 and 2023 there were a total of 659 indicted perpetrators for criminal offences from Chapter XVII of the applicable Criminal Code. In the vast majority of cases (79.36%), these criminal proceedings lasted more than 12 years. These conclusions are also in line with the findings in the Initial Report that identified delays in criminal proceedings related to child sexual abuse.

Table 12: Length of criminal proceedings for criminal offences under Chapter XVII of the applicable Criminal Code

INDICTED PERPETRATORS FROM FILING THE CRIMINAL COMPLAINT UNTIL RENDERING THE FINAL DECISION						
	≤ 1 (month)	> 1-2 (months)	> 2-4 (months)	> 4-6 (months)	> 6-12 (months)	> 12 (months)
TOTAL	0	3	15	20	100	523

■ TYPES OF CRIMINAL OFFENCES

The author wishes to thank the Ministry of the Interior for providing statistical data on the types of criminal offences from the Chapter XVII of the applicable Criminal Code regarding the period between 2019 and 2023 that helps to identify the prevalences of each criminal offence prescribed under the indicated Chapter of the applicable Criminal Code. It appears that there was a total of 4.291 such criminal offences, out of which the majority relate to sexual abuse of children under the age of 15 prescribed by Article 158 (1.709) and the exploitation of children for pornography prescribed by Article 163 (1.653) as indicated in Table 13 below. Moreover, when added together they amount to 78.35% of all criminal offences from the Chapter XVII of the applicable Criminal Code from 2019 to 2023.

Table 13: Criminal offences from the Chapter XVII of the applicable Criminal Code from 2019 to 2023

CRIMINAL OFFENCE	YEAR					TOTAL
	2019	2020	2021	2022	2023	
Sexual abuse of children under the age of 15 (Art 158)	435	235	411	261	367	1.709
Sexual abuse of children over the age of 15 (Art 159)	2	1	2	2	9	16
Satisfying lust in front of the child under the age of 15 (Art 160)	35	29	47	28	55	194
Grooming children to meet sexual needs (Art 161)	16	18	24	20	18	96
Subjugation of a child (Art 162)	61	7	7	21	8	104
Exploitation of children for pornography (Art 163)	163	227	363	440	460	1.653
Exploitation of children for pornographic performances (Art 164)	2	3	4	3	3	15
Introducing children to pornography (Art 165)	86	90	91	109	128	504

■ STATISTICS ON THE NUMBER OF CHILD VICTIMS

These statistics that were also kindly provided by the Ministry of the Interior include children victims of criminal offences from the Chapter XVII of the applicable Criminal Code regarding the period between 2019 and 2023. They include a total of 3.124 children victims. The majority relate to sexual abuse of children under the age of 15 prescribed by Art 158 (1.560) and the exploitation of children for pornography prescribed by Art 163 (740) as indicated in Table 14 below. Moreover, when added together they amount to 73.62% of all criminal offences from the Chapter XVII of the applicable Criminal Code from 2019 to 2023.

Table 14: Child victims from 2019 to 2023

CRIMINAL OFFENCE	YEAR/NO. OF CHILDREN VICTIMS					TOTAL
	2019	2020	2021	2022	2023	
Sexual abuse of children under the age of 15 (Art 158)	389	224	363	242	342	1.560
Sexual abuse of children over the age of 15 (Art 159)	2	1	1	2	3	9
Satisfying lust in front of the child under the age of 15 (Art 160)	35	31	49	29	50	194
Grooming children to meet sexual needs (Art 161)	17	17	25	20	18	97
Subjugation of a child (Art 162)	5	5	6	8	5	29
Exploitation of children for pornography (Art 163)	102	120	148	171	199	740
Exploitation of children for pornographic performances (Art 164)	1	2	4	2	3	12
Introducing children to pornography (Art 165)	86	80	86	106	125	483

9. ENSURING CHILD PARTICIPATION IN THE IMPLEMENTATION OF THE BARNAHUS MODEL IN CROATIA



This Chapter was prepared by Ms Helena Pirnat Dragičević, the Ombudsperson for Children with the expert assistance of the Child and Youth Protection Centre of the City of Zagreb. The author would like to thank Ms Pirnat Dragičević and the experts from the Centre for their valuable contribution aimed at ensuring that the voices of children are also considered in the implementation of the Barnahus model in Croatia so that it meets all the necessary children's needs related to the criminal proceedings regarding child sexual abuse.

The child participation was ensured by carrying out two surveys aimed at identifying children's views on four key areas relevant for the implementation of the Barnahus model in Croatia: (1) understanding of children's rights and participation in decision making process, (2) children's grasp on the existence of child sexual abuse (forms, attacker, reasons, age and gender of the victim), (3) need to protect children against sexual abuse (sources of information, existence of a support system, educational activities) and (4) children's thoughts on the Barnahus model in Croatia (need, key features).

These key areas were elaborated through 18 questions carefully prepared by professionals working with and for children to ensure protection of child's best interests during the process of data gathering. Furthermore, it was decided that these questions will be used as a basis for two surveys involving two different groups of children.

In particular, the first survey involved a group of 15 children who are members of the Network of Young Advisors established under the auspices of the Ombudsperson of Children. They were invited to complete a Questionnaire entailing these 18 questions.

The second survey was intended for gathering insights from children who were victims of sexual abuse to ensure that voices of child victims are heard and considered when preparing the establishment of the Barnahus model in Croatia since they possess direct experience on how the criminal proceedings related to this type of abuse functions, in particular the level of MDIA approach and the level of protection of child's best interests. The above-mentioned questions were used as a basis for gathering information from children victims through the expert assistance of the Child and Youth Protection Centre of the City of Zagreb who carried out the interviews with children victims. The experts placed a particular emphasis on conducting the interview in a considerate and child adapted manner to prevent possible re-traumatization.

Data collection method: For the purposes of both surveys, a Questionnaire was prepared entailing 4 main key areas indicated above that were elaborated through 18 closed-type questions. The majority of questions envisaged multiple choice answers. It was furthermore drafted in accordance with the national Ethical Code for Research with Children (Ajduković and Kolesarić, 2003) and the applicable national legislation. In the final stages of drafting the Questionnaire, children members of the NYA provided a children's perspective to the Questionnaire in the form of linguistic and content adjustments. The children who participated in creating the Questionnaire did not take part in the survey.

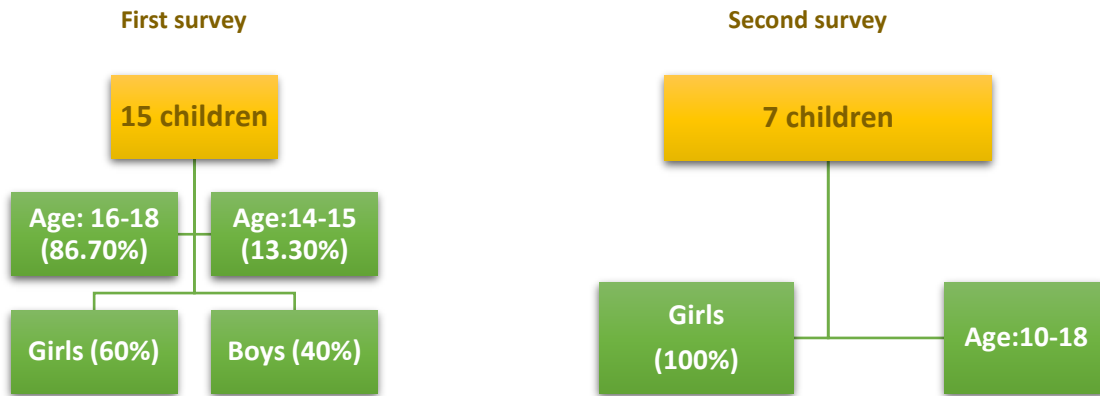
As regards the first survey that was carried out between May and June 2024, an on-line form of the Questionnaire was prepared to facilitate the completion process. It can be consulted [here](#). The children participants were informed in advance about the Barnahus project, as well as on the procedures for data gathering, processing, and keeping. Their participation in the survey was voluntary, and although they could withdraw from participation at any time, no participant chose to do so.

As regards the second survey, the Questionnaire was used as a basis for interviewing children victims of sexual abuse. The interview was therefore conducted in a semi-structured manner bearing in mind the need to prevent any further traumatising of children victims.

Survey sample: The first survey was conducted among members of the Network of Young Advisors (“NYA”) tasked with providing advice from the children’s perspective to the Ombudsperson for Children. In this survey, members of the fifth and sixth generation of the NYA participated. A total of 15 children participated in the survey. The participants were aged 14 to 18, with the majority being between 16 and 18 years old (86.70%), while a smaller percentage (13.30%) were younger participants aged 14 to 15. In terms of gender, 60% of the participants were female, and 40% were male (Figure 1).

With respect to the second survey, seven children who themselves were victims of sexual abuse participated. The participants were female, ranging from 10 to 18 years of age. The sample was selected in this respect because it consisted of children victims currently undergoing treatment at the Child and Youth Protection Centre of the City of Zagreb and who were therefore available and willing to participate in the second survey (Table 15).

Table 15: Age and gender of children participants



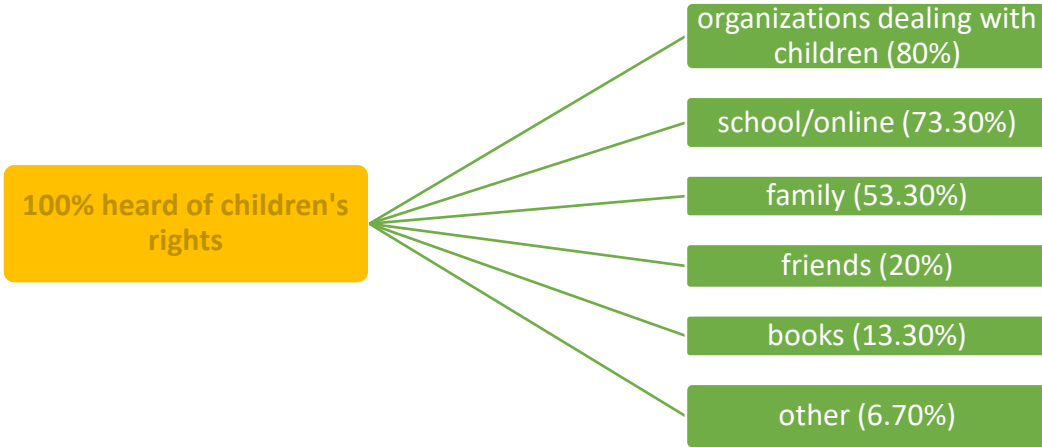
The results are presented separately for the first and the second survey pursuant to key areas that were the focus of the research carried out within the framework of the child participation.

■ **FIRST SURVEY: ON-LINE QUESTIONNAIRE FOR CHILDREN**

First key area: Understanding of children’s rights and participation in decision-making process

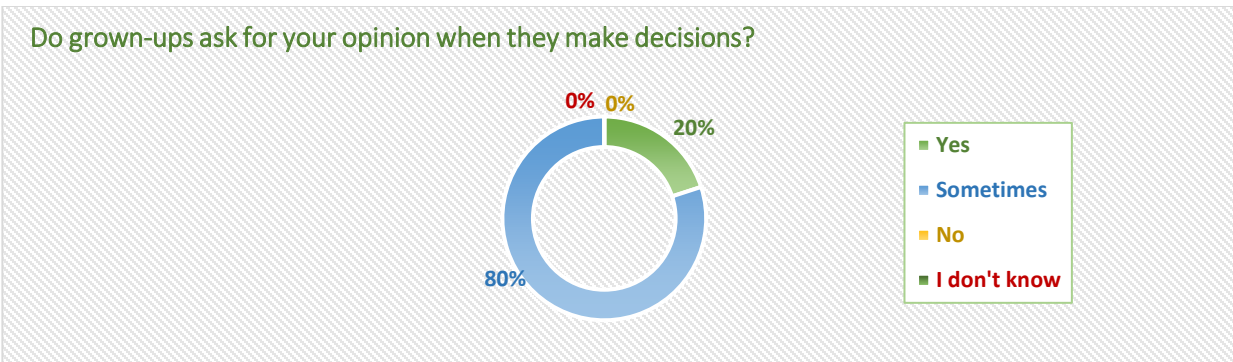
All participants (100%) confirmed that they are aware of children's rights, which was to be expected given that they are members of the NYA (Table 16). Regarding sources of information about children's rights, the highest percentage of participants (80%) reported receiving information on children's rights through organizations working with children, such as the NYA. Furthermore, 73.30% of participants mentioned that they found out about children's rights at school and via the internet. Family, as a source of information about children's rights, ranks third (53.30%), while books are cited as the least used source (Table 16).

Table 16: Sources of information on children’s rights



As regards children's participation in decision-making processes that affect them, 80% of children indicated that they are sometimes asked for their opinion when decisions are made, while 20% reported that adults do not include their opinions in the decision-making processes (Table 17).

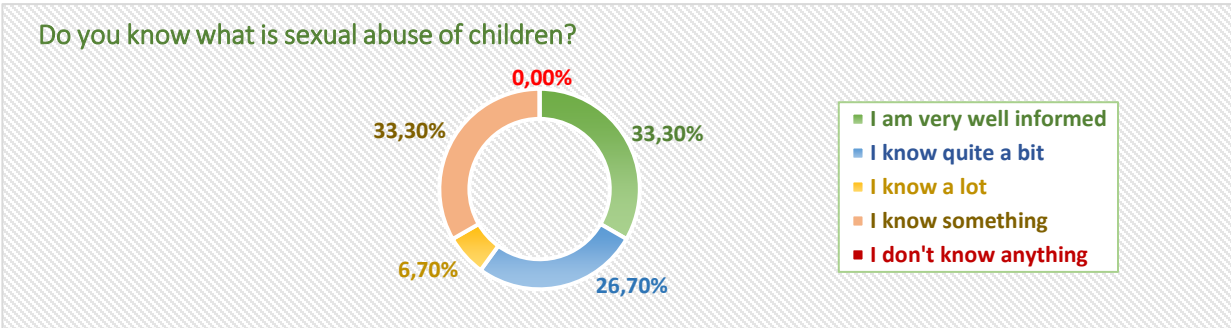
Table 17: Children’s participation in decision-making processes



Second key area: Sexual abuse of children

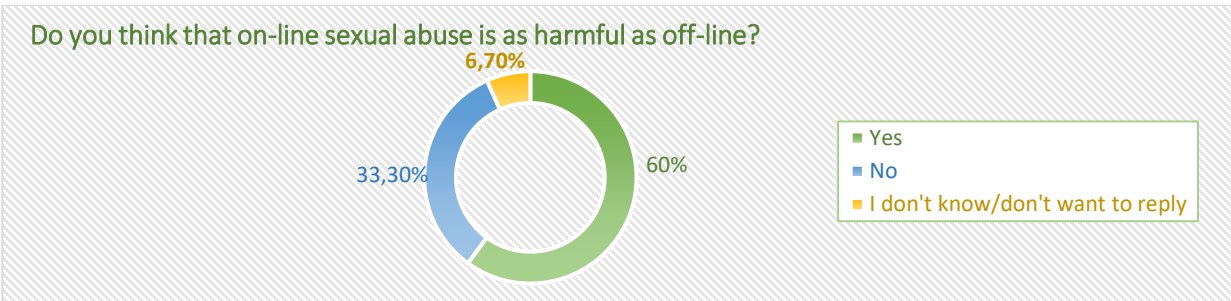
All children indicated that they have some knowledge about child sexual abuse. More than half of children (60%) mentioned that they were either very well informed on the topic (33.3%) or that they know quite a bit about child sexual abuse (26.70%). Moreover, 6.70% of children believe they know a lot, while 33.30% think they know something about it. None of the children who answered the questionnaire indicated that they don’t know anything about child sexual abuse (Table 18).

Table 18: Children’s awareness on the topic of sexual abuse



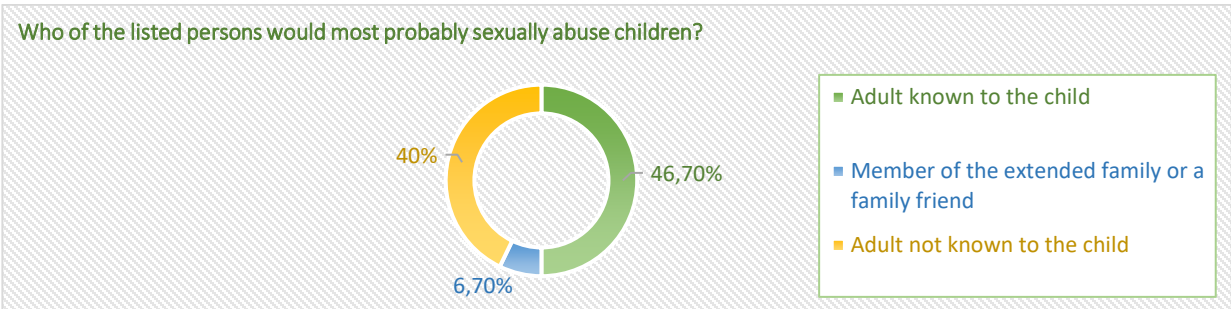
Regarding online and offline child sexual abuse, 60% of children consider that sexual abuse of children in the digital world is as harmful to children as abuse in the "real" world, while 33.30% think the opposite. One child (6.70%) did not wish or know how to answer this question (Table 19).

Table 19: The impact of on-line and off-line child sexual abuse on children



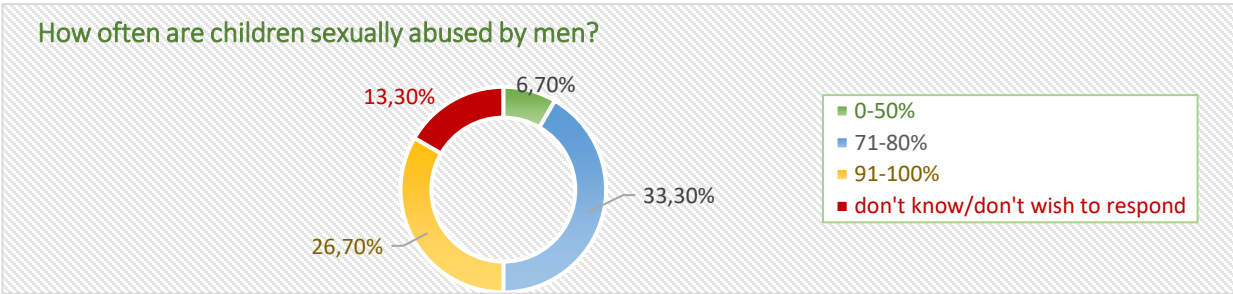
According to children's opinions, the largest percentage believes that the abuser is an adult known to the child (46.70%). A few children more specifically defined the abuser as a member of the extended family or a family friend (6.70%). In addition, 40% of children indicated that the abuser is an adult unknown to the child (40%). None of the children identified parents/caretakers, members of immediate family or minors known or unknown to the child as the abuser (Table 20).

Table 20: Sexual abuse offenders



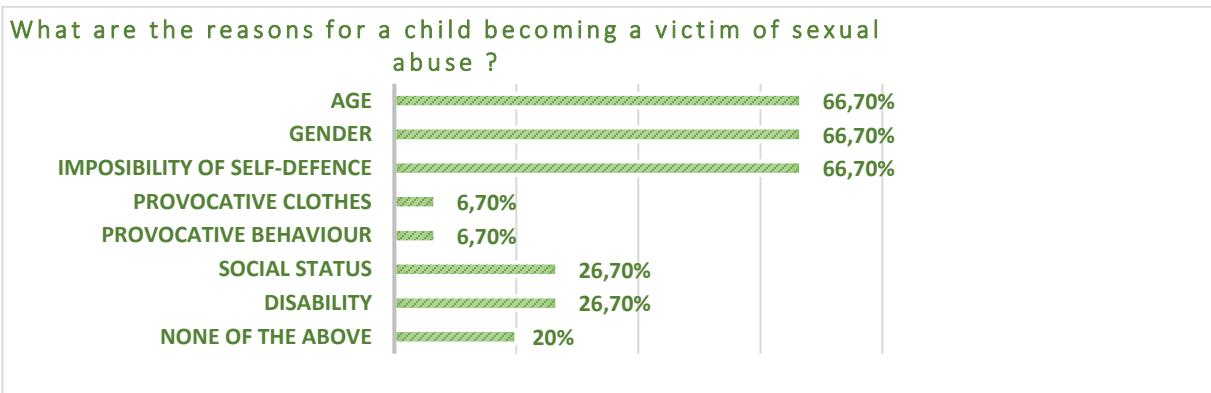
In relation to the gender of the abuser and the children’s assessment of the frequency of child sexual abuse by men, opinions are divided. 33.30% of children believe that in 71-80% of cases of child sexual abuse, the abuser is a man, while 26.70% think that the abuser is a man in 91-100% of child abuse cases. One respondent (6.70%) believes that men are abusers in 0-50% of child abuse cases, meaning they do not consider abusers to be predominantly men. Certain number of children (13.30%) did not choose any of the provided answers (Table 21).

Table 21: The frequency of child sexual abuse by men



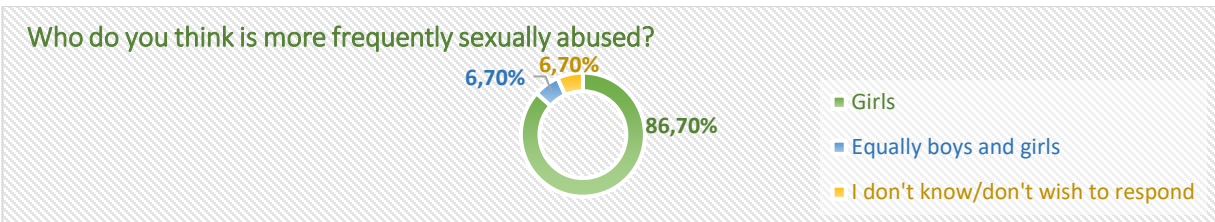
Regarding the risk factors that contribute to child sexual abuse, children indicated the following three factors as the most significant (66.70% each): the child's age the child's gender, the fact that the child is weaker and, because they cannot defend themselves. A smaller portion of children (26.70%) believes that the child's social status and the presence of certain developmental difficulties or disabilities can be factors contributing to the child becoming a victim of sexual violence (26.70%). The lowest number of children considers that the child's manner of dressing or behaviour contributes to this (6.70% each), while 20% believe that none of the provided answers, or characteristics, traits, and behaviours of the child, affect the likelihood of the child becoming a victim of sexual violence (Table 22).

Table 22: Risk factors contributing to children becoming victims of sexual abuse



Regarding the gender of the victim, a significant percentage of children (86.70%) believe that girls are more often victims of child sexual abuse than boys. None of the children believe that boys are more frequently victims of sexual violence than girls. A lower number of children think that victims are equally girls and boys (6.70%), and the same percentage of children did not provide an answer (Table 23).

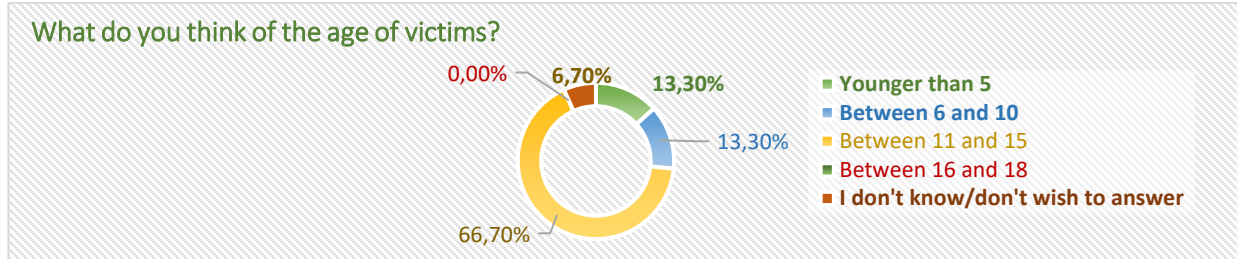
Table 23: The gender of the child victim of sexual abuse



Regarding the age of the victim, the highest percentage (66.70%) believes that children aged 11 to 15 years are most likely to be sexually abused. About a quarter (26.60%) think that children younger than 11 years are most

likely to be sexually abused: 13.30% believe this concerns children aged 6 to 10 years, while 13.30% think it concerns children younger than 5 years. None of the children believe that older children, i.e., those aged 16 to 18 years, have the highest likelihood of being sexually abused. One child (6.70%) did not know or did not wish to answer this question (Table 24).

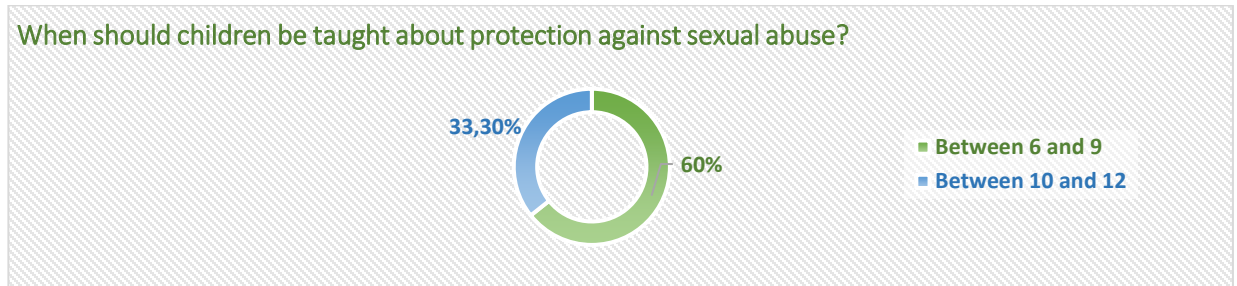
Table 24: The age of the child victim of sexual abuse



Third topic: Protection of children against sexual abuse

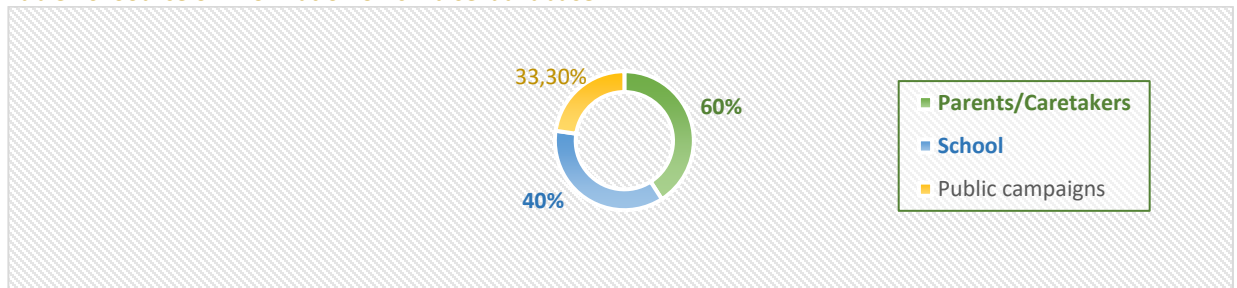
Regarding the age at which children should start being educated on protection from sexual abuse, more than half of children (60%) believe that early school age, specifically from 6 to 9 years, is the appropriate time. In contrast, 33.30% think that a slightly older age, from 10 to 12 years, is more suitable. One child did not provide an answer in this respect (Table 25).

Table 25: Most appropriate age for children to start receiving information on protection from sexual abuse



As regards the sources of information on the protection against child sexual abuse, 60% of them indicated that they discussed this topic with their parents and/or other caretakers. Additionally, 40% report that they received information in schools. Public campaigns were also indicated as sources of information (33.30%) events (Table 26).

Table 26: Source of information on child sexual abuse



66.70% of children indicated that they know whom to contact for information or advice regarding child abuse, while 26.7% do not know whom to approach (Table 27). When choosing a person or institution to contact in case of child abuse, children primarily think of parents/caretakers (93.30%) and the police (93.30%), followed by family members (86.70%). Children would also seek help and support from a trusted adult or various helplines (73.30%),

organizations dealing with violence prevention (66.70%), and social workers (53.30%). A smaller percentage believe that they could approach friends, doctors, and educational professionals in schools (33.30%), while the lowest number (26.70%) consider a representative of a religious community (Figure 14).

Table 27: The existence of child support in sexual abuse cases

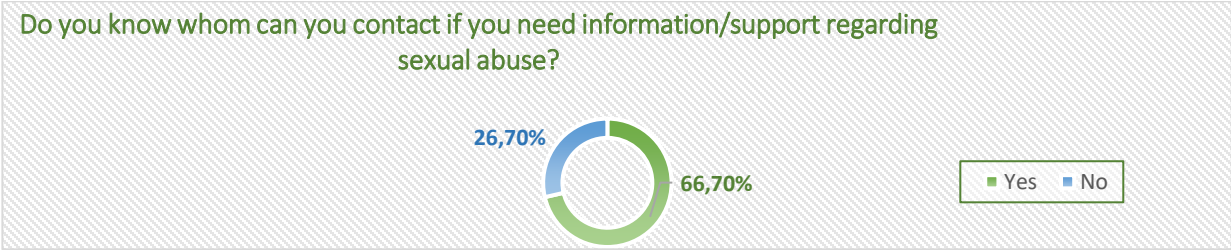


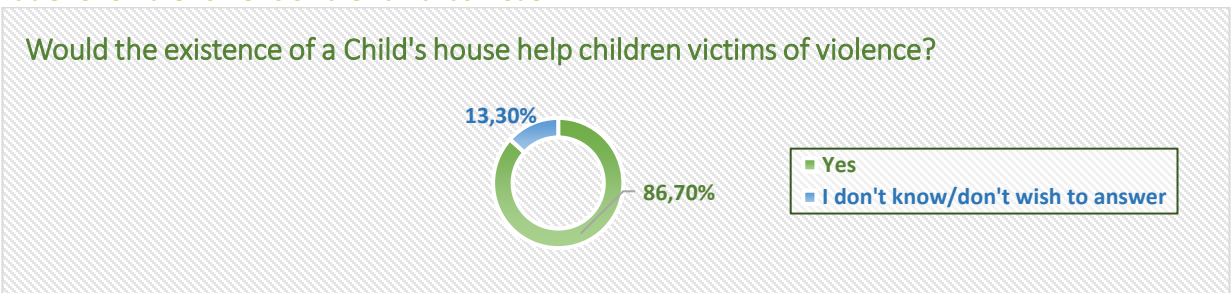
Table 28: Persons of trust in child sexual abuse cases

93.30%	• parents/caretakers, police
86.70%	• family member (brother, sister, etc.)
73.30%	• adult person of trust, help line
66.70%	• organization dealing with children's rights
53.30%	• social workers
33.30%	• friend, doctor, school
26.70%	• representative of a religious community

Fourth key area: Children's thoughts on the Barnahus model

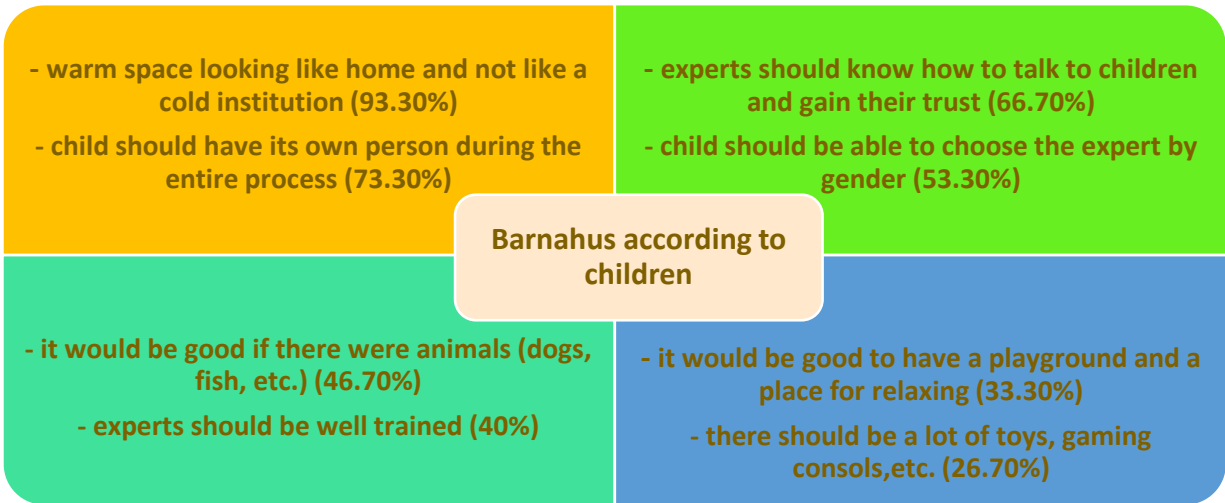
More than three-quarters of children (86.70%) view the existence of a "Children's house" according to the Barnahus model in Croatia as positive, while 13.30% either have no opinion or did not wish to answer the question (Table 29).

Table 29: Children's views on the Barnahus model



The children participants furthermore described how the "Children's House" according to the Barnahus mode should look like (Table 30).

Table 30: Essential features of the Barnahus model in Croatia



■ SECOND SURVEY: INTERVIEW WITH CHILDREN VICTIMS OF SEXUAL ABUSE

The information gathered by the second survey from the children victims of sexual abuse are presented in a descriptive manner highlighting the most compelling children’s quotes.

Understanding of children’s rights and child participation

“I think, after all, it's about the children, so it would be easier if a child could express what they think about themselves”

Children victims define children's rights as "all kinds of norms and, let's say, some laws that favour children and are good for them" They highlight the importance of children's rights since "children's rights are important to me so that I can do something, so that I can express myself, and so that I don't have to be without any rights just because I'm not 18".

They also believe that it is necessary to create conditions for including children's views in decision-making processes by saying that "well, children's opinions are important because it concerns them the most, and in such cases, when such plans are made, children should be asked more about their opinions, what they want".

The meaning of sexual abuse

“endangering a child's space, endangering a child's childhood, mistreating a child”

On the basis of their own experience, child victims describe sexual abuse as "something that is not at all pleasant, something that shouldn't happen in the world at all, and something I really don't like existing." They also define it as an act in which the child is weaker, exploited, and subordinate to the abuser by noting "without permission, a person sexually harasses a child or simply does it without the child even knowing what it is and exploits them for their own needs" or "it was just about fulfilling the will and desire of the abuser, and the victim was not considered".

When describing most frequent types of sexual abuse, children victims most often mention touching and making inappropriate comments to a child. Some also refer to "lesser" and "greater" forms of abuse, e.g. "let's say, slightly lesser cases, more common ones, but I would still categorize them here—things like spreading pictures and

psychological coercion aimed at taking and sharing intimate photos and more severe types of sexual abuse would be things like rape, paedophilia, or something similar. Children victims also indicate touching of intimate body parts as well as other body parts (*“touching intimate parts”* or *“it doesn't even have to be intimate, it can just be hands, face, neck”* or *“and the perpetrator, I don't know, gets too close, touches you”*).

Children victims also associate comments with feelings of discomfort such as *“strange behaviour and those comments that make us uncomfortable”* which signals to them that they should leave that communication or relationship, e.g. *“well, that's the first sign that we should distance ourselves from that person”*.

In the context of online abuse, children victims recognize both adults and peers as perpetrators, with the most common form being the spreading of photos via social media (*“spreading pictures and psychological coercion to take and share intimate photos”*). They also consider online abuse to be a *“less severe”* form of violence compared to in-person sexual abuse (*“but I don't see it on the same level as this, it's also traumatic, but I think this is much worse than online”*).

The concept of the victim

“girls between 13 to 18 years old, something like that, because men, especially older ones, consider them too naive to understand certain things”

Children victims indicate that victims of sexual abuse are most often female since *“girls are gentler, easier to attack, more vulnerable, especially if they are younger or something like that”*; although they are aware that *“boys can be victims too”*. Regarding age their opinions are divided. Some believe that younger children are more frequently victims, while others think older children are more at risk. Although they acknowledge that anyone can be a victim, they mention certain factors that may contribute to children becoming victims, e.g., poor relationships with parents, frequent going out and staying out late, developmental difficulties. In terms of gender and age some believe that victims are more often *“in puberty and teenagers”* or *“I think, of course, younger children”*.

Participants believe that anyone could become a victim (*“It can be anyone, it can be children from poor families, it can be rich kids, it can be normal kids who are in normal conditions”*). They also recognize specific characteristics or behaviours of children that may increase the likelihood of becoming a victim of sexual violence. They for an example mention poor family relationships (*“I think it can happen that if a child doesn't have a good relationship with their parents, they seek it from another person”*), frequent going out (*“because the later you are out, you're likely to encounter more people, or drunks, or simply more adults out there who want to have fun”*) and developmental difficulties because they are *“easier to manipulate, and then it's easier to harm such a person”*.

The most frequent perpetrators

“they simply present themselves as warm people who would never do anything bad to you, and then in the end, they do”

Children victims describe the perpetrator as an older male who is known to the children linking this to the societal role of men (*“men are dominant, which is also why they want to do this”*). They depict him as someone who falsely presents himself to children as kind and positive, but once revealed, is a person with bad intentions and certain life problems. They also mention persons from higher position such as coaches and teachers (*“probably those in higher positions feel like they can do more things”*).

A larger number of children victims agree that the perpetrator is more often a known person (*“I think it's more often someone known to the child. An uncle, grandfather, sometimes father, stepfather”*). Only when prompted by the interviewer the children victims mention that the perpetrator can also be a minor (*“It can also be a child their age. Younger ones probably wouldn't do it, but it could be a younger or older person, even an adult.”*).

According to participants, the perpetrator doesn't stand out from the majority in terms of appearance (*"maybe some will look normal, I mean, outwardly normal"*) but they do point out some characteristics of the perpetrator (*"mental health is poor, they've probably been through a lot in life"* or *"drugs and alcohol, mostly alcohol"*). They add that the perpetrator's behaviour is initially kind, pleasant, and positive towards the child (*"Well, most of the time, they are the ones you'd never suspect, the nice guys".*)

Sources of information

"and in the media, it's always only when there are some famous people involved, and now it's rare to see a big headline about an ordinary person"

Parents are the first choice for all interviewed children victims (*"yes, well, I think you should first turn to your parents for help, and then they will take further steps as needed"*), with some mentioning that they talk a lot with their parents, especially after experiencing sexual violence themselves (*"well, I talked to my mom the most because she wanted to listen to me, and I felt comfortable talking to her, but I also talked to my sisters"*).

They also recognize social media as a source, emphasizing the importance of personal experience, which helps them better understand the topic and empathize with what others have gone through, thereby learning how to protect themselves (*"well, there are some pages on social media run by, let's say, experts on these matters; for example, people start talking about it on TikTok, like that, influencers usually initiate these discussions"*). The media is not as interesting to them because it doesn't provide personal stories, except for those involving celebrities (*"it can scare and upset people but sometimes it can be useful for someone to realize that it happened to them, so they can report it or learn how to defend themselves, how to report it; but a lot of the time, it can be disturbing"*).

They did not identify school as a source of information, stating that this topic is either not discussed at all or very minimally addressed in schools (*"certainly not at school, it's covered up, it's like a taboo topic in school"*) although they all emphasize the need to significantly strengthen the role of schools in educating and raising awareness among children about sexual violence and protection from sexual violence (*"yes, there should be more of it, and it should be in schools, for example, more discussions with children about what sexual abuse is and how abusers operate, and all the ways children can be abused"*).

Persons of trust

"it could continue, so I think it's definitely better to report it, but I understand that some might not want to report it considering, for example, if it's a traumatic event, they don't want to keep reliving it"

Children victims indicated that they would first approach their parents and would certainly provide personal support to their peers and try to help through conversation (*"well, if I really see or find out that it happened or suspect it, I would first talk to them, if they want to talk about it, if not with me, then I would tell them to talk to their parents, if they can't talk to their parents, then there's, like, the Brave Telephone"*).

They also mention the institutions they would contact, with a visible degree of distrust in the system (*"I think an older responsible person, but they don't always do something"; "if you have visible, I don't know, scars, bruises, or something like that, then the police, absolutely"; "but the police won't do much"; "the Centre for Social Welfare rather than the school, the school doesn't do much here"*).

Some participants believe that the problem can be solved by talking to the perpetrator without involving institutions (*"and then if the person is mentally strong enough, I think it's okay to just talk to the parents, and it can be resolved between the parents and maybe talk to the person who is the abuser; if it's something minor, then my friends and I would approach that person and talk to them, trying to solve the problem that arose"*).

Regarding reporting all unanimously agree that the violence should be reported because *"by reporting it, we send a message to stop it, in other words, to end the abuse, and by not reporting it, I don't know, we're practically just letting that person know, giving them more freedom to continue, so to speak"*. Participants understand that the reporting process is not easy, but they believe it should not discourage the victim (*"even if they don't want to, I would advise them to; I didn't want to at first either, but in the end, I think it was better that I did because I don't know how I would handle it all now"*). Ultimately, they show a lot of understanding for a child who doesn't want to report the violence, although they would encourage them to do so.

Reporting process

"it was uncomfortable, for example, when we went to social services to submit some papers and give that statement, and then they ask you about the case in the middle of the hallway with lots of people around, and you have to say it's private and not for everyone's ears"

As the most difficult experience during the reporting process, children victims pointed to the need to repeatedly recount their statements: *"you have to retell the event a thousand and one times, and you have to be aware that the system is what it is; talking to the police was quite stressful; I sat there for eight hours, hungry, and yes, it really took a long time"*. They also mentioned a certain loss of dignity and privacy. Another issue they identified was the lengthy process, which sometimes led to distrust in the system: *"my issue is that it takes so long; this has been going on for four years; and in the end, nothing will be resolved"*.

Participants also expressed concerns about the insufficiency of penalties for perpetrators: *"the sentences are too light because the person leaves the victim with it for a lifetime, for their entire life, with a memory that isn't so good, getting such a small sentence is unfair; the system is what it is, they will never get a sufficient sentence in prison, they won't experience half the hell that you went through, and the worst part is that you have to prepare yourself mentally for what you have to face."*

Additionally, participants mentioned the need for greater psychological support for the child throughout the entire process: *"because it's an event that you need to talk about with someone, otherwise, you probably couldn't handle it alone"*, while also noting that they sometimes felt like an *"object"* whose only importance was to give a statement (*"I was completely excluded, after I gave my statement, they were no longer interested in me"; "for example, there I could have had some say, I have no idea but during the assessment, I couldn't say a word, yes, literally, just read, solve tasks, put puzzles together"*).

Barnahus as the model for the future

[experts working in the Barnahus should be]
"without judgment, because we might have made mistakes and could have done better, but we are aware of that, and we don't need someone to lecture us about it"; "it's sad that I even have to say this, but they should be polite"

Children victims believe that there should be a *"Children's House"* (*"I think it would be excellent if everything was in one place, making it easier for everyone, so they don't have to go from one place to another, but instead, just to one place; I think that would be much better"*). As regards the venue, they believe that *"it shouldn't be in the city centre; personally, I prefer nature, fresh air, and greenery; it's also easier when it's not noisy and crowded; you can calm down and everything"*.

Participants emphasized that the most important aspects are the atmosphere and the feeling of safety and comfort in the Children's House (*"so that children don't feel like, 'oh, I've come here because I have trauma,' but*

rather that the child feels safe"; "and simply the atmosphere should not be tense, with all eyes on you as if you're the perpetrator and not the victim; it should be warm and cozy, with a pleasant atmosphere").

Some participants provided more detailed suggestions for the House's interior design (*"inside, it shouldn't be blue or white; blue always reminds of hospitals, and white is a terrible colour for children; it should be something like beige, with rainbows painted on the walls, different chairs, painted walls; or "here should be plenty of small tables with crayons, more toys, books; there should be a separate room with beanbags and a TV where they can watch cartoons; it should feel like a kindergarten").*

Regarding the experts who would be working in the Barnahus, they emphasized the need for experts who understand children, know how to work with them, and do not judge them (*"the ideal expert is someone who truly understands children and is good at communicating with children of all ages"; "they should be kind; they shouldn't behave badly towards them, for example; they shouldn't be too strict, and they should respect the children"; "to help reduce tension and avoid unnecessary panic or other issues").*

When it comes to the experts' qualifications, they noted that *"the job title isn't as important as what they do,"* further emphasizing the importance of the experts' approach to working with children. When listing specific professionals, psychiatrists and psychologists were most frequently mentioned (*"psychiatrists could also be there, but more as someone who has a preliminary conversation before the main discussion; they would be like the main doctors, like a mom or dad, while psychologists would be like an aunt or uncle who spoils them a bit, like a grandma").* Others also noted that it would be good if other professionals were also present, such as police officers, state attorneys, and lawyers (*"there should be a police officer when filing charges, and the state attorney should also be present when a statement is given; everything that is done in the current process should be done all at once in one place; that would be excellent").*

Children victims highlighted the importance of having a trusted person because *"a child needs time after such an event, regardless of age, to build trust and say everything, to get used to one person; that's why you need just one person, at most two."* They also believe that having the same person throughout the process is important for establishing trust (*"I think it's important to have one person they trust, so they can tell them everything and not leave out parts because they don't feel comfortable").* They also think it's important for the child to have the option to choose the gender of the professional because *"since I'm a girl, and after experiencing something like this, it's most comfortable to talk to a woman; I think it would be great if most of the professionals were women; if a boy experienced abuse, it might be easier for him to talk to a man."* Additionally, *"it's great that every child can choose whether it's easier to talk to a man or a woman".*

10. RECOMMENDATIONS FOR IMPLEMENTING THE BARNAHUS MODEL IN CROATIA



The Recommendations were prepared in line with the identified legislative, policy and institutional framework, examples of good practices and challenges as well as insights from professionals working on child sexual abuse cases, the analysed case-law and the children's views, including children victims of child sexual abuse. In addition, particular emphasis was also placed on the standards expressed by the UN, Council of Europe and EU in the analysed documents related to the protection of children against sexual abuse as well the European Barnahus Quality Standards. Their goal is to ensure a child-centred response of Croatian authorities in child sexual abuse cases. They are presented thematically.

■ BEST INTERESTS OF THE CHILD

The best interests of the child must be a primary consideration in all activities and decisions in the Barnahus regarding the child and the non-offending parent/caretaker.

Recommendation 1. *It is recommended to place the best interests of the child as the key guiding principle for all activities related to the establishment and functioning of the Barnahus model in Croatia.*

■ FAMILY-ORIENTED APPROACH

Family-oriented approach should replace its institutional counterpart by placing an emphasis on: (i) recognizing the non-offending family as the focus of the child's life, and the child's primary source of strength and support; (ii) acknowledging the uniqueness and diversity of children and families; (iii) acknowledging that non-offending parents bring relevant insight at the care-giving level and to the systems level; (iv) recognizing that family-centred care is competency enhancing rather than weakness focused; (v) encouraging the development of true collaborative relations between families and professionals; (vi) facilitating family-to-family support and providing psychological and financial support to meet the needs of family.

Recommendation 2. *It is recommended to apply a family-oriented approach in the implementation of the Barnahus model in Croatia that will be rooted in family ties as the primary source of support and understanding in co-operation with professionals working for and with children.*

■ CHILD PARTICIPATION

Child participation should be ensured throughout the decision-making process related to the implementation of the Barnahus model in Croatia, as ensured during the preparation of this Legal Analysis. In addition, any subsequent assessment of the Barnahus following its establishment should be complimented by including children's voices and perspectives. As regards activities and decisions made by professionals in child sexual abuse cases, they should ensure that children's rights to express their views and receive timely information in a child-adapted manner are respected and fulfilled.

Recommendation 3. *It is recommended to ensure child participation in the decision-making process related to the establishment, functioning and the evaluation of the Barnahus model in Croatia.*

■ NON-DISCRIMINATION

The primary target group to receive services in the Barnahus model in Croatia should be all children victims and witnesses of criminal offences related to child sexual abuse. The secondary target group is their non-offending family/caretaker.

In addition, it is proposed to bear in mind that many children victims of child sexual are physically or mentally challenged, suffer from developmental issues, come from poor socioeconomic background and are members of certain vulnerable groups. This is why it is important to ensure that all children are treated equally regardless of their disadvantage and are provided with same quality level of services in the Barnahus.

Furthermore, it is also envisaged to consider broadening the scope of the Barnahus to other groups of children within the judicial system, in particular, children victims of domestic violence within the context of criminal and misdemeanour law due to long lasting impact of negative consequences of domestic violence that can also include sexual violence; and children on whose rights courts adjudicate in family proceedings related to deciding with which parent the child will live and on visitation rights since in these proceedings parents often instigate criminal proceedings against each other alleging child abuse that can cause additional trauma to the child. This can be done in the phase following the assessment of the initial operational period of the established Barnahus.

Recommendation 4. *It is recommended to ensure that all children who will benefit from services of the Barnahus model in Croatia will be treated equally regardless of their gender, age, socioeconomic and cultural background and any other ground for discrimination that could place them at a disadvantage compared to other children.*

Recommendation 5. *It is recommended that all children victims and witnesses of criminal offences related to child sexual abuse will be the primary beneficiaries of Barnahus services in Croatia and their non-offending family members/caretakers will be the secondary beneficiaries.*

Recommendation 6. *It is recommended to assess the need of broadening the scope of Barnahus services to other groups of children participating in judicial proceedings, such as children victims of domestic violence and other types of violence.*

■ LEGISLATIVE REQUIREMENTS

At the outset it is noted that Croatia has already put in place a dedicated strategic document aimed at ensuring a broad protection of victims of sexual violence and sexual harassment, including children, that, *inter alia*, provides a legal basis for the implementation of the Barnahus model in Croatia. In particular, the National Plan for Combating Sexual Violence and Sexual Harassment for the Period until 2027, envisages the establishment of the Children's House, based on the Barnahus model, as an interdisciplinary and multisectoral centre for child victims and witnesses. The implementation is envisaged by: (i) preparing an analysis for its establishment; (ii) establishing a legal framework for its start of operations; (iii) establishing administrative capacity for its implementation and providing necessary training in this regard; (iv) developing a communication strategy for its establishment to raise awareness among the general and expert public on the harmfulness of sexual abuse and exploitation of children.

In addition, it appears that there is a high level of readiness of the Croatian legal and institutional framework for the implementation of the Barnahus model in Croatia. As regards the legislative framework, Croatia has put in place three key pieces of legislation regulating the handling of child sexual abuse case, namely the applicable Criminal Code, the Criminal Proceedings Act and the Juvenile Courts Act. They prescribe the criminal offences that entail

instances of child sexual abuse, the establishment of juvenile judges specialized in conducting respective criminal proceedings, the need to carry out an individual assessment of the child and a broad catalogue of children victim's rights including the right to support and assistance throughout the proceedings, the right to have a person of trust present, and the right to refuse to testify. They moreover envisage the manner of carrying out the forensic interview with the child, the aid of expert assistants as an important bridge between the child and the judge, and the use of audio-video equipment. Several bylaws, furthermore, prescribe the obligatory codes of conduct for professionals working on child sexual-abuse cases such as the police, the state attorneys, judges, social welfare/healthcare/education professionals to ensure an MDIA approach.

Bearing this in mind and the information obtained through questionnaires and interviews, it is proposed to put in place a dedicated piece of legislation, e.g. the Act on the Child House Based on the Barnahus model ("Barnahus Act") that would consolidate, unify and strengthen the efforts made by competent national authorities so far to provide an adequate legislative and institutional response to child sexual abuse. In doing so, emphasis should be placed on preparing this Act as a *lex specialis*, to prevent any possible overlap or discrepancies with the applicable Criminal Code, Criminal Proceedings Act and the Juvenile Courts Act as well as other legislative acts that regulate the functioning of professionals working on these cases (e.g. Police Powers Act, Social Welfare Act, Healthcare Act, Family Act). This dedicated Act could build on the already established legislative framework considering the identified examples of good practices and challenges and would operate as an umbrella piece of legislation for all relevant procedures related to child sexual abuse cases to enhance the application of the MDIA approach.

As regards its content, it is proposed to incorporate relevant provisions on the key principles of functioning, the scope of its competencies, the organizational and functional aspect of the Barnahus (location, organizational structure, personnel, manner of functioning), type of services provided and beneficiaries, detailed code of conduct prescribing the manner in which activities of all professionals working in the Barnahus will be carried out, detailed explanation on the organizational and operative aspects of the forensic interview with a clear indication that its conduct will be mandatory in the respective criminal proceedings and that the testimony obtained will have the evidentiary power, data collection and analysis, information sharing, initial and continuous training of professionals working in and with the Barnahus, evaluation and reporting to the body under which auspices the Barnahus will operate.

Recommendation 7. *It is recommended to put in place a primary piece of legislation (dedicated Act) that will regulate the establishment and functioning of the Barnahus model in Croatia in line with the MDIA approach, in particular the mandatory and evidence-based forensic interview of all children victims and witnesses of child sexual abuse under the age of 18.*

■ AVAILABILITY OF HUMAN RESOURCES

The analysed data shows a general lack of human resources handling child sexual abuse cases and a high level of workload they are assigned with. This includes juvenile police officers, juvenile state attorneys, juvenile judges, expert assistants, social welfare professionals and healthcare professionals. This is why it is important to firstly carry out a deep dive into the actual number of current professionals that would be readily available for carrying out activities in the Barnahus and to assess the general interest and motivation to work in the Barnahus. Along these lines, it is highlighted that in the first stages, the Barnahus would immensely benefit from the knowledge and experience that professionals currently working on these cases possess. Their know-how and practical insight could significantly contribute to ensuring a smooth transition from the current organization to the one that will be envisaged in the Barnahus. Additional element that should also be considered is the need to ensure the adequate financial compensation for the Barnahus personnel so that they feel appreciated, motivated, and are appropriately compensated for a high-stress workload.

Recommendation 8. *It is recommended to carry out a deep dive of the availability and readiness of human resources needed for the effective functioning of the Barnahus model in Croatia and to identify the necessary number of personnel and their financial compensation for*

carrying out their respective activities, bearing in mind the availability of professionals currently working on child sexual abuse cases to benefit from their knowledge and experience and ensure a smooth transition from the current organization to the one that will be envisaged in the Barnahus.

■ PREMISES

According to the analysed data it is proposed to establish the Barnahus premises separately from other institutions working on child sexual abuse cases. In particular, the majority of interlocutors as well as children who participated in surveys, including child victims, indicated that building the Barnahus as an institution separate from other competent authorities would contribute to preventing additional trauma to the child since for the child the very fact that they have to go to court, police station, or a social welfare/healthcare institution is stressful enough. It is therefore proposed to designate the Ministry of Justice, Public Administration and Digital Transformation as the authority under whose auspices the Barnahus will function.

In addition, the research shows that the majority of interlocutors suggest ensuring a regional coverage of the Barnahus by establishing one in all main regions, namely the central Croatia, Slavonia, Dalmatia and Istria. This is also supported by the statistics showing a geographical distribution of criminal offences from Chapter XVII of the applicable Criminal Code. In this respect two approaches are envisaged depending on the ensured financial structure.

First approach: it is proposed to initially establish the Barnahus in Zagreb as a pilot Children's House since the Zagrebačka Municipality covers courts with the highest number of a criminal offences from Chapter XVII of the applicable Criminal Code. In the ensuing period and in accordance with the lessons learned it is envisaged to assess the need to establish additional Barnahus' in the main regions. Special attention should be paid to assessing if the traveling requirement from the child's place of residence to Zagreb additionally aggravates their condition. However, in this adjustment period, mobile teams could be dispatched to transport the child to Zagreb or to carry out the forensic interview at the court equipped with the necessary audio-video equipment in cases in which travelling to Zagreb would not be feasible or detrimental for the child's wellbeing.

Second approach: It is proposed to establish four Barnahus' in Croatia in one go that would include Zagreb, Osijek, Pula and Split. This would immediately ensure the necessary regional distribution and would cover courts that according to the statistical data have the highest number of criminal offences from Chapter XVII of the applicable Criminal Code.

Financial structure: In accordance with the practice of other EU countries and the European Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child, it is proposed to use the Technical Support Instrument (TSI) generously made available by the EU to EU countries wishing to establish the Barnahus in their jurisdiction. In this respect it is noted that the TSI covers a unique service to help member states to tackle reform challenges. The support can take the form of, for example, strategic and legal advice, studies, training and expert visits on the ground. It can cover any phase in the reform process. It should, however, be noted that TSI does not cover costs related to renovation and construction works. In addition and depending on the necessary finances and the number of Barnahus' it is also proposed to research if there are any available and adequate State-owned real estates that could be used for the establishment of the Barnahus. Another option would be to explore the option of using the EEA and Norway Grants made available by Norway, Iceland and Liechtenstein to ten beneficiary countries in Europe, including Croatia.

Regardless of which approach will be applied, it is proposed to primarily assess the budget and planning activities that will be required for the implementation of the Barnahus.

Accessibility: It is proposed to establish Barnahus in an area well connected to public transport and accessible to children with special needs. This particular element was highlighted from several interlocutors.

Recommendation 9. *It is recommended that the Barnahus model in Croatia is nestled within the Ministry of Justice, Public Administration and Digital Transformation as the competent national authority for establishing and monitoring its functioning.*

Recommendation 10. *It is recommended to carry out an in-depth analysis of the available financial modalities for setting up the Barnahus provided by the EU and the EEA and Norway Grants as well as to analyse the possibility of using available State-owned real-estates.*

Recommendation 11. *It is recommended to decide on the number of Barnahus premises in Croatia in order to envisage the necessary budget, roadmap and business plan for setting up the Barnahus model in Croatia and to preferably set up four Barnahus premises to ensure regional coverage, and equal access to Barnahus services, bearing in mind the cultural diversities of national regions and the regional prevalence of child sexual abuse cases.*

Recommendation 12. *It is recommended to situate the Barnahus premises in the vicinity of public transportation to ensure accessibility to all children, in particular those with special needs.*

■ CHILD-FRIENDLY ENVIRONMENT

Interior environment: The Barnahus should be decorated in a manner that is child and family-friendly and age-appropriate. The premises should be physically safe for children of all ages and developmental abilities. Separate, soundproof and private areas should be ensured for conducting the forensic interview and the medical examination, for providing counselling and for ensuring pauses and rest between the activities.

Preventing contact with the defendant: Contact between the perpetrator and the child should be prevented at all times during the activities in the Barnahus. In this respect, it is proposed to envisage at least two separate entrances and several separate rooms so that the child and the perpetrator do not see each other during the time in the Barnahus.

Interview room: The interview room should be envisaged for the child, and the expert facilitating the interview. Live audio and video observation of the forensic interview should be enabled for the competent judge, state attorney and the defence in a room other than the interview room as well as for the interagency team assigned to the child.

Recommendation 13. *It is recommended to design the Barnahus in a child-friendly manner with an adequate number of rooms for each of the provided services and to ensure that the contact between the child and the defendant is prevented at all times.*

■ JUDICIARY RE-STRUCTURING

According to the research made it is proposed to focus the judiciary re-structuring on a genuine specialization of juvenile judges who would only or predominantly (e.g., 70% of their workload) work on child-related cases, including criminal proceedings related to criminal offences carried out to the detriment of the child and those committed by juveniles. In particular, a veritable assessment of requirements for appointing a juvenile judge should be envisaged, e.g. the propensity for working on child-related cases and their basic knowledge in the fields of criminology, social pedagogy, youth psychology and social work related to juveniles. In this respect initial and continuous education for juvenile judges and those wishing to be appointed as such should be prescribed as mandatory. Moreover, it is recalled that juvenile judges are appointed for a term of five years with a possibility of re-appointment. In this respect it is proposed to carry out a genuine assessment of the juvenile judge when deciding on re-appointment by taking into account the trainings undertaken, and motivation and willingness to continue

carrying out such a stressful task. This is proposed as a first phase of the judiciary re-structuring of the juvenile judicial system.

Subsequently, after the mandatory initial and continuous trainings as well as the genuine assessment of key criteria for the appointment are put in place, considerations could be had as regard the reduction of the number of juvenile courts. It should however be noted that, at this point, the majority of interlocutors oppose the idea of reducing the number of juvenile judges without primarily ensuring their veritable specialization. They are of the opinion that this could contribute to the existing high workload of cases that could hamper their obligation to put the child's best interests first. In considering the reduction of juvenile courts, it is proposed to firstly identify the courts with a continuously high number of child-related cases and the need to ensure their geographical distribution. In addition, as an important risk factor identified in this research is the lack of public transport in rural and remote areas in which a high number of children reside. In this respect, alternatives should be considered to overcoming this obstacle and ensuring the right to access to court.

Recommendation 14. *It is recommended to ensure a genuine specialization of juvenile judges by envisaging a regular veritable assessment of legislative requirements for appointing and re-appointing a juvenile judge and by ensuring initial and continuous training as one of the key appointing criteria.*

Recommendation 15. *It is recommended to scan the state of play of the current judicial system envisaging juvenile judges, the number and the level of difficulty of cases assigned to them, and depending on the outcome, to identify the need for the reduction of juvenile courts bearing in mind the need to identify juvenile courts with a continuously high number of child-related cases and the need to ensure their geographical distribution as well as accessibility to child victims and witnesses.*

■ FORENSIC INTERVIEWS

Mandatory forensic interview for all children under the age of 18: On the basis of the vast majority of interlocutors, it is envisaged to introduce an obligatory forensic interview for all children under the age of 18 by use of audio-video link and the facilitation of the expert assistant. In this respect, it is highlighted that two major international documents related to the protection of children's rights against abuse, namely the UN Convention on the Rights of the Child and the Lanzarote Convention define a child as a person under the age of 18 without distinguishing the access to rights envisaged therein on the basis of different age groups of children. It is important to ensure a unified approach to all children since the conduct of the forensic interview in other ways than the one described could be detrimental for the child's wellbeing and contribute to the re-traumatisation. Moreover, once the forensic interview is recorded it can be reproduced and examined during the trial and even in the reopened proceedings following a legal remedy. This is one of the most important consequences of this interview that aims at preventing additional trauma to the child. In addition, this would also eliminate the current above-mentioned discrepancy between the applicable Criminal Proceedings Act and the Juvenile Act as regarding the age that envisages this type of forensic interview. Against this backdrop, it is highlighted that this would require a legislative amendment of the applicable Criminal Proceedings Act and the Juvenile Act.

Evidence-based status and procedures for conducting the forensic interview: Many of the interlocutors emphasized the need to prescribe that the forensic interview carried out in the Barnahus will be considered as evidence before court. It is proposed to support this suggestion by reflecting it in the applicable legislation to avoid any possible misunderstanding and to strengthen the evidentiary based status of the forensic interview. In addition, the protocol for carrying out the forensic interview should be described in detail to ensure that it is done in a child-friendly manner.

Location and recording: It is proposed to prescribe the mandatory conduct of all forensic interviews related to child sexual abuse in the Barnahus and that they will be used as evidence in criminal proceedings. They will be carried out

in a specially equipped room, audio-video recorded and facilitated by a child expert. Along these lines it is important to ensure the sufficient number of functional audio-video equipment for the interview in the Barnahus.

Audio-video equipment: Functional audio-video equipment for conducting the forensic interview should be ensured. It is also proposed to carry out a research into the availability and functionality of audio-video equipment for interviewing children at competent courts. This is even more important if in the initial phase only one Barnahus in Zagreb will be established and in this adaptation period it will still be necessary in some cases to examine children at courts.

MDIA presence: The forensic interview will be facilitated by a child interviewer who will be in the room with the child and who will be conveying the questions posed by the juvenile judge in a child-adapted manner by using the relevant technical equipment. Other members of the interagency team will be able to observe the interview either live in another separate room or recorded.

Adapted to a child: When conveying questions to the child, the child interviewer will place a particular emphasis on the protection of the best interests of the child and convey them in a child-adapted manner bearing in mind the child's age, development, possible challenges and needs and cultural background.

Prevention of unnecessary additional forensic interviews: The number of the forensic interviews carried out in the Barnahus should be limited to a minimum and any additional one should be facilitated by the same child expert that conducted the first one. It is also advisable to prescribe the situations in which additional interviews can take place in a more detailed manner to prevent possible misuse of this institute and send a clear picture than any additional questioning of the child exacerbates additionally their trauma. This would require changes of the applicable legislative acts.

Recommendation 16. *It is recommended to introduce the mandatory forensic and evidence-based interview for all children under the age of 18 in the Barnahus by use of audio-video link and the facilitation of child interviewers.*

Recommendation 17. *It is recommended to identify the availability and functionality of audio-video equipment for interviewing children at competent courts if the possibility of interviewing children at courts will remain as an option in addition to child interviews in the Barnahus and if the authorities will envisage an on-line participation of the investigating judge and the parties at the interview.*

■ PREVENTING UNDUE DELAYS

It should be ensured that the criminal proceedings are carried out urgently and without delay as prescribed by the applicable Criminal Proceedings Act and Juvenile Courts Act to avoid additional trauma. According to the perception of children victims who participated in this research it takes several years before the decision is delivered and they seem to have a general distrust in the system promptly finalizing the criminal proceedings. In addition, according to the gathered statistics, in the majority of cases (almost 80%) the criminal proceedings involving an indicted defendant lasted more than 12 months. The need to promptly carry out activities in the Barnahus include not only the forensic interview but the provision of social-welfare and healthcare services as well. This also contributes to ensuring the necessary body of evidence since in these cases there are predominantly no direct eyewitnesses and there is a lack of material evidence.

Recommendation 18. *It is recommended to identify and analyse the reasons for the extensive length of proceedings related to child sexual abuse and to put in place adequate measures aimed at ensuring that criminal proceedings related to child sexual abuse are carried out promptly and without delay.*

■ MEDICAL EVALUATION AND TREATMENT

Location: It is important to ensure that the medical evaluation and treatment is carried out in the Barnahus according to the European Barnahus Quality Standards and the need to ensure that all professionals are under one roof providing support and assistance to the child, unless hospital setting is required in specific cases.

However, as already indicated above, according to the applicable Healthcare Act, currently there is no legal possibility to examine the child victim outside a healthcare institution. However, it appears that according to Article 41 Par 3 of the Healthcare Act, the healthcare activity can be performed by other legal and physical persons in line with specific legislation and add that such activity is carried out by specific units of the ministry competent for justice in line with special legislation. The Ministry of Health confirmed that if the Barnahus model will operate under the auspices of the Ministry of Justice, Public Administration and Digital Transformation there is no need to amend the Healthcare Act since the legal basis for the provision of healthcare services will be the indicated Article 41 Par 3 of the Healthcare Act

This additionally strengthens the proposal for establishing the Barnahus under the auspices of the Ministry of Justice, Public Administration and Digital Transformation, to ensure the necessary legal ground for enabling the medical examination of child victims outside healthcare institution.

Accessibility: It is proposed to envisage that healthcare professionals are readily available (in the near vicinity of the Barnahus) to ensure their prompt accessibility to the child victim and that the premises are furnished with the necessary medical equipment adapted to the needs of the child since according to the research conducted it seems that currently there are only five healthcare institutions in Croatia equipped with such instruments.

Recommendation 19. *It is recommended to ensure availability and promptness of healthcare services for children beneficiaries of Barnahus pursuant to an adequate legal basis by securing necessary medical equipment, in particular for gynaecological examinations, and by ensuring available healthcare providers at the regional and national level.*

Recommendation 20. *It is recommended that the Barnahus model in Croatia operates under the auspices of the Ministry of Justice, Public Administration and Digital Transformation since its dedicated units are authorized to provide healthcare services outside healthcare institutions according to Article 41 Paragraph 3 of the applicable Healthcare Act.*

■ MENTAL HEALTH EXAMINATION AND TREATMENT

Assessment and treatment: Child assessment should be done promptly upon the child's arrival to the Barnahus and should be tailored to the needs of the child and the circumstances of the case. The assessment should include an evaluation of the necessary duration of the treatment that could be provided on a short-term and/or long-term bases regardless of the duration of the criminal proceedings.

Availability: It is proposed to envisage that professionals providing the necessary mental health support are permanently employed in the Barnahus to ensure their prompt accessibility to the child victim and non-offending family members, including in crisis interventions.

Recommendation 21. *It is recommended to put in place a dedicated protocol for assessing and providing treatment to children beneficiaries of Barnahus tailored to their individual needs and duration necessary for strengthening their wellbeing.*

Recommendation 22. *It is recommended to ensure that experts providing mental health examination and treatment are permanently employed in the Barnahus to ensure prompt and continuous availability for children and their non-offending family members/caretakers, including in crisis intervention.*

■ MDIA APPROACH

Formal status: Barnahus should be embedded in the judicial system, law enforcement, child protection service and the health system regardless of the fact whether it operates within a specific institution or separately. In this respect the system ensures that the Barnahus works with and for children bringing all professionals under one roof and preventing that the child is brought from one institution to another.

Structured and transparent MDIA collaboration: The legislation regulating the Barnahus should envisage detailed protocols of action for the professionals working with the child, including their individual obligations stemming from their specific competencies to joint activities with other professionals. There are several reasons for envisaging such MDIA approach: (i) ensuring that professionals come to the child and provide their services under one roof to prevent the child wondering from one institution to another that additionally exacerbates their trauma; (ii) preventing the laps of time which is a key element possibly undermining the validity of the child's testimony in particular, since in many cases there is a lack of direct witnesses and material evidence to help strengthen the child's account of events; (iii) ensuring that a trained team provides services to the child in a child-adapted manner; (iv) exchanging information between the relevant professionals relevant for making decisions within their own competencies. When drafting the relevant code of conduct for professionals, it is envisaged to build on the existing relevant bylaws, in particular the Protocol on Procedures in Cases of Sexual Violence that already describes in detail how professionals should carry out their activities and to adapt it to the needs of the Barnahus. It should be envisaged that the MDIA approach starts from the initial report of the abuse and lasts throughout the activities carried out in the Barnahus.

Recommendation 23. *It is recommended to put in place a detailed and comprehensive protocol of action for professionals working with the child victim or witness, including their individual obligations stemming from their specific competencies to joint activities with other professionals in line with the MDIA approach.*

■ CHILD INTERVIEWERS

It is proposed to ensure a centralized body, preferably within the Ministry of Justice, Public Administration and Digital Transformation, who would be tasked with monitoring the needs and tendencies related to child interviewers and expert assistants to ensure that their voices are heard in relevant decision-making processes and to ensure putting in place measures aimed at strengthening their role, such as the necessary training, and supervision. It is furthermore necessary to ensure that child interviewers undergo trainings on forensic interviewing and evidence-based protocols.

Recommendation 24. *It is recommended to set up a dedicated unit within the Ministry of Justice, Public Administration and Digital Transformation tasked with identifying challenges and needs of child interviewers and expert assistants and envisaging measures aimed at strengthening their roles and competencies in the judiciary.*

Recommendation 25. *It is recommended to ensure that child interviewers receive initial and continuous mandatory trainings on forensic interviewing of children victims and witnesses of sexual abuse and on evidence-based protocols in line with the applicable international standards laid down by the UN, Council of Europe, EU and Key Common Criteria for Barnahus and European Barnahus Quality Standards.*

■ INTERAGENCY PLANNING AND CASE MANAGEMENT

Formal procedures and regular routines: Interagency case review and planning should be formalised by mutually agreed procedures that are evaluated on a regular basis. Regular keeping records and access to information should be ensured to the interagency team members.

Support person: It is proposed to ensure that the leadership of the Barnahus monitors the MDIA response to ensure continuous support and follow-up with the child and the non-offending family members.

Recommendation 26. *It is recommended to put in place procedures for interagency planning and case management in Barnahus along with the necessary evaluation and follow-up to ensure that services are provided in line with the needs of the child and their non-offending family members/caretakers.*

■ TRAININGS

It is proposed to ensure initial and continuous trainings for professionals working under the framework of the Barnahus in order to ensure their genuine specialization necessary for working on these cases, to keep the relevant professionals informed on the tendencies and phenomena related to child sexual abuse, to enable them to exchange experiences between each other and thereby contribute not only to raising their awareness but to strengthening the mutual understanding necessary for their co-operation and protection of children. It is also proposed to include journalists in trainings with the relevant professionals to sensitize their understanding of the impact that revealing information in newspapers on the child regarding the sexual abuse has on its wellbeing. In this respect it is important to highlight that within the framework of this Project, the Training Gap Analysis was prepared in parallel with the Legal Analysis. It provides specific recommendations regarding education and training of professionals working with and for children who are victims of sexual abuse.

Recommendation 27. *It is recommended to envisage interactive initial and continuous mandatory trainings aimed at exchanging information and identifying challenges for all professionals working with and for children in Barnahus, namely, police, prosecutors, judges, child interviewers, professionals providing psychological support to children, social welfare services, healthcare services, and education professionals as well as to embed mandatory trainings in the applicable legislation. It is also recommended to bear in mind the need to include awareness raising on relevant international standards stemming from applicable UN, Council of Europe and EU documents, Key Common Criteria for Barnahus and European Barnahus Quality Standards, when preparing the curriculum for trainings as well as the specificities and needs of the national legal system and practice.*

Recommendation 28. *It is recommended to include journalists in trainings for professionals working with and for children in the Barnahus to raise their understanding of the impact that revealing information in the media on the child regarding the sexual abuse has on its wellbeing.*

■ STATISTICS

On the basis of the analysed information it is proposed to set up a designated central authority within the Ministry of Justice, Public Administration and Digital Transformation, responsible for data collection and analysis, and introducing an integrated data collection system that would enable consolidated statistics and systematic monitoring of tendencies related to sexual violence of children. It would enable the relevant authorities to monitor the prevalence of child sexual abuse in Croatia and ensure evidence-based legislative changes in line with the identified good practices and challenges. It would also enable the academia and independent experts, access to relevant data necessary for researching this particular topic and shaping recommendations in this respect.

Recommendation 29. *It is recommended to set up a dedicated unit within the Ministry of Justice, Public Administration and Digital Transformation tasked with gathering, consolidating and analysing data related to sexual violence of children with a view to identifying good practices and challenges and ensuring evidence-based legislative changes.*

■ EVALUATION

It is proposed to envisage regular and continuous evaluation of the functioning of the Barnahus in Croatia with a view to promptly addressing possible gaps and to build on examples of good practices and to direct the development of the Barnahus with the assessed situation on the ground and relevant international standards.

Along these lines, it is proposed to carry out the initial evaluation following a four-year implementation period to build on the lessons learned and the experience gathered. Subsequently it is proposed to evaluate and report on the practical implications of the Barnahus within the same timeframe.

Recommendation 30. *It is recommended to carry out an initial evaluation of the application of the Barnahus model in Croatia following a four-year implementation period to identify the progress made and challenges occurred and to envisage subsequent regular evaluations within the same timeframe.*

LIST OF TABLES

Table 1.	List of interlocutors who provided completed questionnaires
Table 2.	List of interviewed stakeholders with the dates on which they were carried out
Table 3.	Presentation of municipal and county courts with/without juvenile departments
Table 4.	National coverage of courts with juvenile departments and juvenile state attorneys at municipal and county level
Table 5.	National coverage of juvenile police officers in Croatia per each police department
Table 6.	Availability of expert assistants at competent county and municipal courts
Table 7.	Excerpts from relevant case-law of the Supreme Court and Constitutional Court indicating the development of the national jurisprudence over the years warranting effective conduct of child-friendly interviews in child sexual abuse cases
Table 8.	Excerpts from the case-law of the High Criminal Court and county courts showing continuous efforts to ensure that forensic interviews of children are carried out in an effective and child-adapted manner
Table 9.	Top 15 courts with the highest prevalence of convicted criminal offences related to child sexual abuse and sexual exploitation
Table 10.	Distribution of criminal offence related to child sexual abuse and sexual exploitation per municipality
Table 11.	Conditional and Unconditional Prison Sentences for Criminal Offences from Chapter XVII of the Criminal Code
Table 12.	Length of criminal proceedings for criminal offences under Chapter XVII of the applicable Criminal Code
Table 13.	Criminal offences from the Chapter XVII of the applicable Criminal Code from 2019 to 2023
Table 14.	Child victims from 2019 to 2023
Table 15.	Age and gender of children participants
Table 16.	Sources of information on children's rights
Table 17.	Children's participation in decision-making processes
Table 18.	Children's awareness on the topic of sexual abuse
Table 19.	The impact of on-line and off-line child sexual abuse on children
Table 20.	Sexual abuse offenders
Table 21.	The frequency of child sexual abuse by men
Table 22.	Risk factors contributing to children becoming victims of sexual abuse
Table 23.	The gender of the child victim of sexual abuse
Table 24.	The age of the child victim of sexual abuse
Table 25.	Most appropriate age for children to start receiving information on protection from sexual abuse
Table 26.	Source of information on child sexual abuse
Table 27.	The existence of child support in sexual abuse cases
Table 28.	Persons of trust in child sexual abuse cases
Table 29.	Children's views on the Barnahus model
Table 30.	Essential features of the Barnahus model in Croatia

LIST OF SOURCES

1. Action plan for combating sexual violence and sexual harassment for the period until 2024, Ministry of Labour, Pension System, Family and Social Policy, <https://search.coe.int/cm?i=09000016804b2cf3>,
2. Action Plan for the prevention of school violence (2020-2024), Ministry of Science, Education and Youth, <https://mzom.gov.hr/UserDocsImages//dokumenti/StrucnaTijela//Akcijski%20plan%20za%20prevenciju%20na%20silja%20u%20skolama%20za%20razdoblje%20od%202020.%20do%202024.%20godine.pdf>
3. Action plan for the rights of children in the Republic of Croatia for the period between 2022 to 2024, Ministry of Labour, Pension System, Family and Social Policy, <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Akcijski%20plan%20za%20prava%20djece%20u%20RH%20za%20razdoblje%20od%202022.%20do%202024.%20godine.pdf>
4. Action report of the Republic of Croatia in A. group of cases v. Croatia, application no. 7144/15, submitted to the Committee of Ministers of the Council of Europe on 31 July 2020, www.hudoc.exec.coe.int,
5. Action report of the Republic of Croatia in case M. and M. v. the Republic of Croatia, application no. 10161/13, submitted to the Committee of Ministers of the Council of Europe on 30 July 2020, www.hudoc.exec.coe.int,
6. Action report of the Republic of Croatia in the case of Branko Tomašić and Others v. Croatia, application no. 46598/06, submitted to the Committee of Ministers of the Council of Europe, www.hudoc.exec.coe.int,
7. Case of A. v. Croatia, ECtHR, application no. 55164/08, judgment of 14 October 2010, www.hudoc.echr.coe.int,
8. Case of A. and B. v. Croatia, ECtHR, application no. 7144/15, judgment of 20 June 2019, www.hudoc.echr.coe.int,
9. Case of Bljakaj and Others v. Croatia, ECtHR, application no. 74448/12, judgment of 18 September 2014, www.hudoc.echr.coe.int,
10. Case of Branko Tomašić and Others v. Croatia, ECtHR, application no. 46598/06, judgment of 15 January 2009, www.hudoc.echr.coe.int,
11. Case of Kurt v. Austria, ECtHR, Grand Chamber, application no. 62903/15, judgment of 15 June 2021, www.hudoc.echr.coe.int,
12. Case of M. and M. v. Croatia, ECtHR, application No. 10161/13, judgment of 16 May 2013, www.hudoc.echr.coe.int,
13. Case of X v. Bulgaria, ECtHR, Grand Chamber, application no. 22457/16, judgment of 2 February 2021, www.hudoc.echr.coe.int,
14. Case law of the Constitutional Court of the Republic of Croatia: decision no. U-III-7231/2022,
15. Case-law of the High Criminal Court of the Republic of Croatia: judgment no. Kžd-6/2021, judgment no. Kžd-32/2021, judgment no. Kžd-19/2020, judgment no. Kžd-18/2021,
16. Case-law of the Osijek Municipal Court: judgment no. Kzd-110/2020,
17. Case-law of the Split County Court: judgment no. Kzd-43/18, judgment no. Kžd-42/2019
18. Case-law of the Supreme Court of the Republic of Croatia: decision no. KŽ-784/2001, judgment no. Kž-299/2005, judgment no. Kž-1102/2006, judgment no. Kž-43/2008, decision no. Kž-988/2009, judgment no. Kžm-8/2015, decision no. Kžm-30/2019, judgment no. Kžd-23/2019, decision no. Kž-47/2020, judgment no. Kžd-13/2020, decision no. Kžd-15/2020, judgment no. Kžd-7/2021,
19. Case-law of the Zagreb County Court: judgment no. Kzd-41/17, judgment no. Kžd-113/2022, judgment no. Kžd-218/2022,
20. Charter of Fundamental Rights of the European Union, https://www.europarl.europa.eu/charter/pdf/text_en.pdf,

21. Children's Houses in Croatia - Barnahus, Lana Petö Kujundžić, PhD, judge of the High Criminal Court of the Republic of Croatia and Matea Babić, senior expert assistant at the Zagreb County Court, article presented during the seminar on "Novelties in criminal legislation – 2024" in Opatija,
22. Committee of the parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, 1st implementation report of 4 December 2015, <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>,
23. Committee of the parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, 2nd implementation report of 31 January 2018, <https://rm.coe.int/2nd-implementation-report-protection-of-children-against-sexual-abuse-/16808d9c85>,
24. Committee of the parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Implementation report of 10 March 2022, <https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4>,
25. Committee of the parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, 8th activity report of 6 March 2024, <https://rm.coe.int/8th-activity-report-of-the-lanzarote-committee/1680af288d>,
26. Concluding Opinion of the UN Committee on the Rights of the Child for Croatia of 22 June 2022, (CRC/CRV/HRV/CO/5-6), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FHrv%2FCO%2F5-6&Lang=en,
27. Convention on action against trafficking in human beings, Council of Europe, [https://www.coe.int/en/web/impact-convention-human-rights/council-of-europe-convention-on-action-against-trafficking-in-human-beings#/,](https://www.coe.int/en/web/impact-convention-human-rights/council-of-europe-convention-on-action-against-trafficking-in-human-beings#/)
28. Convention on Cybercrime, Council of Europe, <https://www.coe.int/en/web/cybercrime/the-budapest-convention>
29. Convention on preventing and combating violence against women and domestic violence, Council of Europe, <https://www.coe.int/en/web/istanbul-convention/home?>,
30. Convention on the protection of children against sexual exploitation and sexual abuse, Council of Europe, <https://www.coe.int/en/web/children/lanzarote-convention>,
31. Convention on the rights of the child, United Nations https://www.unodc.org/pdf/criminal_justice/UN_Convention_on_the_Rights_of_the_Child.pdf,
32. Council of Europe Strategy on the rights of the child (2022-2027), <https://www.coe.int/en/web/children/strategy-for-the-rights-of-the-child>,
33. Criminal Code (OG No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24),
34. Criminal Procedure Act (OG 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, 130/20, 80/22, 36/24),
35. 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, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>,
36. 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, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0093>,
37. Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036>,
38. European Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, https://prd-echr.coe.int/documents/d/echr/Convention_ENG
39. European Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401238,

40. European Union Strategy for a more effective fight against child sexual abuse, <https://www.europarl.europa.eu/legislative-train/theme-promoting-our-european-way-of-life/file-eu-strategy-to-fight-child-sexual-abuse>,
41. European Union Strategy on the rights of the child, <https://eur-lex.europa.eu/EN/legal-content/summary/eu-strategy-on-the-rights-of-the-child-and-the-european-child-guarantee.html#:~:text=The%20European%20Union%20%28EU%29%20strategy%20on%20the%20rights,by%20combating%20child%20poverty%20and%20fostering%20equal%20opportunities>,
42. Family Act (OG No. 103/15, 98/19, 47/20, 49/23, 156/23),
43. Guidelines for policymakers on engaging with victims and survivors of child sexual exploitation and sexual abuse, professor S Caroline Taylor AM and Sofie Otiende, Council of Europe, March 2024, <https://rm.coe.int/guidelines-for-policy-makers-on-engaging-with-victims-and-survivors-of/1680af81c9>,
44. Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, Council of Europe, October 2011, <https://search.coe.int/cm?i=09000016804b2cf3>,
45. Handbook for professionals and policymakers on justice in matters involving child victims and witnesses of crime, UN Office on Drugs and Crime, https://www.unodc.org/e4j/data/_university_uni_/handbook_for_professionals_and_policymakers_on_justice_in_matters_involving_child_victims_and_witnesses_of_crime.html,
46. Health Care Act (OG No. 100/18, 125/19, 147/20, 119/22, 156/22, 33/23, 36/24),
47. Inception Report, Joint EU-Council of Europe project “Implementing the Barnahus Model in Croatia”, December 2023, <https://rm.coe.int/inception-report-of-the-barnahus-croatia-project/1680ae34ac>,
48. Juvenile Courts Act (OG No. 84/11, 143/12, 148/13, 56/15, 126/19),
49. Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states, Council of Europe, Children’s Rights Division, September 2023, <https://rm.coe.int/barnahus-a-european-journey-mapping-study-on-multidisciplinary-and-int/1680acc3c3>,
50. National Plan for Combating Sexual Violence and Sexual Harassment for the period until 2027, Ministry of Labour, Pension System, Family and Social Policy, <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Akcijski%20plan%20za%20prava%20djece%20u%20RH%20za%20razdoblje%20od%202022.%20do%202024.%20godine.pdf>
51. National Plan of the Republic of Croatia for the rights of the child for the period from 2022 to 2026, Ministry of Labour, Pension System, Family and Social Policy, <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Nacionalni%20plan%20za%20prava%20djece%20u%20Republici%20Hrvatskoj%20za%20razdoblje%20od%202022.%20do%202026.%20godine.pdf>
52. Optional Protocol to the Convention on the rights of the child on a complaints procedure, https://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf,
53. Optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution and child pornography, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>
54. Police Powers Act (OG No. 76/09, 92/14, 70/19),
55. Protection against Domestic Violence Act (OG No. 70/17, 126/19, 84/21, 114/22, 36/24),
56. Protocol for the identification, assistance and protection of victims of trafficking in human beings,
57. Protocol on procedures in cases of child abuse and neglect, adopted at the session of the Croatian Government of 13 November 2014,
58. Protocol on procedures in cases of domestic violence, adopted at the session of the Croatian Government of 19 June 2019,
59. Protocol on procedures in cases of violence among children and youth, adopted at the session of the Croatian Government of 1 April 2024,

60. Recommendation (CM/Rec(2009)10) of the Committee of Ministers of the Council of Europe to member States on integrated national strategies for the protection of children from violence, adopted on 18 November 2009, <https://search.coe.int/cm?i=09000016805d023d>,
61. Recommendation (CM/Rec(2023)2) of the Committee of Ministers of the Council of Europe to member States on rights, services and support for victims of crime, adopted on 15 March 2023, <https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922>,
62. Resolution 2005/20 of the UN Economic and Social Council of 22 July 2005 - Guidelines on justice in matters involving child victims and witnesses of crime, <https://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>,
63. Rules of procedure for educational workers in schools on undertaking protective measures of pupils' rights and on reporting any violation of these rights to competent authorities, (OG No. 132/13),
64. Rules of procedure for police officers, (OG No. 20/22),
65. Rules of procedure on the manner of conducting an individual assessment of the victim (OG No. 106/17),
66. Rules of procedure on the work of non-legal expert assistants in the field of youth delinquency and criminal justice protection of children in state attorneys' offices and courts, (OG No. 22/13),
67. Social Welfare Act (OG No. 18/22, 46/22, 119/22, 71/23, 156/23),
68. Strategic Framework for Mental Health Development 2030, Ministry of Health, <https://zdravstvo.gov.hr/UserDocImages/2022%20Objave/STRATE%C5%A0KI%20OKVIR%20RAZVOJA%20MEN TALNOG%20ZDRAVLJA%20DO%202030..pdf>,
69. Third cycle of the UN Human Rights Council Universal Periodic Review (2017-2022), 36th session of the Working Group – overview for Croatia, <https://www.ohchr.org/en/hr-bodies/upr/hr-index>,