



**Croatia's Compliance with the International Covenant on Civil and Political Rights:
Victims of Sexual Violence, People Affected by Displacement, Trafficking in Persons, and
Sexual and Reproductive Rights**

Submitted by

**Autonomous Women's House Zagreb – Women against Violence against Women, Centre
for Women War Victims – ROSA and The Advocates for Human Rights**, a non-
governmental organization in special consultative status with ECOSOC since 1996

**for the 141st Session of the Human Rights Committee
1 - 23 July 2024**

Submitted 7 June 2024

Autonomous Women's House Zagreb (“AWHZ”) is a feminist, non-governmental and non-profit organization providing support and help to women who have survived violence and empowering women's position in society since 1990. AWHZ runs the only shelter in the country with a secret address, providing accommodation, legal aid and representation and psychological aid, as well as a Counseling Centre for women, with a free hotline, in person counseling, risk assessment and safety planning, psychological counseling and legal aid. AWHZ has carried out numerous public campaigns against violence against women and has advocated for legal changes and better implementation of existing legislation.

Centre for Women War Victims – ROSA (“Centre ROSA”) is a non-governmental, feminist, anti-militaristic organization founded in 1992 with an aim to empower women, reacting to war violence against women, as well as misogynic and nationalistic politics in Croatia and the countries of former Yugoslavia. By empowering women regardless of their nationality, ethnicity, religious beliefs, status, age and sexual orientation we contribute to improving women's human rights, and women's position in society.

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has published more than 30 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

EXECUTIVE SUMMARY

1. This report addresses Croatia's compliance with its obligations under the International Covenant on Civil and Political Rights (ICCPR) with respect to women in all their diversity affected by sexual violence during conflict, displacement, trafficking in persons, and reproductive rights. This report recommends that Croatia adopts a number of key recommendations to better align its practices with its obligations under the Convention. These steps, among other things, include: (1) expanding the scope of and protection available under the Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War; (2) ensuring the provision of standard operating procedures and gender-sensitive guidance to all officials who may come into contact with migrant women, covering the identification, interviewing, processing, and adjudication of claims related to gender-based violence; (3) introducing specific protection and support measures for women and girls who are victims of human trafficking, addressing their unique vulnerabilities and trauma; and (4) ensuring the right of every woman and girl to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive rights, free from discrimination, coercion and violence.¹
2. This report's information was gathered from a review of current laws and policies, as well as materials, reports, and analyses prepared by the authors and international, regional, and domestic governmental and non-governmental bodies. In addition, first-hand information was collected through interviews conducted with multiple Croatian experts in violence against women (VAW) from non-governmental organizations providing direct services to victims/survivors of domestic violence and their children. Moreover, the report presents data and analysis gathered from service providers' trends, cases, and day-to-day practice.

Croatia fails to uphold its obligations under the ICCPR

3. Croatia has ratified international and regional treaties relevant to its obligations to prevent and eliminate VAW. Croatia succeeded to the Convention on the Elimination of All Forms of Discrimination against Women on 9 September 1992 and to the ICCPR on 12 October 1992.² Croatia adopted the International Conference on Population and Development Programme of Action on 13 September 1994³ and the Beijing Platform for Action of the Fourth World Conference on Women on 1 September 1995.⁴ At the regional level, Croatia signed the Council

¹ This report should be read in conjunction with the parallel submission to the Human Rights Committee by AWHZ, ROSA, and The Advocates for Human Rights entitled, "Croatia's Compliance with the International Covenant on Civil and Political Rights: Violence against Women."

² OHCHR. "View the ratification by country or by treaty. Ratification Status for Croatia." Accessed May 29, 2024, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=43&Lang=EN.

³ Permanent Mission of Croatia to the United Nations. Statement by H.E. Minister of Health Prof. Dr. Željko Reiner: The review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development - New York, 30 June - 2 July 1999, (July 2, 1999), available at <https://www.unfpa.org/sites/default/files/resource-pdf/croatia.pdf>.

⁴ The Office for Gender Equality, Government of the Republic of Croatia. The Republic of Croatia: A Comprehensive Review of the Situation at the National Level on the Occasion of the Twenty-fifth Anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action,

of Europe Convention on preventing and combating violence against women and domestic violence (“the Istanbul Convention”) on 22 January 2013 and ratified it on 13 April 2018.⁵

I. Accountability for past human rights violations (arts. 2, 6, 7, 14 and 16) – Victims of sexual violence

4. In its 2019 List of Issues Prior to Reporting, the Human Rights Committee (“the Committee”) requested the State Party to report on measures for expediting prosecution of violations of war crimes and crimes against humanity,⁶ steps taken to strengthen the legal framework and effective remedies for civilian war victims,⁷ and progress in implementation of a range of Acts in domestic law pertaining to reparations.⁸
5. In its fourth periodic report, the State Party explained how judges and prosecutors are being trained in handling war crimes cases, methods of cooperation with other countries in the region have been established, and the State Attorney’s Office is relying on the International Criminal Tribunal for the Former Yugoslavia’s public electronic database to support prosecution.⁹ It explained that the legal framework for civilian war victims relies on the right to appeal at first instance or deferral to the Administrative Court.¹⁰ Full registration of victims’ rights is being completed under the Act on Croatian Homeland War Veterans and Their Family Members of 2017 and the Act on the Civilian Casualties of the Croatian Homeland War adopted in July 2021.¹¹ The State Party noted that 18,259 Croatian veterans had submitted applications under the Act on Croatian Homeland War Veterans and their Family Members, which delineates who is eligible for the right to housing care.¹²

Normative framework

(May 2019), available at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Croatia.pdf>.

⁵ Council of Europe Treaty Office. “*Chart of signatures and ratifications of Treaty 210: Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) – Status as of 29/05/2024.*” Accessed May 29 2024, <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=210>.

⁶ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶5a.

⁷ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶5b.

⁸ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶5c.

⁹ Human Rights Committee, *Fourth periodic report submitted by Croatia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020 (date received: 3 May 2022)*, UN. Doc. CCPR/C/HRV/4 (Jan. 10, 2023), ¶15-17.

¹⁰ Human Rights Committee, *Fourth periodic report submitted by Croatia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020 (date received: 3 May 2022)*, UN. Doc. CCPR/C/HRV/4 (Jan. 10, 2023), ¶20.

¹¹ *Ibid.*

¹² Human Rights Committee, *Fourth periodic report submitted by Croatia under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020 (date received: 3 May 2022)*, UN. Doc. CCPR/C/HRV/4 (Jan. 10, 2023), ¶21.

6. Croatia adopted a special Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War in 2015.¹³ According to this law, victims of sexual violence during the armed aggression against Croatia are entitled to various forms of support. They receive financial compensation, psychosocial support, and legal aid.¹⁴ Additionally, they have access to medical assistance, rehabilitation, and physical examinations.¹⁵ They are provided with both mandatory and supplementary health insurance.¹⁶ Accommodation is available in institutions offering support and services to war veterans and victims.¹⁷ Furthermore, transportation costs are covered to ensure they can exercise their rights effectively.¹⁸
7. **The Law faces several issues:** its definition and constituent acts of sexual violence are restrictive and not aligned with those recognized in international treaties such as the Rome Statute, the Statute of the International Criminal Tribunal for the former Yugoslavia, the Geneva Conventions, or the Istanbul Convention. Deviations from international standards undermine import clauses that maximize the respect for, protection of, and fulfillment of the human rights of victims of sexual violence by States Parties (including Croatia as a party to these instruments) under international law. This domestic legislation, therefore, hinders victims' access to remedies and redress, especially pertaining to their post-conflict re-integration into society. The discrepancies also contradict Croatian criminal legislation, specifically how rape is defined in the Criminal Code.¹⁹
8. The Croatian legislature limited acts of violence to wartime operations directly tied to the aggression against Croatia, excluding crimes in non-military zones.²⁰ With this limitation, the law overlooked that, during the war, the entire country was on war alert, with limited capacity to protect everyone.²¹ Crimes still occurred in areas without armed forces. The law's "closed list" of unlawful acts fails to encompass all victims of sexual violence. Severe sexual violence can vary, and the list should include indecent behavior, sexual harassment, torture, and other

¹³ Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, Official Gazette 64/15, 98/19, available at <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%Bertava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

¹⁴ Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, Official Gazette 64/15, 98/19, article 15 § 1, available at <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%Bertava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, Official Gazette 64/15, 98/19, article 34 § 3, available at <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%Bertava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

¹⁹ Law on Amendments and Supplements to the Criminal Code, Official Gazette 126/2019, art 153, available at https://narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html.

²⁰ Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, Official Gazette 64/15, 98/19, article 2 § 1, available at <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%Bertava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

²¹ Centre for Women War Victims – Rosa Constitutional Complaint: "Proposal to Initiate the Procedure for Assessing the Constitutionality Of the Law on the Rights of Victims of Sexual Violence During the Armed Aggression Against the Republic of Croatia in the Homeland War", Feb. 3, 2017, ¶ VII.1.

degrading actions, forced marriage, and gender-based persecution. Excluding these forms discriminates against victims and means widespread violence against civilians is not adequately criminalized, conflicting with international law and practice.²²

9. The definition of sexual violence committed during the Homeland War, as a war crime and a crime against humanity, is unjustifiably narrow not only because of the exhaustively listed acts previously mentioned, but also due to the unnecessary requirement that these acts must be committed without consent or through the use of force or threats. Given the turbulent wartime conditions, nearly all cases involving or constituting war crimes and crimes against humanity will inherently be coercive, thus excluding the possibility of consent. Proving force or threat in these situations results in secondary victimization of the party, as requiring the victim to prove the element of voluntariness further exposes them to repeated victimization and stigmatization.²³
10. Paragraph 2 of Article 14 of the Law, which requires that the victim have a registered residence or domicile in the territory of the Republic of Croatia at the time of the sexual violence creates protection gaps in the scope of the law by excluding people who were in fact subject to the jurisdiction of the Republic of Croatia during the Homeland War. It is well established that the regularity of registering residence and domicile was not a primary concern in peoples' minds during turbulent wartime periods.²⁴ When looking at the rights of victims of sexual violence, they are unjustly excluded from pension insurance, which would include the right to old-age and early retirement pensions, disability pension rights, rights based on residual work capacity, family pension rights, rights to the lowest pension, insurance period rights, or special insurance periods. This also affects their rights, such as child benefits, employment, housing, shares or stakes in companies without payment, and other economic and social rights.²⁵
11. Notably, the Law fails to address the rights of children born from wartime rape, an omission not rectified by the Law on Civilian Victims of War enacted in 2021. Centre ROSA, with extensive experience in implementing the law, highlights how the arbitrarily restricted scope of eligibility under the Law precludes protection and redress to women who were living in Bosnia and Herzegovina at the time of the assault, and now live in Croatia and have Croatian citizenship. Despite their current status in Croatia, these women are excluded from the law's protection. Additionally, they cannot claim rights or obtain remedies in Bosnia and Herzegovina.²⁶

Implementation

12. A notable issue in implementing this Law is its restrictive interpretation by the Commission for Victims of Sexual Violence, a body within the Ministry of Croatian War Veterans that assesses applications for status. For instance, in a case assisted by Centre ROSA, the

²² Ibid.

²³ Centre for Women War Victims – Rosa Constitutional Complaint: “Proposal to Initiate the Procedure for Assessing the Constitutionality Of the Law on the Rights of Victims of Sexual Violence During the Armed Aggression Against the Republic of Croatia in the Homeland War”, Feb. 3, 2017, ¶ VII.2.

²⁴ Ibid.

²⁵ Centre for Women War Victims – Rosa Constitutional Complaint: “Proposal to Initiate the Procedure for Assessing the Constitutionality Of the Law on the Rights of Victims of Sexual Violence During the Armed Aggression Against the Republic of Croatia in the Homeland War”, 03 February 2017, ¶ VII.3

²⁶ Information in file with the authors.

Commission rejected a woman's claim despite her rape occurring in a war-torn city under constant attack by uniformed soldiers.²⁷ According to information collected by authors of this report in their service provision, in some cases, women's requests were denied with the explanation that their cases were not related to war events, even though the perpetrator was a soldier, and the rape took place in an area that was exposed to a constant state of general danger, bombing, and war operations in the vicinity.²⁸ Some cases are drawn out for no reason and last for years, even though the victims are women who are already elderly and in seriously impaired health.²⁹

13. Since the Law came into force until the end of 2023, the Commission has received a total of 304 (227 women – 75% and 77 men – 25%) requests for acquiring the status of a victim of sexual violence in the Homeland War and exercising rights according to the mentioned Law. According to information provided by the Ombudsperson for Gender Equality, 213 requests have been positively resolved (164 for women – 77% and 49 for men – 23%) and 77 requests have been negatively resolved (22 for men and 55 for women).³⁰
14. According to civil society organizations, The Ministry of Croatian Veterans interprets provisions very restrictively, recognizing only those raped during military operations as victims, not those assaulted by soldiers occupying their homes or raped in the forest, unless they were raped by Serbian soldiers. Cases of women raped by Croatian soldiers are sometimes dismissed; for example, in one instance, because the soldier wanted to take her apartment. This woman had been denied the right to compensation by both the Commission and the Court several times, and only finally received it recently.³¹ When women's victim status is not acknowledged, it can lead to severe trauma. The Ministry rejects victims when the perpetrators of sexual violence were members of the Croatian military or police. Women are forced to sue the state to exercise their rights in those cases.³²
15. Court rulings regarding sexual violence may vary significantly, and State prosecutors have a record of dismissing or blaming victims. For instance, in one case on file with the authors, the State Attorney made derogatory comments about a raped victim, suggesting she contributed to the assault by getting into the car and drinking.³³ Besides blaming the victim, these comments were in contradiction to the court ruling in a rape trial held 30 years prior, which acknowledged that the perpetrator was “persistent, inexorable, and harsh and achieved his purpose by using physical force. With blows to the victim's head and body, he put her in a state of stupor and then raped her. ... [The victim's] trust was abused by the defendant by the use of physical force and strength.”³⁴ Despite the above, thirty years after the ruling, the deputy State Attorney interprets the circumstances in which the entire incident took place differently, stating that the injured party is de facto responsible because she consumed alcohol in a café and entered the vehicle voluntarily. The deputy State Attorney made the statement ignoring that according to

²⁷ Information on file with the author

²⁸ Information on file with the authors.

²⁹ Information on file with the authors.

³⁰ Ombudsperson for Gender Equality Year Report 2023, 254.

³¹ Information on file with the author.

³² Vuk Tesija, *Nevladine Udruge: Hrvatska Iznjeverila Žrtve Ratnog Seksualnog Nasilja*, BALKANINSIGHT, Jul. 31, 2023, available at <https://balkaninsight.com/sr/2023/07/31/nevladine-udruge-hrvatska-iznjeverila-zrtve-ratnog-seksualnog-nasilja/>.

³³ Information on file with the author.

³⁴ From the court ruling for rape; case on file.

the established facts, the perpetrator “cursed her Serbian mother, asking his colleagues to bring him a knife to slaughter and hang her.”³⁵ Far from an isolated practice, in another case, the State Attorney stated that an “exhausted Croatian soldier with a difficult wartime experience raped a young Serbian virgin.”³⁶

16. Croatia fails in its outreach to victims of war. Psychosocial and legal support for victims of sexual violence during the war is primarily delivered through centers for psychosocial assistance and regional centers for psycho-trauma, including the National Centre for Psycho-trauma.³⁷ However, the Ministry of Croatian War Veterans fails to mention specialized services tailored for women survivors of sexual violence. According to Ministry data, from the law’s inception until November 30, 2021, 147 war victims sought assistance through county psychosocial assistance centers.³⁸ Meanwhile, regional psycho-trauma centers conducted 210,065 interventions, with 39,983 for women, constituting 19% of all interventions. Despite this, only 194 individuals—150 women and 44 men—were officially recognized as victims of wartime sexual violence.³⁹ This disparity suggests a lack of adequate support programs for women. To address this, specialized programs adapted for female survivors are imperative, ensuring they receive tailored assistance in environments conducive to their recovery. The current setup, dominated by war veterans, does not foster a sense of safety or inclusivity for women survivors seeking support.
17. Croatia has significant shortcomings in providing psychosocial support to victims throughout the reparation process. According to information provided by ROSA, the practice has shown that it is essential for women who are going to testify before the Commission to have a trusted person accompanying them in order to go through the whole process more easily. Being accompanied helps victims in logistics and coping (most come from small, remote places) and emotional support; because serving as a witness is extremely painful and demanding. Victims who testified are left to themselves after their appearance before the Commission with no mental health follow-up from State Party authorities or services.⁴⁰ The Ministry does not provide victims with the support of trained professionals capable of this type of help and support.⁴¹
18. One of the rights of victims of sexual violence in war is accommodation in an institution for providing support and services to the veteran population.⁴² This type of institution is called a Veterans Centre. Currently, 4 Veteran Centres are being established in Croatia (Šibenik, Sinj, Petrinja and Daruvar). In June 2022, the first Veterans’ Center in Šibenik started to work. Centre ROSA was informed that war veterans who were already on the list for rehabilitation

³⁵ Ibid.

³⁶ Interview with AWHZ lawyer, May 13, 2024.

³⁷ Ministry of Croatian Veterans, Response to the Centre for Women War Victims Rosa request for information, March 9, 2022, document on file with authors.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Information on file with the authors.

⁴¹ Information on file with the authors.

⁴² Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, Official Gazette 64/15, 98/19, article 23 , available at <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%BErtava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

are currently using the Centre's services. Not a single report of female victims of sexual violence in war has been received.⁴³

19. Suggested recommendations:

- Evaluate the implementation of the Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War.
- Modify the Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War to include the rights of children born out of wartime rape.
- Undertake progressive steps to dialogue a potential bilateral aiming to address and recognize the rights of women who lived and were raped during the war in Bosnia and Herzegovina. Within recognition, Croatia must undertake substantive steps at the state level to recognize their victimization and compensate these women.
- Ensure specialized services for women survivors of sexual violence in war.
- Conduct outreach and awareness-raising initiatives to better promote the rights and services from the Law on the Rights of Victims of Sexual Violence for women who survived sexual violence in the war.

II. Refugees, asylum seekers, returnees, and internally displaced persons (arts. 7, 13, 14, 17 and 24 (3))

20. The Committee, in its 2019 List of Issues Prior to Reporting, enquired about the rights of refugees, asylum seekers, and migrants to *non-refoulement* and access to fair asylum procedures.⁴⁴
21. The State Party spoke to the Committee's questions in its fourth periodic report by noting that it had approved 11% of applications for international protection in 2017, 29% in 2018, 11% in 2019, and 3% in 2020.⁴⁵ Though it highlighted the arrests made for smuggling migrants and assisting in illegal border crossings, the State Party did not address if the individuals being smuggled or otherwise seeking to enter Croatian territory accessed asylum procedures or were screened by border police for trafficking or other exploitation.⁴⁶ It explained that the Ministry of Interior is working with international and civil society organizations to train border law enforcement agents on the "human rights of migrants" and access to the asylum system.⁴⁷ The State Party described the UNHCR-funded independent border police monitoring mechanism that was implemented until 2019 and its alignment to the now adopted EU Pact on Migration and Asylum, including note that the Ombudsperson for Gender Equality sits on the mechanism's Advisory Committee.⁴⁸ The State Party explained that migrant treatment is

⁴³ Communication over telephone with an employee of the Veterans Centre in Šibenik, on July 1, 2022.

⁴⁴ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶16.

⁴⁵ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶120.

⁴⁶ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶123.

⁴⁷ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶124.

⁴⁸ *Ibid.*

monitored by the Office of the People’s Ombudsperson under the terms of the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment.⁴⁹ In this regard, it did not provide an overview of cases, findings, or corrective action taken by the People’s Ombudsperson. Reports made to the Ministry of Interior were noted by the State Party to lack sufficient information for criminal investigation.⁵⁰ When the Ministry conducted spot checks for all reported cases, “only in very few” instances was the conduct of police officers deemed unacceptable and sanctioned.⁵¹

Legislation and data

22. Concerning applicants for international and temporary protection within the framework of national legislation, the primary legislation is the Law on International and Temporary Protection.⁵² Women are recognized as a vulnerable group, especially pregnant women, single parents with minor children (mostly women), victims of human trafficking, victims of torture, rape, or other forms of psychological, physical, and sexual violence, including victims of female genital mutilation. As such, these groups enjoy special procedural and reception guarantees.⁵³ Data from the Ministry of the Interior shows that a total of 68,114 individuals applied for international protection in 2023, which is an increase of 429% compared to 2022.⁵⁴ 20% of the applicants were female.⁵⁵

Implementation

23. The State Party does not adequately guarantee both access to asylum and to the asylum application process for women seeking protection from domestic violence. The State Party granted asylum to 43 individuals (18 women) in 2023;⁵⁶ it approved 9 asylum requests for women seeking protection due to experiences with domestic violence.⁵⁷ The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) expressed its concern that, given the numbers arriving at the borders and the profile of the main countries of origin, the rates of both numbers of applicants and recognition is low.⁵⁸
24. Croatia has failed to provide NGOs with adequate access to reception centers for asylum seekers. According to the experience of activists from Centre ROSA, only the Croatian Red Cross and Medicines du Monde are present in the Reception Centre in Zagreb, besides the

⁴⁹ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶125.

⁵⁰ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶128.

⁵¹ Ibid.

⁵² Law on International and Temporary Protection, Official Gazette 70/15, 127/17, 33/23, available at <https://www.zakon.hr/z/798/Zakon-o-me%C4%91unarnodnoj-i-privremenoj-za%C5%A1titi>

⁵³ Law on International and Temporary Protection, article 4.14, Official Gazette 70/15, 127/17, 33/23, available at <https://www.zakon.hr/z/798/Zakon-o-me%C4%91unarnodnoj-i-privremenoj-za%C5%A1titi>

⁵⁴ Broj i sjedišta područnih ureda drugih pravobraniteljskih institucija u RH: Pučki pravobranitelj - 3 (Osijek, Split i Rijeka), Pravobranitelj za djecu - 3 (Osijek, Split i Rijeka) i Pravobranitelj za osobe s invaliditetom - 3 (Osijek, Split i Rijeka), as cited in the Ombudsperson for Gender Equality Year report ,2023, available at https://www.prs.hr/application/uploads/Izvjecje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf

⁵⁵ Ombudsperson for Gender Equality Year report, 2023, 239, available at

https://www.prs.hr/application/uploads/Izvjecje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ GREVIO Baseline Evaluation Report Croatia, 2023, 21.

police.⁵⁹ Vulnerable groups have not been adequately screened and victims of human trafficking have not been recognized in the refugee population.⁶⁰ It is important that women asylum seekers get adequate support in the asylum application process so they can speak about any gender-based violence that they have experienced. This is very difficult for them because of fear, stigma, trauma, and other psychological and cultural barriers. If they do not speak about violence in the first interview and they mention it later, they are not believed and their testimony about violence is rejected, and they are perceived as unreliable. Such (gender-insensitive) approach exacerbates the anxiety and trauma of victims. Early legal and psychological support should be standard, and women's NGOs should be allowed to enter reception centers and offer information and support to women.⁶¹

25. The State Party's law enforcement has subjected many asylum seekers to a high degree of distrust by authorities implying ulterior motives to their relocation. As an example, a young woman sought the support of Centre ROSA as she was unable to return to her home country in Africa due to her aunt arranging a forced marriage for her.⁶² While attending a music festival in Croatia, instead of returning to her home country as planned, she chose to stay and apply for asylum out of fear of going back home. She had been in the asylum process since July 2022.⁶³ The Mobile Team coordination at the Croatian Red Cross, which is responsible for asylum seekers and victims of trafficking, was promptly informed about her situation.⁶⁴ She underwent interviews at the police station and the Reception Centre for Asylum Seekers until her application for asylum was recently denied because they did not believe her story.⁶⁵ To our knowledge, no steps have been taken to recognize her as a survivor of trafficking in human beings (THB), despite her recounting her experiences during the interview. The police rejected her application, claiming that the situation in the country is not that harsh, that she is an educated individual, and her aunt cannot marry her as she wishes and that her reasons for seeking asylum are actually economic, although her aunt received money to arrange forced marriage for her.⁶⁶
26. Croatian law enforcement has not responded adequately to complaints of increasing sexual harassment of refugee and asylum seeking women.⁶⁷ Lately, more and more refugee and asylum seeking women have been experiencing sexual harassment by individuals who approach them in cafes, by colleagues, or even landlords in their apartments.⁶⁸ In one case, the police did not respond to reports from a Ukrainian woman who was being stalked. They told her she didn't have the right to report sexual harassment because she didn't have evidence. She had it on her phone, and he was following her, but the police told her to block him. So, she filed a criminal complaint, to which she didn't receive any response at all.⁶⁹

⁵⁹ Centre for Women War Victims – ROSA, Response to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, 2023.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Case on file with the Centre ROSA.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Case example on file with the Centre ROSA.

⁶⁷ Interview with Centre ROSA lawyer, May 13, 2024.

⁶⁸ Ibid.

⁶⁹ Interview with AWHZ lawyer, May 13, 2024.

27. The State Party also fails to systematically screen and identify asylum seekers as victims of human trafficking. For example, a young woman from an African country was exploited by her employer, who is a member of the diplomatic staff. He took away her documents, restricted her free movement, and paid her below the minimum wage for several months.⁷⁰ Eventually, he stopped paying her wages altogether.⁷¹ She endured both physical and psychological violence.⁷² When she ran away and tried to go to another European country without her identity documentation, she was caught by the Croatian police and instructed to seek asylum in Croatia.⁷³ In the meantime, since she was not earning money, her mother arranged her marriage to a man 40 years older in her home country.⁷⁴ This man helped her mother financially, and in return, a marriage was arranged.⁷⁵ She disclosed all of this at the Reception Center for Asylum Seekers, but her asylum request was denied, and the police did not identify her as a victim of human trafficking. In January 2024, after months of effort, Centre ROSA presented her case to the Operational Team for the Suppression of Human Trafficking, and she was finally recognized as a victim of human trafficking.⁷⁶
28. Croatia has failed to ensure dignified treatment and protection of immigrants at the border. In November 2021, the European Court of Human Rights ruled on the case of *M.H. and Others v. Croatia* (Applications Nos. 15670/18 and 43115/18). It found Croatia in violation of Article 2 (right to life) in the inadequate investigation into the death of an Afghan family's daughter.⁷⁷ Additionally, there was a violation of Article 3 (prohibition of torture) for the applicant children.⁷⁸ Violations of Article 5(1) (right to security and liberty) and Article 4 of Protocol No. 4 (prohibition of collective expulsions of aliens) were found for the applicant mother and her five children.⁷⁹ Moreover, a violation of Article 34 (right to individual applications) occurred.⁸⁰ The Court also highlighted mistreatment of civil society organizations and lawyers aiding the migrant family, including incidents of missing evidence and intimidation.⁸¹ This mistreatment extended to a volunteer from Are You Syrious? who reportedly faced persecution in Croatia for supporting the family.⁸² In response to this ruling, Croatia set up the Independent Mechanism for Monitoring (IMM) the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection.⁸³

⁷⁰ Centre for Women War Victims – ROSA, Response to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, 2023.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ *M.H. and Others v. Croatia* (Applications Nos. 15670/18 and 43115/18). GREVIO Baseline Evaluation Report Croatia, 2023, ¶ 333.

⁷⁸ GREVIO Baseline Evaluation Report Croatia, 2023, ¶ 333.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Potpisan Sporazum o suradnji radi provedbe nezavisnog mehanizma nadzora zaštite temeljnih ljudskih prava u postupanju policijskih službenika Ministarstva unutarnjih poslova u području zaštite granica, nezakonitih migracija i

29. Human rights organizations have expressed concern about the IMM mechanism's efficiency. For example, the IMM lacks the authority to make unannounced visits to green border areas and does not have access to the Ministry of Interior's information system.⁸⁴ Furthermore, the IMM reported unauthorized expulsion of migrants by individuals in dark uniforms. It also found police involvement in expulsions, primarily near suspected minefields, notably captured on video by RTL television. These cases, however, were termed to be 'migrant difficulties', not illegal action against migrants.⁸⁵ The main concern voiced by human rights organization is that, despite violent pushbacks and collective expulsion of migrants at the border which include severe violations of their human rights, Croatia failed to provide any monitoring of the actions of its police.⁸⁶ A recent Human Rights Watch report found that Croatian authorities continue pushbacks, even of vulnerable groups like unaccompanied children and families with young children, despite official denials and monitoring efforts. They frequently confiscate personal belongings and subject migrants to humiliating treatment, sometimes which is racially motivated.⁸⁷ This further results in treatment of women migrants at the border being unknown, their needs unidentified as well as any information of the violation of women's human rights. About 14% of reported pushbacks come from women and girls.⁸⁸

30. Suggested recommendations:

- Ensure the provision of standard operating procedures and gender-sensitive guidance to all officials who may come into contact with migrant women, covering the identification, interviewing, processing, and adjudication of claims related to gender-based violence. Including:
 - ✓ Establish extensive and effective training for all actors in the immigration system on cultural sensitivity, the rights of migrants, the dynamics of domestic violence/VAWG and human trafficking, and the needs of its victims, that are led by or done in consultation with NGOs serving migrant women and women victims of trafficking.
- Ensure due process in asylum screen interviews, including implementing trauma-sensitive, culturally appropriate, and gender-appropriate procedures.
- Enable NGOs to operate unrestricted and provide support in shelters for asylum seekers.

međunarodne zaštite, mup.gov.hr, available at <https://mup.gov.hr/potpisan-sporazum-o-suradnji-radi-provedbe-nezavisnog-mehanizma-nadzora-zastite-temeljnih-ljudskih-prava-u-postupanju-policijskih-sluzbenika-ministarstva-unutarnjih-poslova-u-podrucju-zastite-granica-nezakonitih-migracija-i-medjunarodne-zastite/289002> (last visited Jun 7, 2024).

⁸⁴ Center for Peace Studies, The Annual Report of the (Independent) Monitoring Mechanism, as per the instructions of the Ministry of the Interior, July 4, 2022, available at <https://www.cms.hr/en/azil-i-integracijske-politike/novo-godisnje-izvjesce-neovisnog-mehanizma-nadzora>

⁸⁵ Ibid.

⁸⁶ Center for Peace Studies, "Call to the EU to protect human rights and rule of law by establishing an independent monitoring mechanism of the police operations", available at https://www.cms.hr/system/article_document/doc/809Recommendations_Independent_Border_Monitoring_Mechanism.pdf

⁸⁷ Human Rights Watch, "Like We Were Just Animals": Pushbacks of People Seeking Protection from Croatia to Bosnia and Herzegovina," 2023, available at <https://www.hrw.org/report/2023/05/03/we-were-just-animals/pushbacks-people-seeking-protection-croatia-bosnia-and>

⁸⁸ Danish Refugee Council, *Protecting Rights at Borders: What we do in the shadows*, May 2023, available at https://pro.drc.ngo/media/3h1d5s5r/vi-prab-report_-what-we-do-in-the-shadows_-jan-to-april-2023.pdf.

- Provide comprehensive information to women seeking asylum at borders, upon arrival, in hotspots, and in reception facilities to enhance their understanding of vulnerabilities, rights, and legal avenues for redress in case of mistreatment by border guards or others.
- Undertake measures to facilitate migrant women’s access to both general and specialized support services.
- Identify and address all instances of border police violence against women and undertake steps to guarantee accountability and justice for past abuses, as well as to prevent future occurrences of such abuses.

III. Trafficking in persons (art. 8)

31. In its 2019 List of Issues Prior to Reporting, the Committee asked for the State Party to provide information and related statistics on effective anti-trafficking screening measures, particularly for vulnerable groups, steps taken to foster cooperation between trafficking victims and investigators, and measures put in place to improve access to justice for trafficking victims and punishment for traffickers that are proportionate to the severity of their crimes.⁸⁹
32. The State Party replied to the Committee’s questions on trafficking by referring to the National Plan for Combating Trafficking in Human Beings 2018–2021, noting its aim to improve cooperation between the Ministry of Interior and the State Attorney’s Office for criminal proceedings on trafficking and victim identification and protection.⁹⁰ This is complemented by new protocols on victim return under safe and voluntary conditions, their (re)integration, and identification, assistance, and protection.⁹¹ According to the State Party, additional legislative improvements were planned to take place by the end of 2021 to improve data management and increase punishment for perpetrators of trafficking.⁹² The State Party highlighted initiatives by police officers that are responsive to trafficking trends, including seasonality and types of job advertisement.⁹³ While the State Party developed guidelines and tools for trafficking victim identification during the reporting period, it did not explain if and how those tools were implemented and their use monitored or evaluated.⁹⁴ The State did note that the Ministry of Interior staff and judicial officials are regularly trained on dimensions of trafficking.⁹⁵

⁸⁹ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶14.

⁹⁰ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶104.

⁹¹ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶105.

⁹² Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶106.

⁹³ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶107-108.

⁹⁴ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶108.

⁹⁵ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶110-111.

Legislation and data

33. Human trafficking is prescribed as a criminal offense in Article 106 of the Criminal Code, punishable by 1 to 10 years imprisonment (3 to 15 years if committed against a child).⁹⁶ In 2002, Croatia established the National Mechanism for the Suppression of Trafficking in Persons. Since then, Croatia has been a country of origin, transit, and destination for victims of human trafficking. Human trafficking is a form of gender-based VAW, as most victims are women and girls who have been sexually exploited through prostitution. From 2002 to 2021, 432 victims have been identified in Croatia, of which 302 (69.91%) were women.⁹⁷ A total of 21 victims of human trafficking were identified in the Republic of Croatia in 2023, compared to the previous year (2022) when 29 victims were identified, representing a decrease of 27%.⁹⁸ Data sorted by gender show that out of the total 21 identified victims of human trafficking, 7 were male, and 14 were female (66.6%).⁹⁹ Half of all female victims were sexually exploited.¹⁰⁰ Croatia is increasingly becoming both a destination country and an origin country for victims of human trafficking.¹⁰¹

Implementation

34. Human trafficking in Croatia continues to be predominantly a gendered crime. The Government has not developed any specific measures for victim protection or prevention activities. The absence of prevention measures includes public education and awareness-raising campaigns. Human trafficking has been exacerbated by the large-scale migrations and conflicts over the last seven years. According to GREVIO's findings, the institutions responsible for combating this issue are not addressing it effectively. Further, there is insufficient screening for undocumented migrants and asylum seekers, discouraging victims from cooperating and self-identifying. Finally, the GREVIO noted that state agencies'—police, social welfare centers, courts—response to forms of VAW has worsened over the years, particularly incurring in secondary victimization and victim-blaming.¹⁰²
35. The deterioration in response and protection by the State regarding trafficking victims is partly due to the absence of holistic and victim-centered training for governmental actors. Further, according to expert testimony from AWHZ lawyer,¹⁰³ training and education programs have the tendency to be conducted within each professional sector which leads to the absence of

⁹⁶ Criminal Code, Official Gazette nos. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24, Art 106, available at <https://www.zakon.hr/z/98/Kazneni-zakon>

⁹⁷ AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023, 9.

⁹⁸ Ombudsperson for Gender Equality Year Report 2023, 206.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

¹⁰³ Interview with the AWHZ lawyer, May 13, 2024

victims' perspectives. Women's NGOs and specialist service providers offering a gender-specific approach are best suited to provide this crucial perspective.¹⁰⁴

36. The State Party has been unable to adapt to recent changes in circumstances, including large-scale population migrations from Asia and Africa to Europe, regional conflicts, and the influx of foreign workers into Croatia, which pose significant challenges for the national referral mechanism for the suppression of THB. The number of potential foreign victims of human trafficking is increasing.¹⁰⁵ Previously, victims were primarily domestic or from neighboring countries, with minimal linguistic and cultural differences.¹⁰⁶ Currently, Croatia is reported to be encountering new forms of violence and exploitation linked to harmful traditional practices, along with challenges due to the lack of translators for some languages spoken by the victims.¹⁰⁷ Described circumstances exhibit the need of strengthening the capacities of the national system to combat human trafficking and address these new challenges effectively.¹⁰⁸
37. Croatia obstructs the ability of victims of trafficking to obtain documentation or permanent status. In the practice of Centre ROSA, there was a case involving a victim of trafficking for sexual exploitation, a foreign worker. Her trafficker confiscated her passport, leaving her undocumented as her residence/work permit expired. Identified by the police as a trafficking victim, she was interviewed by the representative of Centre ROSA in 2023 at the invitation of the Croatian Red Cross. She opted to stay with her uncle rather than go to a shelter, relying on internet translation due to limited English proficiency. Centre ROSA provided psychological and legal support, and collaborated with the Red Cross to get her access to medical and financial assistance through the National Referral Mechanism. However, her application for a new residence/work permit had been pending for five months. Police requested proof of her address, but as she lived with her uncle, an agency-provided apartment dweller, she faced hurdles. Despite moving to a hostel and obtaining registration, her application remains unresolved. Efforts to mediate with her country of origin's embassy for a new passport yielded no progress. Centre ROSA urged the inclusion of a Ministry of Interior representative for urgent document issuance, exposing the system's inefficiencies in assisting trafficking victims.¹⁰⁹
38. As a rare example of timely identification of a human trafficking victim, it is important to note that the trafficker in the above case is not an EU citizen but comes from the same country of origin as the victim. Despite being prohibited from leaving the place of residence, he managed to leave Croatia under unknown circumstances. On the other hand, with Centre ROSA team's assistance, the victim obtained a special travel document for foreigners, i.e., a Croatian passport for foreigners, after more than half a year. Upon its issuance, police officers working on procedures for regulating the status of foreigners commented that they had never seen what

¹⁰⁴ AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

¹⁰⁵ Centre for Women War Victims – ROSA, Response to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, 2023.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Case from Centre ROSA.

this document looked like, even though victims in situations like hers are legally entitled to it.¹¹⁰

39. Croatia has failed to pass legislation that could curtail the demand for individuals who are vulnerable to exploitation, which leads to human trafficking. This particularly affects women and girls trafficked for sexual exploitation, including vulnerable groups such as girls in state homes, women in prostitution, migrant women and girls, foreign workers, asylum seekers, and undocumented women and girls. The existing provision criminalizes the known use of services provided by trafficking victims.¹¹¹ However, current provision does not effectively prevent human trafficking and instead favors perpetrators since only those aware that the victim has been trafficked are liable. This also requires the victim to be identified, which is a significant challenge in practice. Additionally, this provision does not reflect the reality of the cause-and-effect relationship between demand and human trafficking for sexual exploitation and is very difficult to prove in criminal proceedings.
40. The State Party's laws and policies fail to consider the particular experiences of victims of human trafficking, often ignoring the fact that women are often vulnerable to different types of harm than men. Gender dimension of human trafficking is not sufficiently taken into account when designing policies and legislation. There is a lack of understanding of the specific needs and trauma faced by women survivors of trafficking for sexual exploitation and its impact on their mental health and behavior. This affects their ability to seek help after identification and give statements to the police and courts. Professionals in state agencies do not grasp the unique vulnerabilities of women survivors or the gender dimension of human trafficking. They also fail to consider cultural differences, particularly when addressing forced marriages or other harmful traditional practices. Police investigators do not realize that, despite being over 18, these young women often cannot make independent decisions about their lives.
41. The State Party has yet to show a vested commitment in raising awareness on the issue of human trafficking and its legislation does not recognize the unique dangers the practice poses for women and girls. The National Plan against THB is over two years behind schedule due to a lack of political will for timely adoption, with no consequences for responsible authorities.¹¹² The draft of the new National Plan for Suppression of Human Trafficking shifts the focus away from women and girls as victims of sexual exploitation and fails to emphasize their

¹¹⁰ Ibid.

¹¹¹ Article 106 § 4 of the Criminal Code states that “Whoever, knowing that a person is a victim of human trafficking, uses her services, which are the result of one of the forms of exploitation specified in paragraphs 1 and 2 of this article, will be punished with the penalty from paragraph 1 of this article.”

¹¹² The effect of the Current National Plan was 2018-2022. The envisioned effect of the next National Plan 2022-2027. The Government made the decision to initiate the procedure for drafting the National Plan for Combating Human Trafficking for the period from 2022 to 2027 on Feb 10, 2022. To date, the process has not been finalized. Available at <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Odluka%20o%20pokretanju%20postupka%20izrade%20Nacionalnog%20plana%20za%20suzbijanje%20trgovanja%20ljudima%202022-2027.pdf>; The US State Department reported in their trafficking report regarding Croatia in 2023, “The committee’s working-level operational team held monthly virtual meetings, monitored the implementation of the 2018-2021 NAP, and began drafting the 2023-2027 NAP.” However, there was no NAP in 2022 and the government did not finalize the 2023-2027 NAP. <https://www.state.gov/reports/2023-trafficking-in-persons-report/croatia/>. See also the archive of the Office for Human Rights and the Rights of National Minorities with all the decisions on process and working groups related to the National Plan 2022-2027, available at <https://ljudskaprava.gov.hr/izrada-nacionalnog-plana-za-suzbijanje-trgovanja-ljudima-za-razdoblje-od-2022-do-2027/1072>

vulnerability. Special measures have not been proposed so far to address these issues, even though statistics showing women and girls as the majority of victims have been acknowledged.¹¹³ The document's gender-neutral approach neglects the gender dimension of THB and the specific trauma faced by survivors of sexual exploitation, which is crucial for designing support programs.¹¹⁴

42. No public awareness campaigns on human trafficking have been conducted for years. The current draft of the National Plan proposes a small-scale campaign, limiting its impact by solely utilizing online platforms rather than broader media channels, hindering widespread awareness efforts.¹¹⁵
43. In the opinion of expert women's NGOs, the National Plan misinterprets processed data and draws incorrect conclusions, proposing measures based on these conclusions. Regarding data collection and processing, it should be noted that the National Plan provides the total number of women and men and processes them by the age of identified victims and the type of exploitation (rather than by gender), leading to incorrect conclusions. Specifically, although women are the most represented group among identified victims of human trafficking (55% women, including girls), the conclusion states that the most represented group is men and women (aged 19-30 years).¹¹⁶ This conclusion does not correspond to the data in the table, which shows that women are the largest group of human trafficking victims, with girls accounting for 46.6%¹¹⁷ of the total number of identified women. Furthermore, although the tabular representation of processed data indicates that the types of exploitation differ between women and men, the conclusions of the National Plan suggest otherwise. From the tabular representation of processed data in the National Plan, it is clear that the most common form of exploitation for men is engaging in unlawful activities (67.27%)¹¹⁸, while for women, specifically girls, the most common form of exploitation is sexual exploitation (58%).¹¹⁹ However, even the stated percentage of 58% does not provide a realistic representation of the scale of sexual exploitation of girls and women¹²⁰, considering that the National Plan explicitly states that a portion of sexual exploitation (of women) is related to the commission of the criminal offense of prostitution and potentially also to misdemeanor offenses categorized under another type of exploitation, specifically "engaging in unlawful activities."¹²¹
44. The current system fails to adequately support victims, highlighting the need for reforms to prioritize their well-being and access to justice. There is only one shelter for adult victims of trafficking in Croatia where women and men are accommodated together (and one for

¹¹³ Draft of the National Plan for Suppression of Human Trafficking until 2030, available at <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=26672>

¹¹⁴ Ibid.

¹¹⁵ Information collected by the authors in the daily practice.

¹¹⁶ Ibid, Section 3.1

¹¹⁷ Ibid, Table 3

¹¹⁸ Ibid, Table 5

¹¹⁹ Ibid

¹²⁰ Centre ROSA "Response to draft National Plan for Combating Human Trafficking for the Period Until 2030", E-Counselling, March 2024, <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=26672>

¹²¹ Draft of the National Plan for Suppression of Human Trafficking until 2030, Section 3.2

children).¹²² According to informal information from Centre ROSA, the shelter is inadequate and provides nothing more than a roof over one's head. Operating limitations mean there are no available staff to work weekends, leaving the victims completely alone on weekends. They receive food on Friday for the entire weekend, which can spoil, and there are no spare clothes if they arrive with nothing.¹²³

45. Victims face significant barriers in seeking compensation from perpetrators, leading to re-traumatization and secondary victimization. Centre ROSA, which is a member of the National Committee for Suppression of Trafficking in Human Beings, is the only legal aid provider for trafficked women in Croatia. Despite established guilt in criminal proceedings, property rights claims for damages are routinely denied, redirecting victims to civil proceedings.¹²⁴ This approach is impractical for victims of violence, exploitation, and personal violation, who lack the capacity to navigate civil litigation effectively. For example, Centre ROSA filed property legal claims in four cases for compensation of damages within the framework of criminal proceedings, applying provisions of the Criminal Procedure Code and Directive 2012/29/EU. None of the proposals were adopted.¹²⁵ The most recent report from the Group of Experts on Action against Trafficking in Human Beings (GRETA), in 2020, states that no victims of trafficking received compensation from the perpetrator in criminal proceedings.¹²⁶ GRETA also expressed concern that no victims of THB have received compensation in Croatia, from the perpetrators or the State.¹²⁷ In subsequent years, no restitution was awarded, and one compensation that was awarded to a victim was never dispensed.¹²⁸
46. Reports present that inadequate training for criminal judges, complex bureaucratic procedures, and ineffective mechanisms perpetuated the lack of restitution in criminal sentences. Civil court judges could better assess emotional pain, but civil suits were expensive, lengthy, and re-traumatized victims by requiring them to re-testify.¹²⁹ Victims' rights in criminal proceedings

¹²² Protocol on the integration/reintegration of victims of trafficking in human beings, Art 6, 1 April 2019, <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/PROTOCOL%20ON%20THE%20INTEGRATIONREINTEGRATION%20OF%20VICTIMS%20OF%20TRAFFICKING%20IN%20HUMAN%20BEINGS%20%2001.04.2019.pdf>

¹²³ Information on file with Centre ROSA.

¹²⁴ AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

¹²⁵ Centre for Women War Victims – ROSA, Response to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, 2023.

¹²⁶ Group of Experts on Action against Trafficking in Human Beings, Evaluation Report Croatia, Third Evaluation Round, par. 73, GRETA (2020)10, 3 December 2020, available at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rm.coe.int/report-on-the-implementation-of-the-council-of-europe-convention-on-ac/1680a09509>

¹²⁷ Ibid, ¶ 81

¹²⁸ U.S. Department of State, 2023 Trafficking in Persons Report: Croatia, available at <https://www.state.gov/reports/2023-trafficking-in-persons-report/croatia/>

¹²⁹ Ibid.

should encompass property claims to ensure comprehensive justice without subjecting them to additional trauma.¹³⁰

47. Suggested recommendations:

- Introduce specific protection and support measures for women and girls who are victims of human trafficking, addressing their unique vulnerabilities and trauma.
- Improve the process for victim identification, integration and allocation of funds and remedies for victims and to ensure that victims of trafficking have adequate access to support services, including accessible shelters, counseling services and reintegration programs, and adequately fund or subsidize the premises and utility costs of non-governmental organizations operating shelters and providing victim support services.
- Improve the identification and support process for undocumented migrants and asylum seekers, including providing training for front-line officials, including the police, immigration officers, and other law enforcement officers and social workers, on early identification and gender-responsive protocols to encourage cooperation and self-identification without fear of deportation or further victimization.
- Ensure and streamline processes for issuing or renewing documents for trafficking victims, ensuring swift access to necessary legal and residential permits to prevent re-victimization.
- Provide interdisciplinary training involving women's NGOs and specialist service providers to police, judges, and social workers on understanding victims' perspectives, gender-specific needs, and cultural sensitivity and appropriateness.
- Launch widespread prevention initiatives through public education and awareness campaigns using various media platforms to inform the public about the realities of human trafficking and support mechanisms.
- Introduce legal measures to reduce demand for services provided by trafficking victims and strengthen the prosecution of traffickers regardless of their awareness of the victim's status or cooperation.
- Expedite the adoption of the overdue National Plan against Trafficking in Human Beings (THB) with a strong emphasis on the gender dimension, incorporating specific measures for the protection and rehabilitation of women and girls.
- Foster greater collaboration between state agencies, NGOs, and international organizations in order to build the capacity of the National Referral Mechanism to handle the increasing complexity of trafficking cases, including those involving foreign victims.
- Equip institutions with culturally appropriate and victim-centered resources, such as translators and cultural mediators, to effectively support victims from diverse backgrounds.

¹³⁰ AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

- Create specialized interventions for highly vulnerable groups, such as girls in state homes, women in prostitution, migrant women and girls, foreign workers, asylum seekers, and undocumented women and girls.
- Implement regular monitoring and evaluation of anti-trafficking programs to assess their effectiveness and adapt strategies based on feedback and emerging trends in human trafficking.

IV. Termination of pregnancy and reproductive rights (arts. 2, 3, 6 and 7)

48. The Committee, in its 2019 List of Issues Prior to Reporting, requested the State Party to report on the elimination of barriers to safe and legal abortions including through improved legislation, measures taken to overcome conscientious objection by healthcare providers and institutions to the provision of abortion services, as well as efforts made to close geographic gaps in abortion service coverage.¹³¹ The Committee also requested updates on the state of maternal health care for women in all their diversity, especially those without regularised or valid civil documentation.¹³² Finally, the Committee enquired about women’s rights violations occurring in reproductive healthcare settings.¹³³
49. In response, the State Party outlined the procedures for securing abortion services as given in the Act on Health Measures for Exercising the Right to Freely Decide on Giving Birth.¹³⁴ The State Party indicated that “a patient cannot be deprived of the right to terminate pregnancy”, yet the explanation provided does not explain measures to overcome access barriers when a patient is referred to another healthcare facility, nor does it present facts on implementation of the procedures provided for in the aforementioned Act. Similarly, the State Party explained how it provided pain management advice from the Croatian Medical Association to healthcare facilities “with a recommendation to accept and implement them,” but it did not provide information on uptake of recommendations, their implementation, or other improvement measures to eliminate denial of pain relief.¹³⁵ The State Party did not address the Committee’s questions on the conduct of medical procedures without the patient’s full and informed consent, or verbal and emotional humiliation and abuse.¹³⁶ Nominal mention was made of that a person’s residential status does not affect procedures for accessing abortion services;¹³⁷ otherwise, the State Party did not discuss reproductive rights for people without regularised or valid civil documentation.

Legislation

50. In the Republic of Croatia, abortion laws are governed by the Law on Health Measures for the Realization of the Right to Freely Decide on Childbirth, initially established in 1978 and

¹³¹ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶12.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶94-95.

¹³⁵ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶96.

¹³⁶ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶12.

¹³⁷ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (Nov. 25, 2023), ¶95.

amended in 2009.¹³⁸ This legislation permits the termination of pregnancy within ten weeks from conception without specific authorization (Art 15). However, after this period, abortion requires approval from a commission, adhering to prescribed conditions and procedures (Art 15). Authorized hospitals with gynecology and maternity units, as well as other designated health organizations, are permitted to conduct abortions, as sanctioned by the state health authority (Art 17).

Issues with implementation

51. The State Party has failed to properly provide reproductive healthcare for women, due to the lack of personnel willing to perform abortions. The Law on Medical Practice from 2003¹³⁹ and the Law on Nursing as amended in 2011¹⁴⁰ permit doctors and nurses, respectively, to invoke conscientious objection against medical service provision. The Law on Medical Practice requires that the doctor who refuses to provide a service due to conscientious objection refer the patient to another professional of the same specialty, and notes that such objection is only permitted if it “does not conflict with professional standards and does not cause permanent health consequences or endanger the patient's life”.¹⁴¹ Many public health institutions, contracted by the Croatian Health Insurance Institute for pregnancy termination services, refrain from performing abortions due to gynecologists' conscientious objections. Among the 29 contracted institutions, four hospitals decline to provide this service, hindering access to abortion for women across Croatia, particularly those in rural areas with limited healthcare resources.¹⁴² Additionally, gynecologists, alongside specialists in anesthesiology, resuscitation, intensive care medicine, and nurses, often cite conscientious objection.¹⁴³ Regular reliance on conscientious objection against providing abortion services by healthcare professionals create barriers to essential reproductive health services for women.
52. Croatia's unwillingness to regulate conscientious objection significantly limits abortion services, placing immense pressure on medical collectives, especially in hospitals where most gynecologists refuse to provide care. This situation is exacerbated by staffing decisions and institutional hierarchies, affecting the training of new gynecologists. Leading healthcare

¹³⁸ Law on Health Measures for the Realization of the Right to Freely Decide on Childbirth, Official Gazette 18/78, 88/09, available in Croatian at <https://www.zakon.hr/z/2475/Zakon-o-zdravstvenim-mjerama-za-ostvarivanje-prava-na-slobodno-odlu%C4%8Divanje-o-ra%C4%91anju-djece>.

¹³⁹ Law on Medical Practice, Official Gazette 121/2003, art 20, available in Croatian at https://narodne-novine.nn.hr/clanci/sluzbeni/2003_07_121_1707.html.

¹⁴⁰ Law on Nursing, Official Gazette 121/03, 117/08, 57/11, art 3 and 4, available in Croatian at <https://www.zakon.hr/z/407/Zakon-o-sestrinstvu>.

¹⁴¹ Article 20 states, “Due to their ethical, religious, or moral beliefs, a doctor has the right to invoke conscientious objection and refuse to perform diagnostics, treatment, and rehabilitation of a patient, provided it does not conflict with professional standards and does not cause permanent health consequences or endanger the patient's life. The doctor must promptly inform the patient of their decision and refer them to another doctor of the same specialty. If the doctor is employed in a healthcare institution, a company, or another legal entity providing healthcare services, or by another doctor in private practice, they must inform their superior or employer of their decision.” Law on Medical Practice, Official Gazette 121/2003, art 20, available in Croatian at https://narodne-novine.nn.hr/clanci/sluzbeni/2003_07_121_1707.html.

¹⁴² AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

¹⁴³ Ombudsman, “Analysis Conscientious Objection – Legal Sources and Standards”, June 13, 2022, available at <https://www.ombudsman.hr/hr/analiza-priziv-savjesti-pravni-izvori-i-standardi/>

organizations, such as the Croatian Medical Chamber and the Croatian Medical Association, refuse to address or regulate conscientious objection. Nearly 60 percent of gynecologists, along with some anesthesiologists, nurses, and midwives, invoke conscientious objection.¹⁴⁴ These institutional and personal pressures make abortion nearly inaccessible, particularly for women from rural areas, the economically disadvantaged, or victims of domestic violence, who cannot travel far and must search extensively for a willing hospital to provide this legal service.¹⁴⁵

53. The State Party has failed to provide women with effective access to contraceptive methods in pharmacies. Pharmacists refuse to sell emergency contraception, known as “the morning-after pill,” citing personal conscience¹⁴⁶. In many instances, alternative pharmacists are unavailable within the same pharmacy to fulfill the request, exacerbating access issues for women seeking this form of contraception. The cost of abortion in public health institutions averages EUR 300, comprising almost half of the minimum wage in Croatia for 2024¹⁴⁷, which further restricts access to this fundamental reproductive right. This financial barrier frequently deters women from seeking abortion services.
54. Croatia’s hindrance of women’s reproductive rights has generated public discontent towards patently cruel cases. A notable case that underscored the challenges surrounding abortion access in Croatia involved M.Č., a woman denied of terminating of her pregnancy at 26 weeks, despite severe fetal abnormalities and life-threatening forecasts¹⁴⁸. The woman was directed to undergo an abortion in Slovenia, prompting a significant protest in Zagreb, urging authorities to uphold and facilitate women’s rights to abortion, as prescribed by law.¹⁴⁹

Underlying causes of problems with reproductive rights and access to safe and affordable abortion

55. The State Party has aligned itself ideologically with a group of organizations, individuals and institutions that generally seek to obstruct the development of women’s rights. The reason why it is so difficult for women to access safe abortion in Croatia, and to avoid stigmatization is the more general climate of repression of women’s rights and re-traditionalization of the country.

¹⁴⁴ Anja Kožul, *Prizivači i Nagovarači*, PORTAL NOVOSTI (2024), <https://www.portalnovosti.com/prizivaci-i-nagovaraci>.

¹⁴⁵ Anja Kožul, *Prizivači i Nagovarači*, PORTAL NOVOSTI (2024), <https://www.portalnovosti.com/prizivaci-i-nagovaraci>.

¹⁴⁶ AWHZ and Centre ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

¹⁴⁷ The minimum wage for 2024 is 677 EUR. See at <https://vlada.gov.hr/vijesti/sjednica-vlade-minimalna-placa-za-2024-godinu-840-eura-bruto/39267?lang=hr>

¹⁴⁸ “The case of Mirela Čavajda revealed why it is so difficult to have an abortion in Croatia.”, Index.hr, May 8, 2022, available at [Slučaj Mirele Čavajde razotkrio zašto je u Hrvatskoj tako teško pobaciti - Index.hr](https://www.index.hr/clanak.aspx?id=2362560)

¹⁴⁹ Mirela Čavajda odlazi na pobačaj u Sloveniju: Zagrebačka bolnica ju je odbila; Oglasio se Beroš,..., NET.HR (2022), available at <https://net.hr/danas/vijesti/mirela-cavajda-odlazi-na-pobacaj-u-sloveniju-b4a8a1de-d1f3-11ec-bc93-ea7b67577514> (last visited Jun 7, 2024); Slučaj Mirele Čavajde razotkrio zašto je u Hrvatskoj tako teško pobaciti, <https://www.index.hr/clanak.aspx?id=2362560> (last visited Jun 7, 2024) ; N1 Hrvatska, *Trudnica čiji je slučaj oko pobačaja šokirao Hrvatsku: “Radim sve ovo za sve žene i našu djecu!”*, N1 (2022), <https://n1info.hr/vijesti/trudnica-ciji-je-slucaj-sokirao-rh-radim-sve-ovo-za-sve-zene-i-nasu-djecu/> (last visited Jun 7, 2024).

56. This environment, which trends towards the regression of women's rights, became very evident in the backlash against the ratification of the Istanbul Convention. Croatia signed the Istanbul Convention on January 22, 2013, but did not ratify it until April 13, 2018. This was in great part due to widespread misinformation campaigns about the use of the word "gender" in the Convention.¹⁵⁰ In Croatia, the actors who have challenged the ratification of the Istanbul Convention included both officially registered and unregistered NGOs, initiatives, representatives of the political parties and the church. Their work is aimed primarily against women's sexual and reproductive rights and sexual education in school, but has spread to include other issues, such as the fight against the Istanbul Convention.¹⁵¹ Their almost singular argument against the ratification has been based on the supposed introduction of so-called "gender ideology" that the Istanbul Convention would bring.¹⁵² Although these actors were in the end unsuccessful in preventing the ratification, their influence over human rights and women's rights issues is still very strong and continues to impact the context of implementation of Istanbul Convention. Research has shown that Istanbul Convention opposition actors also oppose a variety of human rights issues, including LGB rights, sexual and reproductive rights, immigrant's rights, comprehensive sexual education in schools, and equality between the sexes in general.¹⁵³
57. Croatia's government and its representatives have continually supported institutions that have continually advocated against women's rights. As in most countries where there is a strong opposition to the Istanbul Convention and women's rights, one of the key actors of the opposition in Croatia is Catholic Church, which enjoys financial and political support from the State, mostly through the four concordats that Croatia has signed with the Holy See. The opposition to the Istanbul Convention from the Catholic Church started already in 2014 when they published a document called "Male and female created them", where they outlined the so-called 'gender ideology' and why they see it as a danger.¹⁵⁴ Other actors included very strong and well-funded radical right NGOs, as well as members of the Parliament from the right-wing party. These initiatives received support from the official government, with the deputy prime minister participating as a keynote speaker in TradFest¹⁵⁵, a festival of conservative and traditional ideas, where they advocated against the Istanbul Convention, against sexual and reproductive rights, claiming that research shows that women are safer in marriage than outside of it and that there is less VAW in countries with strong familial ties. According to them, the Istanbul Convention claims that family is the source of violence while according to them, it is the source that protects from violence¹⁵⁶.

¹⁵⁰ Glas koncila, *Preparations on the Istanbul Convention: Why engage in consultation on a document promoting gender ideology?*, July 22, 2017, available at <https://www.glas-koncila.hr/zasto-se-ukljuciti-u-savjetovanje-o-dokumentu-koji-promovira-rodnu-ideologiju/>

¹⁵¹ In the Name of the Family website, <https://uimeobitelji.net/>.

¹⁵² Truth about Istanbul Convention website <http://istinaoistanbulskoj.info/gradanska-inicijativa>.

¹⁵³ The Advocates for Human Rights, "A Rollback for Human Rights – Istanbul Convention under attack", December 2021, 3.

¹⁵⁴ Croatian Bishops' Conference, 'Male and female created them!', <http://hbk.hr/dokumenti-hbk/musko-i-zensko-stvori-ih/>

¹⁵⁵ TradFest 2016, TradFest website <https://www.tradfest.org/tradfest-2017/>

¹⁵⁶ Foundation Vigilare 'Tradfest's concluding remarks: Protecting the family as an alternative to the Istanbul Convention, and the crisis and future of Christianity' <https://vigilare.info/mi/2018/11/zakljucni-govori-tradfesta-zastita-obitelji-kao-alternativa-istanbulskoj-te-kriza-i-buducnost-krscanstva/>

58. The State Party has allowed for harassment by radical conservative campaigns to infringe on women's health rights. One of the main opponents to abortion and proponents of re-traditionalization of society is an association called In the Name of the Family. In 2013, they organized a referendum and were successful in introducing a conservative definition of marriage in Croatian Constitution.¹⁵⁷ Among other activities, and together with other radical right organizations, they have been organizing a manifestation called March for Life every year since 2016. The first March for Life took place in Zagreb. Its motto was "For life, family and Croatia."¹⁵⁸ Each year the march spread to more cities and had more participants. It is now being held in 15 cities under the motto "Voices of the Born for the Unborn".¹⁵⁹ This initiative is supported by right wing politicians. Another initiative that has been taking place for many years are vigils in front of hospitals called 40 Days for Life. A right-wing initiative, it held vigils for 40 days in front of hospitals which have gynaecological wards, praying and trying to deter women from having abortions.¹⁶⁰ The issue with this, besides harassing women patients, is that state hospital officials allowed them to hold these vigils right in front of the hospitals¹⁶¹.
59. The Croatian government has also not reacted in any meaningful way to movements which overtly seek to encroach on women's rights. In recent years, a new initiative started called "Be manly". Their goals, published in 2019, state that the portal seeks to reaffirm the traditional and only correct concept of masculinity.¹⁶² On the first Saturday of every month since October 2022, Catholic men gather in Croatia's capital, in Zagreb's main square, kneel and pray the Rosary, for the men to become spiritual authorities in their families, who will bravely witness and pass on the Catholic faith, for a life of premarital chastity, modesty in dress and behaviour, the renewal of Catholic marriages, the end of abortion, and the openness of married couples to life.¹⁶³ Women's organizations have been organizing protests against this practice to draw attention to its misogyny towards women and attack on the right to safe abortion.¹⁶⁴
60. The State Party's permissiveness regarding these radical actors have had a deep impact on the social conception of women's role in Croatian society. Recent research by the Ombudsperson shows that the number of those who support the stereotypical view of inequality between

¹⁵⁷ Tanja Vučković Juroš, Ivana Dobrotić & Sunčica Flego, *The Rise of the Anti-Gender Movement in Croatia and the 2013 Marriage Referendum*, 72 EUROPE-ASIA STUDIES 1523 (2020),

<https://www.tandfonline.com/doi/full/10.1080/09668136.2020.1820956> (last visited Jun 7, 2024).

¹⁵⁸ HR Vijesti, news article *First National Walk for Life - "For Life, Family and Croatia"*, May 21, 2016, available at <https://vijesti.hrt.hr/335892/hod-za-zivot-organizira-hod-pod-geslom-za-zivot-obitelj-i-hrvatsku>

¹⁵⁹ Hodzazivot, *Hodajte za život u subotu u Vinkovcima: Pridružite se od 10:30*, HOD ZA ŽIVOT HRVATSKA (May 14, 2024), <https://hodzazivot.hr/hodajte-za-zivot-u-subotu-u-vinkovcima-pridruzite-se-od-1030/> (last visited Jun 7, 2024).

¹⁶⁰ Balkan insight, 'Anti-abortion climate radicalizes in Croatia', June 10, 2016, available at <https://balkaninsight.com/2016/10/06/anti-abortion-climate-radicalises-in-croatia-10-06-2016/>

¹⁶¹ Balkan insight, "Anti-abortion climate radicalizes in Croatia", June 10, 2016, available at [Anti-Abortion 'Prayers' Cause Rumpus in Croatia | Balkan Insight](https://balkaninsight.com/2016/10/06/anti-abortion-climate-radicalises-in-croatia-10-06-2016/)

¹⁶² Website of the initiative <https://muzevnibudite.com/o-nama/>.

¹⁶³ Klečavci opet na središnjem zagrebačkom trgu. Molit će i u drugim gradovima, <https://www.index.hr/vijesti/clanak/klejavci-opet-na-sredisnjem-zagrebackom-trgu-molit-ce-i-u-drugim-gradovima/2485066.aspx> (last visited Jun 7, 2024).

¹⁶⁴ Ibid.

women and men in society because they are not "by nature" equal has also increased – now a quarter of respondents hold this view, whereas previously it was a fifth.¹⁶⁵

61. On February 21, 2017, the Constitutional Court of the Republic of Croatia issued Decision No. U-I-60/1991 and others, upon a proposal for the review of the constitutionality of the Act on Health Measures for the Realization of the Right to Freely Decide on Childbirth. The Court ordered the Croatian Parliament to enact a new law within two years in accordance with the findings of the Constitutional Court stated in the explanation of the decision.¹⁶⁶ This Decision was made in response to complaint from 1991 which asked the Court to deem the Law unconstitutional because life starts at conception. The Court denied this application 26 years later, stating that this is a complex issue, and that it is not in the Court's jurisdiction to decide on it.¹⁶⁷ Therefore, the Court only said that the Law needs to be modernized because the legal terminology has changed since 1978 (when there was no Croatian Constitution as Croatia was still part of Yugoslavia)¹⁶⁸ and that the lawmakers should include articles on prevention and education.¹⁶⁹ Despite the deadline of two years expiring in February 2019, the new law has not been drafted until this day.

62. Suggested recommendations:

- Ensure that women have the right to make their own informed choices with regard to SRHR, to ensure the right to bodily integrity and personal autonomy.
- Ensure the right of every woman and girl to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive rights, free from discrimination, coercion and violence,
- Act on the decision by the Constitutional Court and introduce comprehensive laws that guarantee women's access to safe and legal abortion services, in line with international human rights standards and mandate that abortion services be provided in a timely manner to avoid delays that could jeopardize women's health.
- Ensure that abortion services are available in all regions, including rural and remote areas, to prevent disparities in access.
- Allocate sufficient public funds to support abortion services, making them accessible to all women regardless of their economic status.
- Provide integrated reproductive health services that include counseling, contraception, and post-abortion care.
- Implement mandatory training programs for healthcare providers on safe abortion practices and reproductive rights to ensure non-judgmental and professional care.

¹⁶⁵ Rezultati najnovijeg istraživanja o diskriminaciji – Pučka pravobraniteljica, <https://www.ombudsman.hr/hr/rezultati-najnovijeg-istrazivanja-o-diskriminaciji/> (last visited Jun 7, 2024).

¹⁶⁶ Decision of the Constitutional Court of the Republic of Croatia No. U-I-60/1999, Feb 21, 2017, and Dissenting Opinion, Official Gazette 25/2017, https://narodne-novine.nn.hr/clanci/sluzbeni/2017_03_25_564.html

¹⁶⁷ Ibid, point 45.1

¹⁶⁸ Ibid, point 49

¹⁶⁹ Ibid, point 50

- Conduct public awareness campaigns to educate the community about reproductive rights and the legal aspects of abortion.
- Integrate comprehensive sexual and reproductive health education into school curriculums to inform young people about their rights and health.
- Guarantee the privacy and confidentiality of women seeking abortion services to protect them from stigma and discrimination.
- Create specialized interventions in sexual and reproductive health services for highly vulnerable groups, such as girls in state homes, women in prostitution, migrant women and girls, foreign workers, asylum seekers, and undocumented women and girls.
- Undertake substantive steps to regulate conscientious objection, including:
 - Limiting the invocation of conscientious objection to individuals and prohibiting institutional refusal of care.
 - Prohibit the refusal of care based on conscientious objection for cases in need of urgent or emergency care.
 - Implement monitoring and enforcement mechanisms in cases of institutional denying care.
- Conduct awareness-raising and educational campaigns, with a view to combating gender biases and stereotypes held in society about the roles and responsibilities of women and men in the family and in society. The State must include information about the right to bodily autonomy and access to reproductive health care.
- Strengthen awareness-raising campaigns for society as a whole, in order to address social and cultural patterns and stereotypes that facilitate tolerance of gender-based violence.

63.