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Croatia's Compliance with the International Covenant on Civil and Political Rights: Violence against Women and Domestic Violence

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**

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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 non-governmental 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) concerning violence against women (VAW), including the current legislation to prevent it and protect women from it. 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) fully incorporating and implementing international legal obligations on preventing and punishing VAW into domestic law and policy; (2) ensuring funding for national policies and independent services for preventing and combatting VAW; (3) abolishing entirely the practice of dual arrests and convictions in cases of VAW; (4) improving the quality and quantity of data collection on all forms of VAW; and (5) eliminate all use and forms of the concept of "parental alienation."¹
2. Information in this report 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 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 also adopted the Beijing Platform for Action of the Fourth World Conference on Women on 1 September 1995.³ At the regional level, Croatia signed the Council 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 2018.⁴

¹ This report should be read in conjunction with the parallel submission to the Human Rights Committee by AZKZ, Centre ROSA, and The Advocates for Human Rights entitled, "Croatia's Compliance with the International Covenant on Civil and Political Rights: Victims of Sexual Violence, People Affected by Displacement, Trafficking in Persons, and Reproductive Rights."

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

³ 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, (May 2019), available at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Croatia.pdf>.

⁴ 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 29 May 2024, <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=210>.

I. Violence against women, including domestic and sexual violence (arts 2, 3, 6, 7, and 26 ICCPR)

4. In its 2019 List of Issues Prior to Reporting, the Human Rights Committee (“the Committee”) requested further information about steps taken to improve the response to reports of VAW, specifically regarding effective prevention, encouraging reporting, increasing victim support services, and making penalties for perpetrators reflect the seriousness of VAW.⁵ The Committee also inquired about further information on the impact of measures intended to improve legal protection against intimate partner violence.⁶
5. In its corresponding fourth periodic report, the State Party shared legislative changes and national strategies that Croatia reported institutionalize improved protection from and response to VAW.⁷ The State Party explained steps taken by the Ministry of Interior to simplify procedures for reporting violence, strengthen protection systems and standards, improve victims’ understanding of their rights, and build law enforcement capacity.⁸ The State Party detailed how it monitors, analyses, and ensures transparency of data on gender-based and domestic violence (referred to by the State Party as “violence between close persons”).⁹ According to the State, it has established multiple violence reporting options—phone numbers, email, online via an application—including for anonymous submissions.¹⁰ The State also presented “The National Call Centre for Victims of Crimes and Misdemeanors,” which it reported has been operating 24 hours a day, 7 days a week, with national coverage since November 2020, offering referrals and information on rights.¹¹
6. In reporting on changes to penalties for VAW, the State Party elaborated on tightening of penalties—including important amendment of the criminal concept of rape to be based on lack of consent—but indicated that many forms of VAW remain misdemeanors.¹² The concept of “close person” in Croatian domestic law was expanded in July 2021 to include current and former intimate partners; criminal offence regulations with more severe penalties protect against partner violence in intimate relationships.¹³ The State Party

⁵ Human Rights Committee, *List of issues prior to submission of the fourth periodic report of Croatia*, UN. Doc. CCPR/C/HRV/QPR/4 (25 Nov 2019), ¶11.

⁶ *Ibid.*

⁷ 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 (10 Jan 2023), ¶76-78.

⁸ 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 (10 Jan 2023), ¶80-82.

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 (10 Jan 2023), ¶85.

¹⁰ *Ibid.*

¹¹ 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), ¶87.

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), ¶89.

¹³ 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), ¶93.

indicated that there are 25 shelters for victims of domestic violence.¹⁴ The State did not provide information was provided regarding steps taken to eliminate arrest and conviction of both the victim and the perpetrator in domestic violence cases.¹⁵

Prevalence of violence against women and data collection

7. VAW remains a widespread problem in Croatia, particularly intimate partner violence and sexual violence. Restrictive patriarchal norms and social attitudes contribute to both widespread incidence of VAW, but also acceptance and tolerance towards it. Croatia is severely lacking in population-based surveys on different forms of VAW, with only one such survey carried out in 2003.¹⁶
8. Because of the absence of recent country-level surveys, the currently available data on VAW comes from regional surveys. The 2014 European Union Agency for Fundamental Rights survey data results showed that, from the age of 15, one in five women in Croatia has experienced physical and/or sexual violence, and 31% of women have experienced physical, sexual, or psychological violence.¹⁷ Results from the 2016 Eurobarometer Report on gender-based violence also indicate that 36% of respondents in Croatia believe that domestic VAW is very common and that 48% believe that it is fairly common.¹⁸
9. Femicide, especially the murder of women in intimate partner relationships, is a severe issue in Croatia.¹⁹ From 2018 until 2023, 76 women have been murdered in Croatia. Of those, 57 cases (75%) correspond to murder by a close person, of which 34 were murdered by an intimate partner.²⁰ An in-depth analysis by the Ombudsperson for Gender Equality reported cases showed that many of these femicides were the consequence of the failure of state institutions to use the available legislative measures and protect women from intimate

¹⁴ 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), ¶90.

¹⁵ Human Rights Committee, *Concluding observations on the third periodic report of Croatia*, UN. Doc. CCPR/C/HRV/CO/3 (Apr. 30, 2015), ¶15d.

¹⁶ Autonomous Women's House Zagreb, *Interpretacija rezultata istraživanja nasilja nad ženama u Republici Hrvatskoj [Interpretation of the Results of Research into Violence against Women in the Republic of Croatia]*, by Diana Otročak (Zagreb: 2003), <https://azkz.hr/wp-content/uploads/2022/01/Istrazivanje-o-rasprostranjenosti-nasilja-protiv-zena-2003..doc>; European Commission Directorate General for Employment, Social Affairs, and Equal Opportunities, *Violence Against Women and the Role of Gender Equality, Social Inclusion and Health Strategies: National Report Croatia*, by Siniša Zrinščak (3 May 2010), <https://www.sinisazrinscak.com/wp-content/uploads/2012/12/Croatia-Violence+-Gender-Report-2010.pdf>.

¹⁷ European Union Agency for Fundamental Rights, *Violence against women: an EU-wide survey — Main results*, Publications Office of the European Union, Luxembourg (Mar. 2014). https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

¹⁸ European Commission, *Special Eurobarometer 449-Report on Gender-based Violence*, 6680, 2016. <https://op.europa.eu/en/publication-detail/-/publication/f60437fd-e9db-11e6-ad7c-01aa75ed71a1/language-en>

¹⁹ See subsection on legislative framework paragraph 18 regarding the definition of femicide and its limitations in Croatia.

²⁰ Ombudsperson for Gender Equality Year report, 2023, available at <https://www.prs.hr/application/uploads/Izvjete%20o%20radu%20Pravobraniteljic.pdf>. In Croatian legislation, domestic violence is referred to as 'violence between close person'. ; 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), ¶85.

partner violence.²¹ To date, in 2024, there have been five reported femicides, of which three were followed by suicides of the perpetrator.²²

10. The administrative data collected by different authorities in Croatia offer an incomplete picture as they fail to provide clear information on the relationship between victims and perpetrators. Furthermore, there is no centralized and harmonized case management system to show the progress of cases from reporting to conclusion. As a consequence, conviction rates are unknown. Law enforcement, the judiciary, and social service providers—including those in healthcare—all use different categories and systems for managing data about VAW.²³ This results in different Ministries reporting different figures for VAW, making it very difficult to determine the known prevalence or analyze the outcomes of such cases.²⁴
11. There is no systematic approach to tracking cases of VAW.²⁵ Data from the Ombudsperson indicate that 7,675 individuals were reported in 2023 under the Law on Protection Against Domestic Violence (LPDV; a misdemeanor law).²⁶ Among these, 76.2% were men identified as perpetrators of violence, while 23.8% were women.²⁷ According to data from the Ministry of Justice and Administration, a total of 5,385 individuals were penalized, representing 70% of the total reported cases. Out of these, 4,286 men (80%) and 1,099 women (20%) were punished for domestic violence offenses.²⁸ The data, however, does not indicate the relationship of the victim to the perpetrator, nor how many of these cases were dual arrests and/or indictments. These deficiencies in the data conceal how many cases were gender-based (intimate partner) violence and how many cases were intergenerational domestic violence.²⁹
12. Available data over time demonstrates that Croatia fails to undertake sufficient measures to prevent domestic violence. In the last five years, the treatment of cases has shifted toward

²¹ Ibid.

²² FemPlatz. *Femicide map – femicides committed in 2024*. With support of UN Women and the European Union, accessed 30 May 2024, <https://femplatz.org/yX6uDYGXvSm8Jqremq.php>.

²³ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 53, 60, 62. Available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

²⁴ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 54. Available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

²⁵ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 53, 54, 56, 60, 62. Available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

²⁶ Ombudsperson for Gender Equality Year report, 2023, available at https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf.

²⁷ Ibid.

²⁸ Ombudsperson for Gender Equality Year report, 2023, available at https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf.

²⁹ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 53. Available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

the criminal code rather than remaining under misdemeanor legislation. Most recent data from 2023 showed that, of the 8,460 criminal offenses committed against family members and close persons, 77% of victims were women. Specifically concerning the criminal offense of "Domestic Violence" under Article 179.a of the Criminal Code, the police recorded 2,310 such offenses. The proportion of criminal offenses committed against family members and close persons within these categories of offenses is 64% of the total committed criminal offenses.³⁰ The total number of cases increased between 2019 to 2023.

Table 1. Cases of domestic violence and criminal acts of violence against “close persons” in Croatia, 2019-2023³¹

<i>Year</i>	2019	2020	2021	2022	2023
<i>Type of case</i>					
Misdemeanor domestic violence	9623	7074	7602	7946	7675
Criminal acts of violence against close persons	3266	4139	4791	7051	8460
Criminal domestic violence	1134	1578	1661	1879	2310
<i>Total</i>	14023	12791	13514	16876	18445

13. There were 194 reported cases of rape in 2023, of which 100 were committed against a close person.³² Of the 100 cases of rape against close person, all perpetrators were male, and all victims were female.³³

Updates on the legislative framework

14. Croatia has implemented important legal changes after the Committee’s Concluding Observations in 2015. Many were enacted just a few months prior to this submission³⁴ and following the baseline evaluation of Croatia’s implementation of the Istanbul Convention by the Group of Experts on Action against Violence against Women and Domestic

³⁰ Ombudsperson for Gender Equality Year report, 2023, available at https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf.

³¹ See Ombudsperson for Gender Equality Year report, 2019, available at https://www.prs.hr/application/uploads/IZVJE%C5%A0%C4%86A/IZVJESCE_O_RADU_ZA_2019_Pravobra.pdf ; Ombudsperson for Gender Equality Year report, 2020, available at https://www.prs.hr/application/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf Ombudsperson for Gender Equality Year report, 2021, available at https://www.prs.hr/application/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf ; Ombudsperson for Gender Equality Year report, 2022, available at https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_PRS_u_2022_cjelo.pdf ; Ombudsperson for Gender Equality Year report, 2023, available at https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf.

³² Ministry of Interior, Statistical Report 2023, available at https://mup.gov.hr/UserDocsImages/statistika/2024/3/Statisticki_pregled_2023_.pdf

³³ Ibid.

³⁴ Examples include updates to the criminal code in the first quarter of 2024 making femicide a criminal offence and establishing the legal definition of gender-based violence, strengthening repercussions for violating protection orders, increasing minimum distances in restraining orders, and increased penalties for rape. These are detailed in paragraphs 14-20 below.

Violence (GREVIO) in October 2023. Most of these fairly recent legislative developments have been positive, but implementation remains to be evaluated.

15. Domestic violence in Croatia is criminalized both as a misdemeanor and a crime. The police and/or public attorney determine whether an act constitutes a misdemeanor (prosecuted under the LPDV) or a crime (prosecuted under the Criminal Code (CC)). Legislation does not have a consistent and clear differentiation between an act of domestic violence that is assessed as a misdemeanor or a crime. The LPDV has been amended several times since it was first passed in 2003. The LPDV defines misdemeanor domestic violence as physical violence that did not result in an injury, corporal punishment, psychological violence, economic violence, and neglecting the needs of disabled or elderly persons. These acts are punishable by a fine of at least 300 euros or up to 90 days in jail.³⁵ The law also mandates protection measures, which may include psychosocial treatment for the perpetrator; prohibition of approaching, harassing, or stalking the victim; removal from the shared household; and compulsory addiction treatment.³⁶
16. After the Committee's Concluding Observations in 2015, the latest LPDV amendments included the 1) strengthening of protection orders for survivors of violence; 2) introduction of rights of the victim;³⁷ and 3) the inclusion of victims who are or were in an intimate relationship with a perpetrator without having ever cohabitated.³⁸ The most recent changes in 2024 further extended the rights of the victims, increased fines, and removed the option to fine violations of protection measures, leaving only the option of jail.³⁹ It also removed the obligation of civil society organizations to report each case of violence, which now allows women's NGOs to provide anonymous and confidential support.⁴⁰ The 2024 amendments also defined that a restraining order must be for at least 100 meters.⁴¹ This change, which AWHZ lobbied for many years, is intended to eliminate the practice of issuing restraining orders for perpetrators who still live with the victim – the previous lack of minimum distance requirements forced victims to have to leave a room if the perpetrator entered. These developments are too recent to comment on implementation.

³⁵ Law on Protection from Domestic Violence, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

³⁶ Law on Protection from Domestic Violence, Articles 13 and 15-18, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

³⁷ Law on Protection from Domestic Violence, Article 6, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

³⁸ Law on Protection from Domestic Violence, Article 8 ¶2, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

³⁹ Law on Protection from Domestic Violence, Article 24, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

⁴⁰ Law on Protection from Domestic Violence, Article 7 ¶1, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

⁴¹ Law on Protection from Domestic Violence, Article 16 ¶2, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

17. In 2011, the Croatian Parliament introduced several articles into the CC on aggravated acts committed against a close person, including murder⁴², bodily injury⁴³, grievous bodily injury⁴⁴, particularly grievous bodily injury⁴⁵, female genital mutilation⁴⁶, unlawful deprivation of liberty⁴⁷, coercion⁴⁸, threat⁴⁹, and stalking⁵⁰. The CC was subsequently amended to increase punishment for most of these acts. The CC also includes a separate offence of domestic violence in Art 179a, for which punishment has also been increased from up to three years, to one to three years imprisonment.⁵¹ Both the CC and Code of Criminal Procedure include protection measures to ensure the victim's protection during court proceedings and after the verdict. In harmony with the LPDV, the CC includes five safety measures that can be used against the perpetrator in cases of VAW: prohibition of approaching, harassing, or stalking the victim (Art. 73); removal from a joint household (Art. 74); compulsory psychiatric treatment (Art. 68); compulsory treatment for addiction (Art. 69); and compulsory psychosocial treatment (Art. 70). Recent changes to the CC clarified Art. 74, thus, restraining orders must be at least 100 meters, in line with the recent changes to the LPDV.⁵²

18. The Croatian Parliament also included the crime of femicide in early 2024 into the Croatian CC in its art. 111a on femicide, under “Aggravated murder of a woman.”⁵³ This change

⁴² Criminal Code, Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24, art 111.3 «whoever murders a close person whom they have abused before...», will be punished by at least 10 years of imprisonment (5 years for regular murder). Available in Croatian at <https://www.zakon.hr/z/98/Kazneni-zakon>

⁴³ Criminal Code, art 117.2. – bodily injury punished by 1 to 3 years in prison (up to 1 year for basic form).

⁴⁴ Criminal Code, art 118.2. – punishment if committed against a close person is 3 to 8 years of imprisonment (basic form of the crime is punished by 6 months up to 5 years).

⁴⁵ Criminal Code, art 119.2. – punishment is 3 to 10 years of imprisonment if committed against a close person (1 to 8 years for basic form).

⁴⁶ Criminal Code, art 116.3. – punishment if committed against a close person is 3 to 10 years of imprisonment (basic form of the crime is punished by 1 to 8 years).

⁴⁷ Criminal Code, art 136.3 – punishment if committed against a close person is 1 to 10 years of imprisonment (basic forms are up to 3 years (for unlawful deprivation of liberty, art 136.1.) and 6 months to 5 years (for unlawful deprivation of liberty for purpose of extortion, forcing a person to do something or with a goal to cause suffering, art 136.2.)).

⁴⁸ Criminal Code, art 138.2. – while the punishment is the same regardless of who the victim is, the crime is prosecuted ex officio instead of by private complaint if it is committed against a close person.

⁴⁹ Criminal Code, art 139.2. – the punishment is 6 months up to 5 years of imprisonment and it is prosecuted ex officio if committed against a close person (basic form is up to 1 year and prosecuted by a private complaint, or more aggravated up to 3 years and prosecuted ex officio).

⁵⁰ Criminal Code, art 140.2. – punishment is up to 3 years of imprisonment if committed against a close person, basic form is up to 1 year.

⁵¹ Criminal Code, art 179a: “Anyone who grossly, repeatedly, or otherwise severely violates regulations on protection from domestic violence, thereby causing a family member or close person to fear for their safety or the safety of persons close to them, or placing them in a humiliating position, without committing a more serious criminal offense, shall be punished with imprisonment for one to three years.”

⁵² See paragraphs 16 and 18.

⁵³ Criminal Code, art 111a: “1. Whoever commits a gender-based murder of a woman shall be punished with imprisonment for at least ten years or long-term imprisonment. 2. When determining the criminal offense from paragraph 1 of this article, it will be taken into account if the act was committed against a close person, a person whom the perpetrator had previously abused, a vulnerable person, a person in a position of subordination or dependency, or if the act was committed in circumstances of sexual violence or due to a relationship that places women in an unequal position, or if there are other circumstances indicating that it is a case of gender-based violence.”

was made following repeated requests from women’s organizations, fueled by several cases of femicide.⁵⁴ The murder of a 44-year-old woman by her former partner in Split on 30 November 2021 led to femicide being defined as a specific criminal offense in Croatia.⁵⁵ Judicial practice has only finalized 11 aggravated murder cases, none recognized as gender-based murders.⁵⁶ Article 111a paragraph 1 clearly defines femicide as the “gender-based murder of a woman”. However, its interpretation is influenced by Article 111a, paragraph 2, as limited to contexts of intimate partner violence.⁵⁷

19. Other changes made to the CC include the non-expiration of criminal prosecution and the execution of prison sentences, higher penalties for rape, increased penalties for serious crimes against sexual freedom, the abolition of the statute of limitations for the prosecution of child sexual abuse, and categorization of sexual harassment and intrusive behavior (stalking) as exclusively criminal offenses.⁵⁸ Legislative changes also include a definition of gender-based violence, defined by the CC as, “Gender-based violence against women refers to violence directed at a woman because she is a woman or that disproportionately affects women. Such conduct will be considered an aggravating circumstance if this law does not explicitly prescribe stricter punishment.”⁵⁹
20. Important changes were made to CC in 2020 related to the definition of rape. Legislative developments adopted the international standard towards the concept of consent.⁶⁰ Rape is defined in art. 153 of the Criminal Code as sexual intercourse or equated action without consent, which is punishable by 3 to 8 years of imprisonment, and 5 to 12 years if committed by use of threat/force or against a close person.⁶¹ Previously, the requirement for rape was that there was use of force, and punishments were lower.

Implementation barriers

Gender-neutral approach to VAW and DV:

21. Despite the significant legislative strides made by Croatia in promoting gender equality and protecting women from gender-based violence, these laws are often inadequately enforced or, increasingly, misapplied to the detriment of survivors.⁶² Autonomous Women's House Zagreb and other Croatian women's NGOs have long advocated for more gender-sensitive legislation and a holistic approach to supporting survivors of gender-based violence.

⁵⁴ WAVE, “Femicide as a Separate Criminal Offense: A Milestone in Croatia - WOMEN AGAINST VIOLENCE EUROPE”, (Apr. 4, 2024), <https://wave-network.org/femicide-criminal-offense-croatia/> (last visited May 30, 2024).

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Supra infra paragraph 18 footnote 53.

⁵⁸ Vuk Tesija, *Croatia Announces New Bill to Include Femicide in Criminal Code*, BalkanInsight, Sep. 13, 2023, <https://balkaninsight.com/2023/09/13/croatia-announces-new-bill-to-include-femicide-in-criminal-code/>.

⁵⁹ Criminal Code, art 87 ¶ 32.

⁶⁰ Law on Amendments and Supplements to the Criminal Code, Official Gazette 126/2019 https://narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html.

⁶¹ Law on Amendments and Supplements to the Criminal Code, Official Gazette 36/2024 https://narodne-novine.nn.hr/clanci/sluzbeni/2024_03_36_570.html

⁶² Croatia: fighting femicides, EUROPEAN DATA JOURNALISM NETWORK - EDJNET, https://www.europeandatajournalism.eu/cp_data_news/croatia-fighting-femicides/ (last visited May 30, 2024).

22. A key issue is the lack of understanding that women survivors endure high levels of trauma and require specific support to feel protected by state actors. Gender-based violence in Croatia is frequently treated as isolated incidents, neglecting the patterns of coercive control and prolonged exposure to violence, which leads to serious consequences for women and their children. This often results in victim-blaming and secondary victimization, deterring women from reporting violence to the authorities. The failure to recognize the structural nature of this violence hinders efforts to combat it effectively. Despite the latest developments, legislation often does not differentiate gender-based violence from other forms of domestic violence, which is problematic.⁶³ Public discussions and expert groups frequently address, but ultimately overlook, the gendered nature of such violence.⁶⁴
23. In its 2023 Baseline Evaluation Report on Croatia, GREVIO emphasized “the need to address the different forms of VAW, including domestic violence, as a gendered phenomenon.”⁶⁵ This gendered violence can express itself in multiple and varied forms rooted in historical structures of domination that have facilitated the control of women’s bodies, minds, economic situations, sexuality, and reproductive functions.⁶⁶ To effectively address this issue, it must be acknowledged that VAW is a human rights violation and a form of discrimination”.⁶⁷ Legislation and policies, particularly under the Istanbul Convention, must recognize that such violence is gender-based, targeting women because of their gender or disproportionately affecting them.⁶⁸

Divorce proceedings

24. The State fails to recognize the structural nature of VAW and coercive control, resulting in discrimination of women survivors of intimate partner violence in divorce proceedings. There is a lack of understanding of domestic violence as a cause of divorce and a key component of custody and child contact decisions. Consequently, judicial operators often

⁶³ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶13, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁶⁴ AWHZ, “Care4Trauma: Improving GBV victims support services and the access to justice through Trauma-informed Care – Country report Croatia “, 2022. Available at https://azkz.hr/wp-content/uploads/2022/12/Care4Trauma_draft_country_report_Croatia-EN.pdf

⁶⁵ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sep. 6, 2023), 13. Available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁶⁶ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 13, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁶⁷ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), 13, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁶⁸ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶13-14, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

label divorce cases with such dynamics as high-conflict divorce, avoiding labeling it as violence. Such practices are materialized in courts upholding the principle that children have a right to both parents, often insisting on maintaining contact with both, even if one parent is violent towards the other parent, which exemplifies the lack of a gender-sensitive approach to domestic violence and civil cases.⁶⁹ This typically results in preserving the father's rights to contact or even custody despite the child's fear and abusive behavior.⁷⁰ According to reports, when children resist contact, mothers are often blamed by the perpetrator and the Croatian Institute for Social Work (CISW).⁷¹ GREVIO's evaluation report has also found that abusive fathers frequently pressure the courts and the CISW to establish immediate contact, even when the mother and children are in a shelter, invoking parental alienation claims.⁷² Civil society has reported instances where courts and CISW have ordered contact between the parent (reportedly violent) and the child to occur at the shelter, endangering residents and staff.⁷³

25. Although the CISW can revoke parental rights in cases of violence⁷⁴, and can also deny shared custody or limit contacts, they rarely do so. According to findings by the AWHZ Women's Counselling Center, contact is sometimes supervised, but this typically depends on whether the mother has access to a competent lawyer rather than being standard practice.⁷⁵ Findings present that, in practice and contrary to the legislation, the father's right to contact often supersedes the child's right to safety. The CSW can issue protective measures for children or recommend other court actions, and they can report violence. If a restraining order includes the child, contact with the father is forbidden.⁷⁶ Despite the availability of protective measures, civil society has reported that if the order only protects

⁶⁹ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶193, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁷⁰ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶169, 195, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁷¹ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶195, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁷² GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶195, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

⁷³ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022, Available at <https://rm.coe.int/croatian-ngo-joint-shadow-report-to-grevio-final/1680a795c4>.

⁷⁴ Family Law, Official Gazette 103/15, 98/19, 47/20, 49/23, 156/23, art. 171. <https://www.zakon.hr/z/88/Obiteljski-zakon>

⁷⁵ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022, Available at <https://rm.coe.int/croatian-ngo-joint-shadow-report-to-grevio-final/1680a795c4>.

⁷⁶ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶194, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

the mother, supervised contact between the father and child is allowed, aiming to restore their relationship.⁷⁷

26. Reports from civil society present that in everyday work and cooperation with the CISW, organizations have identified several examples of bad practices from the centers' staff. Identified practices include 1) a lack of sensitivity towards women who have survived or are experiencing violence; 2) the use of the term "high-conflict divorces" in cases of domestic violence without acknowledging the absence of equal distribution of power between the victims and abusers; 3) identifying victims as "uncooperative mother," which then follows the victim of violence through the entire criminal/misdemeanor and divorce proceedings; 4) the application of non-scientific concepts such "parental alienation," which is at its root stereotypical because it starts from the assumption that mothers are more prone to child alienation. Such assumptions influence the adoption of temporary measures that force children to see the violent father despite the existence of clear signs of high traumatization by the child.⁷⁸
27. When the CISW approaches reported violence with distrust, the victim is viewed as a woman attempting to manipulate and falsely report to separate the father from the children, either for revenge or to gain an advantage in future proceedings, such as property division. Even in cases with convictions for domestic violence, women are expected to co-parent with the abuser equally, warmly, and positively. It is deemed the father's parental right to have contact with the children, with the belief that the stable and psychologically healthy development of the child requires participation from both parents. As a result, contact between the abusive father and the children is often proposed, even if the child is indirectly or directly a victim of violence. The system fails to recognize that children who witness domestic violence are victims themselves. Their trauma is ignored, and when adopting measures related to the parental rights of abusers, these rights are often prioritized over the rights of the children and women victims.⁷⁹
28. An interview with the director of a women's shelter drew out the following systemic issues in how divorce case dynamics replicate discrimination against women.⁸⁰ First, divorce cases take excessively long in Croatia. Because of that, some women who left shelters four years ago still have unresolved divorces. Second, Judges often delay decisions on child contact until criminal cases conclude, but these proceedings are lengthy. Third, Offenders rarely face investigative custody, and violations of restraining orders are treated as new criminal cases rather than resulting in immediate imprisonment. Prison sentences are uncommon unless it's a repeat offense. Fourth, victims frequently face blame from governmental officers. If a man abuses a woman but not their children, the woman is questioned about denying visitation.⁸¹

⁷⁷ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022, 40. Available at <https://rm.coe.int/croatian-ngo-joint-shadow-report-to-grevio-final/1680a795c4>.

⁷⁸ AWHZ and CWWV 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.

⁷⁹ Ibid.

⁸⁰ Interview with the director of a women's shelter, May 23, 2024.

⁸¹ Interview with the director of a women's shelter, May 23, 2024.

29. The expert testimony of the director of a women's shelter described multiple actions that exemplify victim-blaming, re-victimization and gender-blindness by governmental actors and other systems actors. Allegations of manipulation replace claims of alienation. If children did not witness the abuse, mothers are accused of exposing them later to these facts. Women are pressured to show pictures of the father to the children, and if a man hits the mother, she is asked what she did to provoke it. There is a significant lack of understanding about violence, and institutions often demand documentation that is not available. Protocols for enrolling children in schools and kindergartens in cases of violence are insufficient. Women need the abuser's consent to enroll children if they leave him. There are critical issues with professional supervision of visitation and child contact, as many supervisors lack qualifications and proper work plans. Although an education program and registry for qualified supervisors are being established, they are not yet operational. Currently, anyone can act as a supervisor, such as theologians or medical technicians (no social work or psychology training is required, let alone training in domestic violence). Supervisors often side with fathers, exhibit inappropriate behavior, and show bias towards abusers, ultimately blaming mothers.⁸²
30. An attorney providing both counseling and legal representation to victims/survivors elaborated on her expert testimony on how institutionalized perspectives on VAW affect women's parental rights. In her daily experience of representing women in court and in front of other institutions, the CISW are making more informed proposals to the court, acknowledging the experienced violence and making recommendations concerning children. She also noted, however, that women still face significant discrimination from governmental actors and justice operators, especially when experiencing mental health conditions. Women with mental health conditions face rigid treatment from both CISW and experts, often being unfairly denied parental rights. Contact arrangements are infrequent, favoring abusers over dedicated mothers with mental health conditions. Reasonable requests from mothers, like gradual contact initiation, are frequently dismissed.⁸³
31. An exemplification of actions by the CISW that jeopardized the rights and safety of victims/survivors and their children was presented by the interviewed attorney. In one case,⁸⁴ a woman was placed in a shelter with her three young children. They have all been reportedly subjected to continuous and varying forms of domestic violence. According to the interviewee's information, there are criminal proceedings against the abuser on four counts, including bodily injury, domestic violence, and violation of children's rights. The court issued a restraining order protecting the mother and the oldest child, but not for the younger children. According to the testimony, the children have been undergoing therapy because of the violence they survived. Further, the interviewee shared there are numerous psychological reports on their high level of trauma, stating that children were "physically abused, emotionally neglected, and there is suspicion of sexual abuse as well."⁸⁵ One of the children is so severely traumatized that when he has to go see his father, he cries loudly and screams, expressing fear and saying that his father would "strangle him like his sister."

⁸² Interview with the director of a women's shelter, May 23, 2024.

⁸³ Interview with AWHZ lawyer, May 13, 2024.

⁸⁴ On file with the submitting coalition; kept anonymous to protect the plaintiff.

⁸⁵ Information on file with the authors. Case from AWHZ lawyer.

He hugged his sister, shouting to protect her, and did not allow anyone to approach them. He hid under a table, holding the leg, and when his sister went to their mother, he lay on the floor in a fetal position, holding his head. The interviewee reported that despite attempts by his mother and shelter workers to calm him, he remained distressed, and a large stream of blood flowed from his nose. The interviewed lawyer noted that he had nosebleeds continuously when first coming to the shelter, but his nosebleeds stopped after realizing they were safe. Attempts to take his sister to a meeting reportedly caused further distress.⁸⁶

32. The interviewed lawyer noted regarding the described case that despite severe trauma, the CISW continued to push for child contact with the father, without securing safe facilities, and in this particular case, it is reported that the mother is required to bring the children in front of the supermarket. According to reports on the case and as described by the interviewed attorney, The CISW has ignored the expert opinions of a team of psychologists and has accused the mother of being uncooperative and alienating the children from the father.⁸⁷
33. Croatia must undertake substantive practices to improve its protection of women experiencing gender-based violence. According to information by experts and legal aid providers, mandatory dispute resolution, or mediation, is explicitly forbidden in cases of domestic violence but still frequently finds its way into divorce proceedings.⁸⁸ The Family Law was positively amended to forbid mediation in cases with claims of domestic violence.⁸⁹ According to an interviewed legal expert, Croatia fails to protect women from revictimization. They observed that, while mediation is not conducted for women in shelters, women survivors of other non-physical violence may be required to appear in a mediation procedure.⁹⁰

Use of “parental alienation syndrome”:

34. The problem with the concept of “parental alienation” in Croatia stems from years of systematic training of professionals within institutions like the police, CISW, and courts on child manipulation in “high-conflict divorces” and situational violence. Training courses for systems actors implemented over the years introduced the concept of family conflict, especially “Parental Alienation Syndrome.” Consequently, discussing domestic violence in courts became challenging, as abusers and their lawyers would immediately claim “parental alienation syndrome” and accuse the mother of manipulation whenever a history of violence was mentioned.
35. The concept of “parental alienation” is based on a theory of behaviors allegedly used by parents to harm the relationship between the child and the other parent.⁹¹ It relies on two dangerous misperceptions: women victims of domestic violence are 1) falsely reporting violence, and 2) creating the impression of danger. According to this theory, “parental

⁸⁶ Information on file with the authors. Case from AWHZ lawyer.

⁸⁷ Information on file with the authors. Case from AWHZ lawyer.

⁸⁸ Interview with a legal expert, May 23, 2024.

⁸⁹ Family Law, Official Gazette art. 332 ¶ 1. available in Croatian at <https://www.zakon.hr/z/88/Obiteljski-zakon>

⁹⁰ Interview with legal expert, May 23, 2024.

⁹¹ Buljan-Flander, G. and Roje-Đapić, M: „Dijete u središtu (sukoba): Razvod roditelja, visoki konflikt i otuđenje – Znanost, teorija i klinička praksa“ (Child in the centre of the conflict: Divorce, high conflict and alienation – Science, theory and clinical practice), Geromar d.o.o., (2020), 42-44.

alienation” is seen as severe emotional abuse, necessitating the urgent separation of the child from the alienating parent.⁹²

36. “Parental alienation” has no universal scientific definition and the World Health Organization dropped it from its index of diseases in 2020.⁹³ However, the idea resonated with the values and beliefs of experts who hold that children should have both parents and view the father as the head of the family. People who subscribe to “parental alienation” state that the concept provided a framework to explain their daily observations of mothers allegedly manipulating their children.⁹⁴ However, training about gender-based violence in Croatia has not been conducted with state agents by civil sector representatives who work with victims of violence.⁹⁵ As a result, they lack basic knowledge about the dynamics of violence, forms of abuse, its consequences on women and children, and relevant legal frameworks and protocols, despite these protocols being fundamental to their work.⁹⁶
37. A case on file with the authors exemplifies the use of the concept of “parental alienation” to the detriment of the rights and safety of women and children. A 43-year-old mother of two finalized her divorce five years ago. The final court decision granted the father almost daily but shorter contact with the children due to his impulsive and violent tendencies, which made the children fear and resist longer visits involving overnight stays. Despite no new circumstances justifying a new proceeding, the father requested an extension of contact. The court proceeded with the case, and the new CISW and court experts supported the extension, accusing the mother of alienation. The court accepted their opinion. As presented in file, the guardian ad litem, who interviewed the children in the process, did not recommend the extension, noting their fear of their father's aggressive behavior. The court's expert examination accused the mother of causing the children's resistance, labeling her actions as alienation. Experts, including a psychiatrist and psychologist, testified that only physical aggression constituted violence, dismissing other forms as inappropriate behavior, and therefore, blaming the mother. The court relied entirely on the court-appointed experts' findings and opinions, deciding to extend contact per the father's request. In addition to that, the court rejected the proposal to hear the privately hired expert who reviewed the court experts' report.⁹⁷
38. In the past, mental health professionals—psychiatrists, psychologists, and other experts—have publicly questioned the expertise of the Polyclinic for Child Protection of the City of Zagreb. According to reports, this institution, often the primary authority on child custody cases, based its opinions on the “alienation of a child by one parent” model. A series of newspaper articles titled “System for the Protection or Abuse of Children”⁹⁸ highlighted

⁹² AWHZ, “Response to the Call for inputs – Custody cases, violence against women and violence against children of the UN Special Rapporteur on violence against women and girls, its causes and consequences”, Dec. 2022.

⁹³ University College London, *Parental Alienation: Domestic Abusers’ Legal Tool Against Protective Parents and Children*, by Haocheng Fang (15 Feb 2023), accessed 5 Jun 2024, available online at <https://reflect.ucl.ac.uk/lwob-ucl/2023/02/15/parental-alienation-domestic-abusers-legal-tool-against-protective-parents-and-children/>.

⁹⁴ AWHZ, “Response to the Call for inputs – Custody cases, violence against women and violence against children of the UN Special Rapporteur on violence against women and girls, its causes and consequences”, Dec. 2022.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Case from AWHZ lawyer.

⁹⁸ Portal H-alter: “Sustav za zaštitu ili zlostavljanje djece?” (System for the protection or abuse of children), July 12, 2021. available at <https://h-alter.org/ljudska-prava/sustav-za-zastitu-ili-za-zlostavljanje-djece/>

the harmful practices of the Polyclinic and other institutions regarding this concept. Following widespread negative reactions from professionals and the public, the director of the Polyclinic resigned, and the institution's work went under review.⁹⁹ The Ministry of Health carried out an inspection into the work of the Polyclinic in October 2021 without major findings.¹⁰⁰

39. Additionally, the report authors filed a complaint with the Ministry of Labor, Pension System, Family, and Social Policy on behalf of a woman client regarding the CISW's reliance on this concept.¹⁰¹ In response to the complaint, the Ministry conducted an extraordinary administrative inspection, uncovered several serious shortcomings, and issued a directive prohibiting the use of the concept of "parental alienation" to "all professionals, especially those that work in the justice system, social services, and healthcare, psychology, and psychiatry."¹⁰²
40. After the reaction of the institutions and the "ban" on the use of the concept of alienation, advocates of the concept increasingly public note that it does not matter what the concept is called, as it clearly indicates emotional abuse of children, and have encouraged staff in the institutions to act accordingly.¹⁰³ Service providers and VAW experts have identified, however, that after years of training for the staff in the institutions and years of this practice, the concept has now become entrenched in the social service and court systems.¹⁰⁴ Further, according to data and analysis from organizations supporting women and experts on VAW, the name of the concept may not be used directly as often as before, but the meaning and structure of the concept of "parental alienation" is very much a part of the custody proceedings, especially in cases of domestic violence.¹⁰⁵

Prosecution and punishment

41. Prosecutors lack a holistic understanding of the repeated and gendered nature of the crime of domestic violence, as well as its context of coercive control when investigating and prosecuting it. Moreover, Trends in legal representation and service provision demonstrate prosecutors' absence of gender sensitivity and gender-responsive investigation and prosecution materializes in an isolated assessment of acts of physical, sexual, verbal, or economic violence against the victims. This further results in cases of VAW being treated as one-off incidents because the police do not investigate the history of violence. Women

⁹⁹ Nakon ostavke Buljan Flander čekaju se rezultati nadzora poslovanja Poliklinike, HRVATSKA RADIOTELEVIZIJA, <https://vijesti.hrt.hr/hrvatska/nakon-ostavke-buljan-flander-cekaju-se-rezultati-nadzora-poslovanja-poliklinike-3015180> (last visited Jun 3, 2024).

¹⁰⁰ GREVIO, Comments submitted by Croatia on GREVIO's final report on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), (Sept. 4, 2023), available at <https://rm.coe.int/grevio-inf-2023-17-croatia-s-comments-on-grevio-s-baseline-report/1680ac6fa4>

¹⁰¹ Information on file with the authors; <https://www.shera-research.com/latest-news/croatia-prohibits-use-of-so-called-parental-alienation-and-related-concepts> and GREVIO "(Baseline) Evaluation Report ..." ¶ 196 Supra footnote 23.

¹⁰² Ministry of Labour, Pension, Social Policy and Family: Instructions after the conducted administrative and inspection supervision, (2021) -Internal governmental document-; Information on file with the author through individual case file, 2024.

¹⁰³ Information on file with the actors, 2024

¹⁰⁴ Information on file with the authors, 2024.

¹⁰⁵ Information on file with the authors, 2024.

are treated as equally violent and indicted for domestic violence in cases where they were defending themselves or insulted the abuser who was abusing them physically.¹⁰⁶ GREVIO findings on Croatia evidence it as, “challenges faced in reporting include minimization of violence, victim-blaming attitudes and justifying the perpetrators’ actions.”¹⁰⁷.

42. Regarding punishments, in cases of domestic violence, perpetrators are given mostly conditional sentences in criminal proceedings, with imprisonment being rare. Most sanctions are fines and suspended sentences, even for repeated acts of violence. According to expert testimony from a legal advisor to victims/survivors of VAW, the failure to treat VAW as a serious offence has repeatedly resulted in more aggravated forms of violence, as well as in femicide.¹⁰⁸ At the same time, for women accused of manipulation, proposals and imposition of unconditional prison sentences for parental alienation or separation are more severe than those for abusers.¹⁰⁹ This demonstrates the institutionalized nature of discrimination against women in the State Party’s judicial and criminal legal systems.
43. Regarding the number of individuals convicted of offenses of domestic violence under the LPDV in 2023, data provided by the Ombudsperson for Gender Equality showed that 70% of the total reported cases were sanctioned.¹¹⁰ Fines were imposed in 62% of cases, conditional sentences in 30.7% of cases, and prison sentences in 6.7%.¹¹¹ Analysis of acts reported under the LPDV shows that courts only accept and impose protection orders proposed by the police one third of the time; the rest of the police proposals for protection orders are rejected.¹¹² Protection orders for victims are not prioritized enough. While the number of issued restraining orders under LPDV have increased, the number of eviction orders are decreasing, with the police implementing 215 such orders in 2020¹¹³, 212 in 2021¹¹⁴ and 175 in 2022¹¹⁵. Out of 219 perpetrators mandated to undergo psychosocial

¹⁰⁶ Information on file with the authors, 2024.

¹⁰⁷ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sept. 6, 2023), ¶251, available at <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

¹⁰⁸ Interview with a lawyer, 2024; See also Office of the Ombudsperson for Gender Equality, 2019. available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_prekrasnih_presuda-4861.pdf

¹⁰⁹ Ibid.

¹¹⁰ Ombudsperson for Gender Equality Year Report 2023, 95-96.

¹¹¹ Ombudsperson for Gender Equality Year Report 2023, 95-96.

¹¹² Ibid.

¹¹³ Ministry of Justice and Administration: „Report on the Work of the Commission for Monitoring and Improving the Work of Criminal and Misdemeanor Procedure Bodies and the Enforcement of Sanctions Related to Protection from Domestic Violence 2020“, 21 Jun 2021, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://mpudt.gov.hr/UserDocsImages/dokumenti/Izvje%C5%A1%C4%87e%20Povjerenstva%20za%202020.pdf

¹¹⁴ Ministry of Justice and Administration: „Report on the Work of the Commission for Monitoring and Improving the Work of Criminal and Misdemeanor Procedure Bodies and the Enforcement of Sanctions Related to Protection from Domestic Violence 2021“, 29 Jun 2022, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://mpudt.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Izvje%C5%A1%C4%87a/Izvje%C5%A1%C4%87e%20Povjerenstva-2021.pdf

¹¹⁵ Ministry of Justice and Administration: „Report on the Work of the Commission for Monitoring and Improving the Work of Criminal and Misdemeanor Procedure Bodies and the Enforcement of Sanctions Related to Protection

treatment, only 162 received it (73.9%).¹¹⁶ The Ministry of the Interior attributes this to exclusion criteria, sidelining 57 individuals. This inconsistency prompts scrutiny of why such treatment is labeled mandatory when inclusion criteria render it effectively optional.¹¹⁷

44. Although the government has included punishments like imprisonment as sanctions for committing domestic violence, a majority of convicted perpetrators are not actually put in jail. According to the records of the Ministry of Justice and Administration (MoJ), regarding the application of Article 179.a of the Criminal Code – Domestic Violence, 65% were conditional sentences, 33.5% were unconditional imprisonment sentences, 0.19% were fines, and 1.16% were imposed community service sanctions.¹¹⁸
45. When law enforcement implements protective measures, there is a lack of structured activity, such as a dedicated contact police officer to follow protocols, leaving many women uncontacted.¹¹⁹ If women request measures from the state attorney's office, action hinges on perceived necessity. Sometimes, only part of the family receives measures, complicating visitations, as described in the detailed case in paragraph 31. According to the expert testimony of a legal aid provider, the attorney's office not issuing protective measures and applying “parental alienation” concepts abound.¹²⁰ Protective measures are often for women, neglecting children's safety.¹²¹
46. The Ombudsperson for Gender Equality Office conducted two research analyses of court cases, both as misdemeanor and criminal act in 2012-2016 that evidenced judicial operators impose low sanctions for perpetrators of violence. The research “Expert analysis of final criminal convictions on VAW in the period 2012-2016”¹²² analyzed 655 court rulings on domestic violence cases, while the research “Quantitative results of the expert analysis of final misdemeanor verdicts on VAW 2012-2016”¹²³ analyzed 470 court cases. All studied cases concerned only GBV committed against a close person. In both reports, the Ombudsperson for Gender Equality corroborated that courts tend to issue low sanctions for domestic violence.¹²⁴ These results demonstrate the absence of a gender-sensitive and gender-responsive approach to GBV by police, prosecutors, and the court, as they treat

from Domestic Violence 2022”, 21 Jun 2023, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://mpudt.gov.hr/UserDocsImages/dokumenti/Strategije,%20planoi,%20izvje%C5%A1%C4%87a/Izvje%C5%A1%C4%87e%20o%20radu%20Povjerenstva%20za%202022.%20godinu..pdf

¹¹⁶ Ibid.

¹¹⁷ Ombudsperson for Gender Equality Year Report 2023, 95-96.

¹¹⁸ Ibid, 98.

¹¹⁹ Interview with a lawyer, 2024.

¹²⁰ Interview with a lawyer, 2024.

¹²¹ Interview with a lawyer, 2024.

¹²² Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih kaznenih presuda o nasilju prema ženama 2016-2012*. (“Expert analysis of final criminal convictions on violence against women in the period 2012-2016”), Office of the Ombudsperson for Gender Equality, 2019., available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_kaznenih_presuda-3c09.pdf

¹²³ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih prekršajnih presuda o nasilju prema ženama 2012.-2016*. (“Quantitative results of the expert analysis of final misdemeanor verdicts on violence against women 2012-2016”), Office of the Ombudsperson for Gender Equality, 2019., available at http://vawa.prs.hr/storage/uploads/publikacije/Kvantitativni_rezultati_prekršajnih_presuda-4861.pdf

¹²⁴ Supra notes 122 and 123.

GBV as an isolated incident. The inconsistent methodology by which law enforcement determines if DV is charged as one or the other carries notable consequences for victims. Under the LPDV (which charges perpetrators with a misdemeanor) perpetrators found guilty of committing DV can be incarcerated up to 90 days, but under the CC they must be imprisoned between 1 to 3 years and provide victims with the opportunity to obtain a restraining order for at least 100 meters.¹²⁵

47. Croatia fails to protect women who experience gender-based violence. The data from the above-described research on protection orders showed that in 655 analyzed rulings according to the Criminal Law, in only 6% of the cases, the court issued any precautionary measures through Criminal Procedure Law.¹²⁶ Information gathered regarding misdemeanors in the above-described research found that only 5% of precautionary measures were issued in the 470 court cases.¹²⁷ Protection orders were issued in 22% of the cases.
48. According to research by civil society that surveyed different stakeholders regarding protection orders, 56% of legal experts felt the protection orders in Croatia are generally ineffective. Related, most NGOs (73%) noted that the protection orders in Croatia are not adequately available to survivors and over half (56%) of the surveyed NGOs considered protection orders are not adequately enforced.¹²⁸ Such high numbers across all surveyed target groups indicate that effective protection of GBV survivors requires urgent more substantive implementation development.
49. In Croatia, protection orders are underutilized due to the State's ineffective implementation of them. Research by civil society showed that only about a third of women who were victims of domestic violence asked for protection orders. According to the survey results, women who abstained from requesting any protection measures were mostly afraid (36,04%), didn't feel they needed one (21,83%), or didn't know that they could apply for one (14,72%). What is especially concerning about the results is that over half of the respondents who have received the protection order (52,46%) didn't feel that it was effective in ensuring protection.¹²⁹
50. Additionally, the above paragraphs mentioned research found women survivors of violence shared their opinions and experiences related to the violence they survived and the protection they received.¹³⁰ Moreover, several women expressed an opinion that the

¹²⁵ Criminal Code, art 179a; Law on Protection from Domestic Violence, National Gazette 36/24, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

¹²⁶ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih kaznenih presuda o nasilju prema ženama 2016. 2012.* ("Expert analysis of final criminal convictions on violence against women in the period 2012-2016"), page 21., Office of the Ombudsperson for Gender Equality, 2019.

¹²⁷ Rašić, M. et al. *Kvantitativni rezultati stručne analize pravomoćnih prekršajnih presuda o nasilju prema ženama 2012. – 2016.* ("Quantitative results of the expert analysis of final misdemeanor verdicts on violence against women 2012-2016"), Office of the Ombudsperson for Gender Equality, 2019, 33.

¹²⁸ AWHZ, „ARTEMIS: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order – National report Croatia“, 2020. <https://www.artemis-europa.eu/wp-content/uploads/2020/09/Artemis-national-report-Croatia.pdf>

¹²⁹ Ibid, 32.

¹³⁰ AWHZ, „ARTEMIS: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order – National report Croatia“, 2020. <https://www.artemis-europa.eu/wp-content/uploads/2020/09/Artemis-national-report-Croatia.pdf>

institutions are not doing enough to protect the victims and that Croatia still has a long way to go.¹³¹ The system of co-operation between the police, CSWs and the courts is not good, and outcomes depend too much on the individuals. The courts are too slow, and it takes too long to get protection. Women feel that victim blaming is still present and that the victims are left to themselves.

Dual arrests

51. Despite the Committee's Concluding Observations from 2015, alongside urgent recommendations from other UN bodies and GREVIO, the practice of dual arrests, although lessened, still persists in Croatia.¹³² Women are charged alongside perpetrators for domestic violence when defending themselves or for insulting the perpetrator who was beating them. In misdemeanor cases, double arrests persist due to self-defense actions, verbal retaliation against psychological and physical violence. The Ministry of the Interior twice urged training on this issue, but this concept was met with resistance initially.¹³³ Acceptance grew only after citing scientific sources to validate the necessity of such training.¹³⁴ Despite the Ministry of Interior's claims that such cases are now rarer, it is impossible to ascertain how many such cases exist since they are not part of the official statistics. The published data shows the number of male and female perpetrators and female and male victims, but not their direct relationship or how many of these cases there are where both were charged. In daily work, however, shelter and counseling center workers encounter these cases quite often.
52. A recent example illustrates the issues women in Croatia may face when reporting an attack from an abuser. A woman staying in a shelter called the police after being assaulted. The abuser injured himself and alleged that she attacked him. Both were arrested, and their two infants were placed in a foster home. The abuser disappeared, and the police were unable to locate him. Following intervention from a women's organization in Split, the children were returned after the shelter confirmed their safety. The woman had to undergo a psychiatric evaluation at the hospital due to stress. Legal uncertainties arise as the abuser can leave his residence, causing delays in decisions. Two years passed without an arrest warrant being issued for him.¹³⁵
53. The State Party's policies regarding reporting domestic violence and dual arrests have been relatively widespread and generated indignation for many women. According to the preliminary results of the online research conducted by AWHZ¹³⁶, 46% of women are not

¹³¹ AWHZ, „ARTEMIS: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order – National report Croatia“, 2020. <https://www.artemis-europa.eu/wp-content/uploads/2020/09/Artemis-national-report-Croatia.pdf>

¹³² GREVIO Baseline report par 225.b; CEDAW Concluding observations on the combined fourth and fifth periodic reports of Croatia* par 19.c, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://documents.un.org/doc/undoc/gen/n15/234/47/pdf/n1523447.pdf?token=ZMAfaIOI6xm8gkggjJ&fe=true; CAT Concluding observations on the combined fourth and fifth periodic reports of Croatia* par. 16

¹³³ Interview with a lawyer, 2024.

¹³⁴ Ibid.

¹³⁵ Interview with a shelter director, 23 May, 2024.

¹³⁶ The Autonomous Women's House Zagreb (AWHZ) conducts research aimed at examining the experiences of women who have survived male violence and to review the actions of the police with an emphasis on experiences of

satisfied with the conduct of the police after reporting violence, 14.2 % of women who made reports to the police have personally experienced double arrests and 17.3 % of these women have been processed as second accused in cases of domestic violence.

Prosecution of sexual violence

54. The State Party's application of policies towards protecting victims through video-link also demonstrates how criminal legal system regulations often fail their purpose. The Croatian legal system includes mechanisms for protecting victims built into Art. 43 and 44 of the Criminal Procedure Code, which aims to enable video-link testimony and minimize hearings.¹³⁷ Regarding the efficacy of the regulation, the practice has begun to appear that despite the recorded testimony of the victim in the investigation, the trial judge re-examines and again questions the victim regarding the same circumstances.¹³⁸ These repeated statements are painful and can last for several hours.¹³⁹ According to recounts from interviewed practitioners, justice operators express empathy towards the victims but lack an essential understanding of the trauma and the effect of that trauma on the victim's life. There is a practice that, despite an existing recording of the victim's testimony during investigation, the trial judge will again examine the victim regarding the same circumstances. These examinations are painful for the victim and can last for several hours. For example, civil society reported that in the past, a judge during one hearing in the rape case said: "Describe to us the event from 2006 (rape) in one to two sentences... you don't have to go into details."¹⁴⁰ [It was reported that] the victim repeats her statement after sixteen years and breaks down occasionally, saying at one point: 'and the fact that images of this keep coming to me now seems to be of no concern to anyone.'¹⁴¹
55. Despite the several above-described positive legislative changes in recent years regarding the criminal offense of rape in paragraph 20, these offenses remain under-reported and under-prosecuted. This is largely due to a widespread lack of knowledge and understanding of the dynamics of these crimes and the impact of trauma on victims. On the matter, GREVIO has noted that when a sexual violence case is brought to court, mitigating circumstances are often applied in favor of the perpetrator, with the victim's behavior stereotypically interpreted as contributing to the crime.¹⁴² Concerningly, GREVIO also found that the defendant's marital status, parenthood, and participation in the Homeland War are frequently considered mitigating factors.
56. Lengthy criminal proceedings expose victims to re-traumatization, and the sentences imposed on perpetrators are often not dissuasive.¹⁴³ Research from the Ombudsperson for Gender Equality indicates that, on average, it takes 41 months from the commission of the

women who survived double arrests. The target group of the research is women who survived male violence and who survived double arrest by the police. The survey is completely anonymous and confidential.

¹³⁷ See Criminal Procedural Act. Official Gazette no. 62/2003.

¹³⁸ Interview with a lawyer, 2024.

¹³⁹ Ibid.

¹⁴⁰ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022.

¹⁴¹ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022.

¹⁴² GREVIO Baseline Evaluation Report Croatia, 2023, 215-216.

¹⁴³ GREVIO Baseline Evaluation Report Croatia, 2023, 215-216.

violent act to the final verdict, with some cases extending to several years¹⁴⁴. Additionally, the study shows that perpetrators received suspended or partly suspended sentences, or even community service, in 17.4% of the cases,¹⁴⁵ and in 79.45% of cases, sentences fell within the lower third of the available scale.¹⁴⁶

57. Croatia fails to guarantee the right to access justice and reparations to victims of VAW as justice operators create barriers for victims to participate in the judicial processes. According to the expertise of legal aid practitioners, courts rarely utilize video links to allow victims to testify from a different location, requiring them to travel for hours on an already traumatic day. Practitioners added that judges do not often show understanding of the potential distress this may cause victims.¹⁴⁷ Furthermore, practitioners recalled instances of judges requesting that victims use headphones to hear questions directly from a separate room, bypassing the appointed court expert. This expert is supposed to appropriately formulate questions and establish a supportive relationship with the victim in the same room. This practice undermines the victim's comfort and the expert's role in facilitating a less traumatic experience.¹⁴⁸
58. To exemplify the above analysis, the interviewed attorney referred to a rape case in which the judge lacked a trauma-informed and gender-sensitive approach. The attorney reported that a 16-year-old Roma girl was raped by her boyfriend, and he organized for his friends to also rape her and perform other lewd acts, constituting exploitation bordering on human trafficking. The court expert, who is specially trained to question minor victims of violence, then asked her: “Did he push it into your vagina? Was he erect or just limp? What is raised for you, what is flabby for you? How are you sure he pushed it into you? For oral, are you sure he put it in your mouth?” In her testimony, the interviewed attorney observed that the psychiatrist's report said the girl was devastated by the interrogation and those explicit questions. All the legal measures of working with minors were respected, and yet, the manner in which the minor was spoken to was inadequate and highly traumatizing.¹⁴⁹

Provision of shelters and other specialized services

59. Croatia must strengthen its support services for women victims of gender-based violence, especially the availability and accessibility to shelter and other specialized services. The Council of Europe estimates that 428 shelter spaces are necessary for victims of domestic violence in Croatia.¹⁵⁰ However, the State's report claims there are only 25 shelters with 325 spaces, including autonomous women's shelters, state homes, religious organization

¹⁴⁴ Rittossa, Dalida, Juranović, Sandra, *Stručna analiza pravomoćnih kaznenih presuda o nasilju prema ženama 2012.-2016.* Zagreb, Ured Pravobraniteljice za ravnopravnost spolova, (2020).

<https://repository.pravri.uniri.hr/islandora/object/pravri:2796>

¹⁴⁵ Ibid.

¹⁴⁶ Garačić, Ana, *Zakonska i sudska politika kažnjavanja županijskih sudova u Republici Hrvatskoj za kaznena djela silovanja i zlorabe droga*, *Hrvatski ljetopis za kazneno pravo i praksu*, 11(2), 2004, str. 475-516.

<https://hrcak.srce.hr/87560>; GREVIO Baseline Evaluation Report Croatia, 2023

¹⁴⁷ Interview with AWHZ lawyer, May 13, 2024.

¹⁴⁸ Interview with AWHZ lawyer, May 13, 2024.

¹⁴⁹ Interview with AWHZ lawyer, May 13, 2024.

¹⁵⁰ Croatian Ministry of Interior: *Survey of Basic Safety Indicators in 2018 in the Republic of Croatia (Jan 2019)*, available (in Croatian) at <https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-osigurnosti-cestovnog-prometa/283233>,

accommodations, and facilities founded by cities and counties.¹⁵¹ These shelters differ greatly in their approach, principles, experience, resources, and funding.

60. Croatia's history of women's shelters began in 1990 when AWHZ opened its first shelter. Following this, six additional autonomous women's shelters were established, mostly in the 2000s. These shelters are now funded based on three-year contracts following public tenders.¹⁵² AWHZ has reported that, unlike the early years of joint agreements between the state, city, county, and women's NGOs —where each covered 30% of the annual funding, amounting to 90% of the total budget —, current funding is less comprehensive, with each covering less than 30% of operational costs.¹⁵³ For example, the Ministry currently funds only 14% of the AWHZ annual budget, while the City of Zagreb covers 25%.¹⁵⁴ Shelters must raise the remaining funds independently, often through tenders, direct agreements, or project fundraising. In addition to the regression in sufficient funding for support services, the delivery of such resources is often delayed. For instance, the 2022–2024 funding decision was made two months into 2022, causing shelters to wait at least three months for the first payment while still covering operational costs.¹⁵⁵
61. State, church, city, and some NGOs run homes for children and adult victims of domestic violence, based on state guidelines and funded per bed. As per the protocols and according to legislation, access to these homes requires CISW to issue a decision on accommodation, contingent on the victim reporting the violence to the police. As CISW is required by LPDV to report all cases of domestic violence, they cannot issue such a decision without woman reporting the violence.¹⁵⁶ Article 71 of the Social Services Act (SSA) lists the types of social services a person can receive, including accommodation.¹⁵⁷ In its decision, which is required for these types of homes to receive per person-based funding, Article 112 of the SSA defines accommodation for victims of domestic violence as accommodation service in crisis situations¹⁵⁸ which can last up to 6 months, but can be extended for victims of violence.¹⁵⁹ In contrast, autonomous women's shelters have no referral requirements and allow women to stay up to a year or longer, which is crucial given lengthy legal procedures.¹⁶⁰

¹⁵¹ 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 (10 Jan 2023), ¶90.

¹⁵² Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022.

¹⁵³ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022.

¹⁵⁴ Interview with AWHZ project manager, May 23, 2024.

¹⁵⁵ Women's Network Croatia, "Croatian NGO Joint Shadow report to GREVIO", 2022.

¹⁵⁶ Law on Protection from Domestic Violence, Official Gazette, Art 7 par 1, <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

¹⁵⁷ Social Services Act, Art 71 par 15, Official Gazette 18/22, 46/22, 119/22, 71/23, 156/23
<https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>

¹⁵⁸ Social Services Act, Art 112 par 7, Official Gazette 18/22, 46/22, 119/22, 71/23, 156/23
<https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>

¹⁵⁹ Social Services Act, Art 113 par 1 and 2, Official Gazette 18/22, 46/22, 119/22, 71/23, 156/23
<https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>

¹⁶⁰ GREVIO Baseline Evaluation Report Croatia, 2023, ¶ 115.

62. The Ministry for Labor, Pension System, Family, and Social Policy imposes strict licensing conditions on shelters, originally designed for state institutions.¹⁶¹ Regulation on criteria for providing social services¹⁶² include specific space requirements and are often difficult for shelters to meet without additional state funding for construction or furnishing.¹⁶³ Despite these challenges, the State opened six new shelters in 2019 and 2020, funded by the European Social Fund (ESF) and managed mostly by civil society organizations.¹⁶⁴ Women's organizations, already providing counseling services, took on the responsibility of running these shelters to ensure they were managed by experienced providers.¹⁶⁵ However, aligning new shelters with state regulations has proven difficult, especially in rural areas lacking social workers. Historically, specialized training, rather than specific professional qualifications, was prioritized for shelter staff, developed by women's NGOs.¹⁶⁶ The Ministry's tender for these new shelters overlooked essential aspects like the secrecy, security, and data protection of the shelters, focusing instead on visibility and promotion.¹⁶⁷ Sustainable shelter services cannot rely on EU public calls. National, regional, and local authorities must take responsibility for providing adequate and continuous support for victims of domestic violence.
63. After the funding from ESF has stopped, the described new shelters are at risk of becoming unsustainable for NGOs. According to testimony provided by a service provider, one of these new shelters has to change to per-bed funding.¹⁶⁸ The issue lies with the county, which delays funding. Representatives from the county met with the ministry and expressed their reluctance to finance shelters, stating that they were forced into it.¹⁶⁹ The ministry then issued a public call for all shelters whose (ESF) funding was expiring, allotting €40,000 per shelter.¹⁷⁰
64. According to expert testimony by a shelter director, their shelter needs €130,000 annually to operate. According to the interviewee, the local government in one county contributed to the shelter, but in another, it didn't. Due to insufficient budget allocation for shelters, applying per-bed-based funding is the only option. This funding model fails to consider the additional needs and circumstances of victims and, therefore, the additional budget that shelters need. Further, it also doesn't consider that the shelter needs to operate and have staff regardless of whether it is at full capacity all the time or not. As a consequence of it, there is no systematic funding model to ensure quality and continuity. Likewise, shelters have reported that staff shifts at night and on weekends are unpaid because of the

¹⁶¹ GREVIO Baseline Evaluation Report Croatia, 2023, ¶ 151.

¹⁶² Regulation on criteria for providing social services, Official Gazette 110/22, https://narodne-novine.nn.hr/clanci/sluzbeni/2022_09_110_1624.html

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ Interview with an anonymous shelter director, May 14, 2024.

¹⁶⁹ *Ibid.*

¹⁷⁰ Ministry of Labor, Pension System, Family, and Social Policy: Call for applications for three-year programs of civil society organizations titled "Development and Expansion of the Social Services Network for the period 2023 to 2025."

[https://mrosp.gov.hr/?id=13071&pregled=1&datum=Fri%20Apr%2007%202023%2009:11:12%20GMT+0200%20\(srednjoeuropsko%20jetno%20vrijeme\)](https://mrosp.gov.hr/?id=13071&pregled=1&datum=Fri%20Apr%2007%202023%2009:11:12%20GMT+0200%20(srednjoeuropsko%20jetno%20vrijeme))

restrictions in funding.¹⁷¹ Moreover, because of a deficiency of resources, it was shared in a testimony that another one of the six shelters had to give their operations over to the local humanitarian organization because the women's NGO could not maintain it.¹⁷²

65. In late 2020, the funding for the national specialized hotline was allocated to the National Call Centre of the Association for Victim and Witness Support. However, this hotline is not specialized for women or victims of gender-based or domestic violence. Instead, it serves as a National Call Centre for Victims of Crime and is neither specialized nor advertised as a line for victims of VAW and domestic violence, making it hard for women seeking help to be aware of its existence. Evidence of it can be drawn from the absence of disaggregated data from The National Call Centre Year report for 2023. Such report cites 2490 beneficiaries, without any information on how many of these are women survivors of VAW and domestic violence.¹⁷³
66. Croatia's decision to fund the National Call Centre of the Association for Victim and Witness Support disregards the presence of several highly specialized hotlines for women victims of violence that have been operating for over 30 years.¹⁷⁴ As an example, at the end of 2023, AWHZ was awarded the national helpline number 116 016 for women survivors of violence. This European harmonized number aims to improve and support access, creates a safer environment, and fosters international cooperation against violence towards women. After the organization received such project, the government has not allocated additional funding of the helpline to secure 24/7 operation.¹⁷⁵

67. Suggested recommendations:

- Incorporate international human rights standards on preventing and combatting violence against women, especially regarding domestic violence, into the domestic legal system, including the provision of the Istanbul Convention into all domestic laws and policies and ensure a gender-sensitive approach in all stages of implementation and evaluation.
- Draft and fully implement a National Strategy for preventing and combatting violence against women and domestic violence in line with the international human rights standards, including the provisions of the Istanbul Convention.
- Allocate a yearly budget to prevent and combat VAW and DV, in line with specific and detailed measures as part of the National Policy for Preventing and Combatting VAW and DV, in line with international human rights standards on gender-equality.
- Undertake progressive measures to ensure regular and sufficient funding for women's shelters, counseling centers and SOS phone lines, while respecting and promoting the autonomy and gender-sensitive approach of these organizations.

¹⁷¹ Interview with an anonymous shelter director, May 14, 2024.

¹⁷² Interview with an anonymous shelter director, May 14, 2024.

¹⁷³ Association for Victim and Witness Support "Year Report 2023", 53, available in Croatian at https://pzs.hr/wp-content/uploads/2024/01/Godisnji-izvjestaj_2023_UPZS_final_compressed.pdf

¹⁷⁴ Women's Network Croatia, Croatian NGO Joint Shadow report to GREVIO, 2022.

¹⁷⁵ Information on file with the authors.

- Provide and fund mandatory and regular gender-sensitive training to judges, police, CSW personnel, prosecutors, health care workers, and psychosocial treatment administrators on the dynamics of domestic violence and coercive control, in collaboration with women's feminist NGOs.
- Undertake substantive steps to recognize women's civil society organizations as equal partners in policy development and implementation and include women's civil society experts in the work of various government bodies/committees dealing with violence against women and domestic violence.
- Mandate full involvement of women's NGOs and autonomous women's shelters in coordinated community responses and greater interagency collaboration to focus efforts on promoting victim safety and holding offenders accountable.
- Ensure regular collection of data on all forms of violence against women and domestic violence, disaggregated by age, sex, the relationship between the victim and the perpetrator, and other sociodemographic characteristics in all stages of investigation, prosecution and punishment to better inform policies and strategies to combat gender-based violence against women and girls.
- Undertake substantive measures to abolish entirely the practice of arresting, charging, and/or convicting both the perpetrator and the victim in cases of domestic violence.
- Undertake steps to identify and provide a clear number/percentage of cases where dual arrests happen, as well as analyze the procedures to make sure that no victim is further victimized by the state by being charged with domestic violence herself.
- Ensure, through mandatory and continuous professional training for police officers, prosecutors, and judges on identifying the perpetrator and the victim and assessing defensive injuries to reduce the number of dual arrests, charges and convictions of victims of domestic violence.
- Ensure that women victims of domestic violence have effective access to protection orders and precautionary measures, and effectively enforce and impose adequate penalties for non-compliance with such orders.
- Ensure awareness and application of domestic violence safety measures in the Criminal Code and precautionary measures in the Criminal Procedure Code by judges in the criminal legal system through mandatory and continuous professional training.
- Train judges on the application and importance of the use of eviction and restraining orders in cases of domestic violence under LPDV.
- Ensure monitoring of the implementation of protection orders through the use of electronic devices (electronic bracelets).
- Ensure that domestic violence is adequately taken into account in child custody and visitation rights proceedings in order to prevent further exposure of the victims.
- Establish protocols for the enrollment and withdrawal of children in schools, kindergartens, and medical practices in the event of placement in a shelter without the

consent of the abuser, ensuring complete protection, anonymity, and adherence to the protocol and safety assessment of the shelter.

- Undertake substantive measures to guarantee the safety of women victims of gender violence, including taking additional measures to eliminate the use of the concept of alienation, as well as any adaptation of this concept without using the word “alienation” in any judicial or administrative procedure. And ensure that professionals who harm women and children by using this concept in their official decisions when determining custody and child contact are accountable and sanctioned for it.
- Ensure that all children victims of direct or indirect violence are listed as victims in criminal proceedings and promptly determine protection measures in relation to all victims of such violence in order to protect non-violent parents and all children comprehensively.
- Provide regular, secure and adequate funding to autonomous women’s shelters through multi-year direct contracts while respecting the autonomy of their work.
- Provide financial support to women’s NGOs for the necessary construction work, equipment, furnishing and general maintenance in order to raise and keep the standard of service provision.
- Provide funding to increase resources of the shelter and ensure the right of all women and children to access women’s shelters, including undocumented women, refugee women, women asylum-seekers, and women with different abilities.
- Ensure that safety is a priority in all shelters and state homes, including using secret addresses, security doors and windows, panic buttons, cameras, and cooperation with security firms or the police.
- Allocate budget to ensure that women’s shelters can carry out prevention activities, such as awareness-raising, campaigns, and training in the communities and regions where they work.
- Open and fund sexual violence rape crisis and sexual violence referral centers, in cooperation with feminist women’s NGOs, ensuring especially training of the staff by competent women’s NGOs.
- Ensure special procedures in hospitals for women survivors of sexual violence.
- Design and implement protocols and professional training to justice operators in victim-center, trauma-informed and gender-sensitive approaches during judicial procedures, especially in criminal procedures. Training must focus on avoiding revictimizing practices in cases of rape and other forms of sexual violence.