

## I. EXECUTIVE SUMMARY

1. **Domestic violence remains a widespread and serious problem in Croatia**, affecting more victims than any other violent crime. Although data on the prevalence of domestic violence is inadequate in Croatia, the European Institute on Gender Equality (EIGE) in 2016 estimated that more than 21% of women in Croatia experienced domestic violence. Earlier studies estimate that domestic violence affects more than 30% of Croatian women. For the period 2013 to 2018, murders by a “close person” or intimate partner represented nearly 80% of all crime-related deaths of women.<sup>1</sup>
2. Administrative data on domestic violence in Croatia offer an incomplete picture of violence against women and domestic violence, since the data are only partially sex-disaggregated and do not cover all forms of domestic violence against women.<sup>2</sup> According to official crime statistics, in 2018 there were 10,272 reported acts of domestic violence under the misdemeanor law.<sup>3</sup> Out of these, 78% of perpetrators were men and 22% were women. These data include dual arrests where it is unlikely that the female victim was the primary aggressor. Furthermore, these statistics, available on the website of the Ministry of Interior, do not include all the data the police collect, and likely under-report gender-based violent crimes. The total number of recorded crimes in close personal relationships in 2018 was 3,198. Just over nine in ten (91%) of perpetrators were male, while 75% of victims were female.<sup>4</sup> These numbers include both adult and minor victims and perpetrators; these numbers also do not show the relationship of perpetrator to victim which can therefore, again, be misleading in showing the true extent of male violence against women.<sup>5</sup>
3. Since its last UPR in 2015, Croatia has taken some important steps to improve the State’s response to domestic violence to support survivors and hold perpetrators accountable. After signing the Istanbul Convention in 2013, Croatia finally ratified the Istanbul Convention in 2018 and has made some efforts to comply with its obligations under that treaty, including the adoption of an amended Law on Protection against Domestic Violence (LPDV) in 2017 that strengthened existing misdemeanor remedies for survivors of violence. Croatia also adopted a National Strategy to address domestic violence and has attempted to introduce standard protocols and procedures for the protection of women from violence across the country. The government, as stated in its 2<sup>nd</sup> cycle mid-term report, has also increased the number of trainings for various system actors such as judges, prosecutors and police. Just recently, as a result of a citizen led campaign “Save me”, in cooperation with women’s NGOs in Croatia, the Prime minister and the Government promised to change the Criminal Code by the beginning of 2020, to remove the necessity of showing threat or force to prove rape. These officials also stated that they will make all acts of physical violence resulting in injuries a criminal act and not misdemeanor; stakeholders say this will not change actual practice because medical certificates will still be required to prove injuries.<sup>6</sup>
4. Stakeholders in Croatia have also raised the alarm about recent, concerted efforts to roll back some or all of these important gains for women survivors of violence. They attribute

these efforts to a “return to patriarchal norms” where women are defined by their ability to bear children and are considered subservient to men.<sup>7</sup> The State continues to provide inadequate funds for victim services and prevention, putting women and children at risk of more harm; dual arrests of both survivors and perpetrators are still common, which deters reporting of domestic violence; reports of femicide are numerous; and perpetrators often receive minimal punishment for their actions.<sup>8</sup> Many victims of violence also lack legal access to protective measures or other legal remedies. Police, prosecutors and judges often lack adequate and appropriate training in how to apply civil and criminal domestic violence laws or policies, including measures that could protect survivors before, during and after criminal proceedings.<sup>9</sup>

5. Despite documented gaps in protection for survivors and accountability for perpetrators, stakeholders report that the State is reluctant to consider further legislative changes because officials are fearful of resistance and backlash from parties and organizations opposed to the Convention and greater gender equality.<sup>10</sup>
6. Thus, despite some progress, additional changes need to be made to Croatia’s laws, and challenges still exist in their implementation to effectively protect victims and hold perpetrators of domestic violence accountable.
7. Information in this report was gathered from a review of current laws and policies, as well as materials, reports and analyses prepared by AZKZ and international, regional and domestic governmental and non-governmental bodies. In addition, extensive interviews were conducted in 2014 and 2019 with multiple Croatian stakeholders, including government officials, journalists, theologians, politicians, health and legal professionals and non-governmental organizations providing direct services to victims of domestic violence and their children, to inform this report.

## **II. BACKGROUND AND FRAMEWORK**

8. Croatia has ratified or acceded to several human rights treaties, including the Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Croatia’s constitution includes the principle that binding international treaty provisions take precedence over conflicting provisions of domestic law.<sup>11</sup>
9. Croatia officially ratified the Istanbul Convention on June 12, 2018. GREVIO has not yet evaluated Croatia, but is scheduled to submit its first report on Croatia in January 2021.

### **A. 2015 Universal Periodic Review**

10. Croatia received several recommendations concerning domestic violence at its last UPR in 2015. Croatia supported most of these recommendations without reservations, and this section identifies whether the government has fully implemented, partially implemented, or not implemented select recommendations.

1. *Compliance with International Human Rights Standards*

**Status of Implementation: Accepted, Partially Implemented**

11. A number of countries made recommendations relative to the ratification of the Istanbul Convention (IC) and were concerned that Croatia had not planned or budgeted adequately for ratification and implementation of the Convention.<sup>12</sup>

12. Croatia also received recommendations from several countries to implement recommendations on domestic violence from other UN treaty bodies, such as the Committee on Human Rights and CEDAW.<sup>13</sup> Croatia has partially implemented these recommendations

2. *Investigation and Prosecution of Domestic Violence*

**Status of Implementation: Accepted, Partially Implemented**

13. Several countries made recommendations to Croatia concerning investigation and prosecution of crimes of domestic violence, with special emphasis on training of police and judicial personnel as well as amending the criminal code to make domestic violence a criminal offence.<sup>14</sup> Croatia has only partially implemented these recommendations.

3. *Prevention of Domestic Violence*

**Status of Implementation: Accepted, Partially Implemented**

14. Croatia supported two recommendations concerning prevention of domestic violence.<sup>15</sup> Croatia stated that these recommendations are “in the course of implementation.”<sup>16</sup>

4. *National Strategies on Gender Equality and Reducing Gender-based Violence*

**Status of Implementation: Accepted, Partially Implemented**

15. Croatia accepted two recommendations to improve the capacity and implementation of the National Strategy for Protection against Domestic Violence.<sup>17</sup> In accepting these recommendations, Croatia indicated that they are “in the course of implementation.”<sup>18</sup> Croatia has partially implemented these recommendations.

5. *Programs to Assist Victims of Domestic Violence*

**Status of Implementation: Accepted, Partially Implemented**

16. Croatia supported two recommendations concerning services available to victims of domestic violence and Croatia’s obligations to protect the rights of victims during the process of investigation and prosecution of perpetrators.<sup>19</sup> The government has increased funds, but has failed to meet victim’s needs fully.

## B. Domestic Legal Framework

17. Croatia has addressed domestic violence through both its misdemeanor and criminal law systems. The Misdemeanor Act contains limited protective measures for domestic violence survivors.<sup>20</sup> A parallel misdemeanor law is the Law on Protection against Domestic Violence (LPDV), which was amended in 2017 with new changes taking effect on January 1, 2018. The LPDV defines different categories of crimes; the rights and protection of victims; who is eligible for protection; and penalties for perpetrators found guilty. The Act also establishes a Commission to monitor enforcement and requires that a data collection protocol be put in place within 6 months after the amended LPDV took effect.<sup>21</sup> It defines six specific misdemeanor domestic violence crimes including physical, psychological and economic violence.
18. Under the LPDV, survivors can seek four different protective measures: 1) “psychosocial” batterers’ treatment;<sup>22</sup> 2) mandatory substance treatment (up to 1 year) for the perpetrator; 3) eviction of the perpetrator from the home (from one month to 2 years); and, 4) prohibitions against approaching, stalking and harassing the victim.<sup>23</sup> Two of these measures (restraining orders, stalking/harassment prohibitions, and evictions) can be requested on an *ex parte* “urgent” basis. Courts can impose fines or jail sentences (up to 90 days) on perpetrators.<sup>24</sup>
19. The amended LPDV includes 15 different rights to which victims are entitled. For example, the law mandates that services be provided to the victim and her family. The law also recognizes certain victim’s rights during legal proceedings to ensure women’s dignity, the provision of assistance by a person of the victim’s choice, and updates about the status of the case and the offender, among other rights.<sup>25</sup>
20. In 2011, Croatia amended its Criminal Code to treat crimes of domestic violence primarily as different degrees of bodily injury,<sup>26</sup> threats,<sup>27</sup> or sexual attacks.<sup>28</sup> Additionally, several articles in the Criminal Code carry an aggravated sentence if committed against a close person.<sup>29</sup> The new Criminal Code removed the previous article 215a, which treated domestic violence as a separate specific crime. The Criminal Code also provides for important post-conviction safety measures that offer protection to a victim after a criminal trial is concluded (not necessarily during proceedings), including a restraining order (up to five years) and eviction of the offender (up to three years) as part of the criminal sentence.<sup>30</sup>
21. In 2015, following a two-year campaign by AZKZ, Croatia added Article 179a to the Criminal Code, which reinserts the specific crime of domestic violence into the State’s criminal laws.<sup>31</sup> Article 179a encompasses more “serious forms of domestic violence” that are not captured by other criminal offenses and go “beyond” the limits of misdemeanor liability, such as “serious insults, intimidation, physical, sexual abuse, etc.”<sup>32</sup> Article 179a imposes a maximum of three years imprisonment for perpetrators.<sup>33</sup>
22. Croatia’s Family Law governs, among other provisions, marriage and the relations of parents and children.<sup>34</sup> The current law has been in effect since November 1, 2015.<sup>35</sup> In a

divorce case, the parties are mandated to participate in consultation with the Center for Social Welfare (CSW), which also manages many services for domestic violence survivors including access to state-run or state-affiliated shelters. Mediation is required if children are involved. There is an exception to mediation in cases where there is a claim of domestic violence; however, this determination is made by the CSW.<sup>36</sup> Under Article 100, one parent needs permission from the other or CSW to change the child's place of residence. In actuality, the decision is made by CSW.<sup>37</sup> While not required, CSW can take away parental rights, deny shared custody or limit contact in a case of violence.<sup>38</sup>

23. Croatia adopted a National Strategy for Protection against Family Violence from 2017 – 2022 (“the Strategy”) on September 22<sup>nd</sup> 2017.<sup>39</sup> The Strategy is gender neutral and outlines the broad legal framework, including international and domestic law and policy that, in theory, defines and directs the State's approach to combating and preventing domestic violence. It describes the roles of different stakeholders such as state administrative bodies, local and regional system actors and others.<sup>40</sup> The Strategy develops protocols for cooperation among stakeholders and recognizes the need for funds to investigate domestic violence acts and to protect victims of domestic violence.<sup>41</sup>
24. On June 19, 2019, the Government updated the Rules of Procedure in cases of domestic violence and established a new procedure in collecting data in such cases.<sup>42</sup> These Rules of Procedure are intended, “to ensure the timely and effective implementation of existing regulations on the protection of victims of violence against the family . . . to improve cooperation and to reduce the effects of violent behavior in the long term.”<sup>43</sup> It includes standards, protocols and best practices in domestic violence prevention for the police, the judiciary, probation and service providers, including civil society organizations, health care workers, and CSW workers. The Rules of Procedure also establish standards for victim support and assistance during court proceedings.

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **Right or area 29.2. Gender-based violence**

##### **A. Implementation of the Istanbul Convention**

25. Croatia signed the Istanbul Convention (Convention) on January 22, 2013 but did not ratify it until April 13, 2018, due to widespread misinformation campaigns about the use of the word “gender” in the Convention.<sup>44</sup> In response to these objections, the Croatian parliament adopted an interpretive statement upon ratification that states the Convention does not “include an obligation to introduce gender ideology into the legal or education systems nor an obligation to modify the constitutional definition of marriage.”<sup>45</sup>
26. The State has made some progress in incorporating the requirements of the Convention into domestic law.<sup>46</sup> On October 1, 2018, the Ministry of Demography, Family, Youth, and Social Policy (“DFYS Ministry”) announced that the Istanbul Convention was in force “as of today,” and that its implementation required the synergy of all departments, relevant state bodies, and civil society organizations.<sup>47</sup> It was also reported at that time

that the new Rules of Procedure on “how to act in cases of domestic violence is being worked on to align it with the new legislation and a conference is being prepared on how to improve cooperation in the protection of victims and the prevention of domestic violence.”<sup>48</sup> The State Strategy and Rules of Procedure also both explicitly reference the terms of the Convention. In total, the Croatian Government reports that it has secured approximately 71 million HRK (10,466,110 USD) in 2018 and 70,500 HRK (10,392 USD) in 2019 to implement the Convention.<sup>49</sup>

27. However, stakeholders report significant problems with the implementation of the Convention and they describe a sustained “backlash” to the Convention’s ratification.<sup>50</sup> For example, courts have ignored the existence of the Convention. Some courts have issued final verdicts finding a person guilty of domestic violence, but they still assign custody over children to the perpetrator, which is contrary to the Istanbul Convention’s requirement that courts take incidents of violence and the safety and rights of victims and their children into account when determining custody of children.<sup>51</sup> Additionally, the government has yet to incorporate the Convention into its criminal law, and instead, has only updated the LPDV, a misdemeanor law that does not contain sufficient protections for survivors or strong penalties for perpetrators.<sup>52</sup>
28. In June 2018, a network of women’s NGO’s, known as the Croatia Women’s Network, made specific recommendations on how to align the Croatian criminal law with the Convention. For example, it points out that rape should be defined exclusively as a situation where there is no consent and should not require proof of the use of violence by the perpetrator.<sup>53</sup> As noted in the Executive Summary, there are recent indications that the Government will finally initiate these changes in the Criminal Code, as a result of a citizen and NGO-led campaign and the lobbying of women’s organizations. The Government has also signaled its willingness to treat all instances of physical violence that result in injury as criminal violations rather than misdemeanors.<sup>54</sup>
29. In implementing the Istanbul Convention and in its approach to preventing and combatting domestic violence, Croatia is focused exclusively on “family” violence but not the distinct category of gender-based violence against women.<sup>55</sup> As described below, this focus is contrary to the Convention and leads to disastrous outcomes, with survivors arrested and charged with a crime along with perpetrators (dual arrests), among other consequences. Croatia’s National Strategy clearly states that most victims of domestic violence are women<sup>56</sup>; however, the document is gender-neutral, as is the LPDV. According to many stakeholders, this failure to make the connection between gender inequality and violence against women not only fails to protect women, but also in many cases exposes them to secondary victimization.<sup>57</sup>

## **B. Domestic Violence Survivors Lack Access to Justice**

### **1) Dual arrests and convictions of perpetrators and survivors are common.**

30. Despite the State's claim in its 2<sup>nd</sup> Cycle Mid-Term report that dual arrests of both women and their abuser are rare ("isolated" and "negligible"),<sup>58</sup> stakeholders report that situations where the police arrest and charge survivors along with the perpetrator are in fact quite common. Courts may issue protection orders to both women and their abusers, prohibiting them from approaching each other in the same living space, as well as sanction both under the misdemeanor law.<sup>59</sup> Courts have ordered women survivors to undergo psychosocial treatment, even alongside the perpetrator.<sup>60</sup> One NGO reported that of 209 participants in a psychosocial treatment program, 54 were women.<sup>61</sup>
31. Dual arrests occur for a number of reasons: 1) Courts in Croatia have interpreted the LPDV as equating psychological and economic violence on par with physical violence (a "wide definition"), thus treating a survivor who uses verbal insults or spends "too much" money as if she were as culpable as a physical abuser;<sup>62</sup> 2) the police are not required to conduct a predominant or primary aggressor assessment to identify the physically violent party and instead simply arrest both parties and defer to judges who are also often poorly trained and do not understand the dynamics of domestic violence or how to identify the primary aggressor<sup>63</sup>; and 3) police, prosecutors and judges are not trained in identifying injuries inflicted in self-defense and instead defer to medical professionals; however, as noted below, survivors face many barriers to obtaining professional medical certification of their injuries.<sup>64</sup>

## **2) Survivors are denied required medical certification of their injuries, impacting victim access to justice.**

32. Medical certificate requirements in Croatia are preventing prosecution of domestic violence offenses. Instead of relying on police reports or testimony regarding injuries, prosecutors now require medical certificates to pursue criminal charges for bodily injury.<sup>65</sup> Survivors often face several barriers to obtaining a medical certificate. For example, the perpetrator may prohibit a survivor from visiting an emergency room or other doctor to obtain the certificate while her injuries are still visible.<sup>66</sup> The perpetrator may also be present during the examination, preventing open communication between the survivor and the doctor or preventing her from requesting a medical certificate. Doctors may be hesitant to provide such documentation for fear that the perpetrators will retaliate against them.<sup>67</sup> Furthermore, expert testimony is needed to confirm during the trial that the victim has indeed sustained injuries.<sup>68</sup>
33. Because it is extremely difficult in many cases to produce the necessary medical documentation for a criminal domestic violence case, even some long-term and serious assault is treated as a mere "threat," carrying a much lesser sentence.<sup>69</sup> Despite intensive advocacy work by women's organizations in Croatia, the addition of Article 179a to Croatia's Criminal Code does not adequately address this significant gap in the criminal law. Moreover, the maximum punishment is still only three years no matter how serious the crime.<sup>70</sup> According to an attorney that works on these cases, in practice, Article 179a is not used often to charge perpetrators. There were 623 reported cases under 179a in 2018, but this number indicates the number of victims. The number of perpetrators

charged is actually just 101.<sup>71</sup> Article 139, related to the crime of “threat”, is still used more often because the penalty for it is higher, even if “threat” does not encompass the full scope of any violence. Despite the fact that the purpose of Article 179a is to punish repeated acts of violence that are treated as misdemeanors under the LPDV, in practice, perpetrators are still repeatedly charged with misdemeanors under the LPDV. AZKZ reports that there are cases in their Counseling Center of women whose perpetrator had been convicted 7 or 8 times under the LPDV without the prosecutor charging them with a criminal violation under 179a. The sentences imposed under the LPDV are mostly suspended sentences or very light. According to advocates, an added problem is that when trial judges do pass higher sentences, the Supreme Court abolishes them and imposes lower sentences, which has helped create this harmful practice of ignoring Article 179a.

**3) Inconsistent access to protective measures before, during and after criminal and misdemeanor proceedings exposes survivors to ongoing violence.**

34. Croatian law offers only limited protection remedies to certain victims of domestic violence; for example, the LPDV does not protect survivors who do not have children in common with their abuser or who have not lived with their abuser for at least three years.<sup>72</sup> These survivors must pursue a private complaint without access to protection orders or other remedies under the LPDV.
35. The misdemeanor (including the LPDV) and criminal laws are mutually exclusive in Croatia and limit the remedies available for a victim and the accountability for perpetrators.<sup>73</sup> Thus a survivor is precluded from obtaining misdemeanor LPDV protective measures if police and prosecutors pursue criminal charges against a perpetrator.<sup>74</sup> Conversely, if the victim seeks a protective measure under the LPDV, a law crafted specifically for domestic violence victims, then the maximum penalty the offender could face for his violence is a misdemeanor sentence or fine. The police generally determine whether to apply the misdemeanor or criminal laws after a survivor reports violence; this decision can limit a survivor’s potential remedies or protection before she even understands the scope of what is available to her. In general, police still tend to charge domestic violence as a misdemeanor even for repeated, severe crimes or where there is a high risk of lethality.<sup>75</sup> Prosecutors have demonstrated great reluctance to pursue criminal cases of domestic violence, particularly when survivors are too afraid to testify against their abuser.<sup>76</sup>
36. Although criminal charges and convictions (as opposed to lighter misdemeanor penalties) are often appropriate for the perpetrator’s actions, protection measures authorized by the Criminal Code are generally not available *during* criminal proceedings, only post-conviction. Stakeholders report that the courts often do not impose adequate precautionary measures to protect the victim while criminal proceedings are pending, leaving survivors exposed and unprotected particularly from stalking and harassment.<sup>77</sup>
37. Even where protective measures are imposed, offenders reportedly skirt the limits of post-conviction restraining and eviction orders to remain a certain distance away from

persons or locations. Police often disregard an offender's behavior when the offender is "passing by" or merely in the vicinity by "happenstance" or when his transgressions into a prohibited area or his intentions are unclear.<sup>78</sup> In such cases, courts should impose stronger measures to protect victims from stalking and harassment.<sup>79</sup> Violations of protective orders are punished lightly or not at all. Stakeholders also report that judges often prefer to order perpetrators for "treatment" rather than imposing restraining and protective orders on behalf of survivors in criminal actions.<sup>80</sup>

38. Additionally, even under the more comprehensive protective measures of the misdemeanor LPDV law, which can be imposed during proceedings, officials have issued few eviction safety measures, where the perpetrator is required to leave a shared living space.<sup>81</sup> Stakeholders report that this is because judges misunderstand the law, believing the law's only purpose is to ensure the perpetrator's presence in court.<sup>82</sup> As a result, survivors are denied needed protections to which they are entitled under the law and which could protect them from further violence.<sup>83</sup>
39. Judges in misdemeanor courts often do not inform women that they have a right to appeal if their request for a protection order is denied. This is particularly problematic in cases of dual arrests (see above) where both the victim and the perpetrator are arrested and charged with a misdemeanor under the LPDV. Stakeholders report that in these cases, the victim may decline to file an appeal in order to avoid more stringent penalties imposed in retaliation for the appeal.<sup>84</sup>

#### **4) Survivors do not have access to legal aid or other remedies**

40. Based on a review of protective measures under the LPDV conducted by the Gender Equality Ombudswoman, without legal representation, survivors do not have full access to their protected rights.<sup>85</sup> Yet free legal services are difficult to obtain and hinder victims' rights to seek effective remedies against their abuser. Despite the improvements to the Free Legal Aid Act, the process to request free legal assistance remains complicated.<sup>86</sup> This operates as a bar to victims of domestic violence who would otherwise qualify for free legal representation to initiate their own criminal or misdemeanor action that is not otherwise prosecuted or is part of divorce proceedings.<sup>87</sup> Victims could also use free legal aid to request protective measures under the LPDV.
41. While victims may request damages in a criminal proceeding, judges are reportedly reluctant to award any damages to victims. Rather, they encourage victims to seek remedies in a civil court. Victims, who are often vulnerable and afraid of losing custody of their children, are often reluctant to go to civil court to request damages. The civil court judge is not bound by criminal laws and procedure that require witness protection; thus, interrogating a complainant can traumatize and frighten a survivor. Additionally, a survivor may not have the funds needed to seek a civil remedy, which includes hiring a lawyer.<sup>88</sup>

#### **5) Women may be coerced into mediation and forced to cooperate with a violent partner during divorce proceedings.**

42. In cases where there is a claim of domestic violence, Croatian family law grants CSW the authority to determine whether parties to a divorce must participate in mediation.<sup>89</sup> Victims have the right to decline mediation with a perpetrator of domestic violence, but in practice, stakeholders report that CSW often fails to inform victims of this right and that many cases of divorce involving domestic violence are routed through mediation.<sup>90</sup> Additionally, CSW's determination includes an assessment of whether the parties have equal bargaining power. Advocates argue that such a finding in any case where domestic violence is present is "ridiculous" given the inherent power of the perpetrator over the victim. This policy is also prohibited by the Istanbul Convention, which requires that State parties take necessary steps to bar mediation or other forms of alternative dispute resolution in cases of violence covered by the Convention. According to a lawyer, "[s]uch victims are invariably left with a feeling of shame, helplessness, and vulnerability while the perpetrator exudes a sense of power and dominance."<sup>91</sup>

### **C. Support services are insufficient and shelter is limited for victims of domestic violence**

43. Reliable access to shelters is a critical part of ensuring that domestic violence victims and their children are safe and can start to rebuild their lives. The Council of Europe estimates that 428 shelter spaces are necessary for victims of domestic violence in Croatia, yet only 267 spaces are available.<sup>92</sup> Seven shelters are operated as autonomous women's shelters and ten are state-, city-, or church-run.<sup>93</sup> The Office of the DFYSP Ministry has said it is trying to establish six new shelters across Croatia where such shelters do not exist but are needed. The government also says it covers the cost of helplines, including adding another telephone line to meet the mandate of the Istanbul Convention to make legal and psychological assistance available for victims in need of services.<sup>94</sup> However, Croatia lacks a 24/7 hotline available with experts to assist victims of domestic violence.<sup>95</sup>
44. Significant issues remain in terms of how shelters are funded, including how much funding they receive and the type of services they can offer, leading to inadequate shelter and other services for survivors, in violation of the Istanbul Convention and Croatia's international human rights obligations. Survivor access to state and church shelters is conditioned on a referral by CSW, which is conditioned on a requirement that the survivor report any violence to the police.<sup>96</sup> CSW also determines how long a woman can stay in the shelter, typically a few months or less. Autonomous shelters have no referral requirements and allow women to stay up to a year or longer. This means that autonomous shelters promise greater success in preventing further violence against women and their children.
45. Despite this, autonomous shelters are funded on a much less secure and sustainable basis than state and church shelters. The DFYSP Ministry provides a fixed amount of program funding to autonomous shelters, which since 2010 has been grossly inadequate, representing a small fraction (less than 20% in some cases) of what the shelters need to function, leaving them to search for other sources of annual funding.<sup>9798</sup> The Ministry issued a Request for Proposals to fund state counseling centers at higher levels than

shelters, even though shelter costs are greater. Autonomous shelters are excluded from applying for this counseling funding.

46. Additionally, the State is trying to force autonomous shelters to operate more like state and church shelters and has issued new regulations restricting their independence and ability to adequately serve women and children survivors of violence. For example, the CSW decided that child contacts with a violent father should take place at shelters, instead of in one of the state institutions or another neutral location. This means that shelter workers and residents have to cooperate with and accommodate perpetrators, which is not the job of the shelters and which puts shelter workers, women and their children at risk.<sup>99</sup> This also means that shelter locations are no longer secure when they must comply with these types of decisions. Indeed, the CSW has been described as “rigid” in its approach to insisting that violent abusers be allowed contact with their children and dismissive of the rights of the survivor to seek safety and protection from her abuser, for herself and her children.<sup>100</sup>

#### IV. RECOMMENDATIONS

47. **This stakeholder report suggests the following recommendations to the Government of Croatia regarding the Istanbul Convention and Access to Justice:**

- Fully incorporate the Istanbul Convention into all domestic laws and policies and ensure they are implemented in accordance with the Convention.
- Expand the definition of who can be covered under the Law on Protection from Family Violence (LPDV) to include people in intimate relationships who have never lived with or had children with their partner and former intimate partners.
- Train police officers, prosecutors, and judges to identify the primary aggressor and assess defensive injuries to eliminate dual arrests, charges and convictions of victims of domestic violence, particularly under the LPDV.
- Improve training for misdemeanor court judges about victim rights to appeal a ruling by the court, including the right to appeal for a protection order that has been denied...
- Introduce a civil order for protection and include an order for the offender to provide financial assistance and child support to the victim, and an award of temporary child custody with the physically non-violent parent.
- Ensure the punishment of violations of protective measures and enforce punishments of offenders under the LPDV.
- Increase the issuance of jail sentences over fines for violations of protective measures.
- Amend the Family Law to exclude mandatory mediation or other alternative dispute resolution mechanisms consistent with the provisions of the Istanbul Convention.
- Repeal legal provisions in the Family Law that hold victims responsible when children witness domestic violence.
- Clarify and simplify the process to apply for free legal aid.

48. **This stakeholder report suggests the following recommendations regarding Criminal Law and Procedure:**

- Expand the definition of the Criminal Code to include women in intimate relationships who have never lived with their partner.
- Ensure that the definitions of psychological and economic violence in the LPDV are enforced in a manner that considers the context, severity, use of power and control, repetition, harassment and overall pattern of violence, in accordance with the Istanbul Convention.
- Do not require medical certification to prosecute physical violence resulting in injuries. Rather, use information gathered through police reports and investigations and the testimony of the victims and others.
- Increase the maximum penalties under Article 179a to recognize the seriousness of domestic violence crimes and deter perpetrators.
- Amend the Criminal Law regarding rape to make lack of consent sufficient proof of the crime, a policy that is consistent with the Istanbul Convention.
- Provide comprehensive trainings for criminal justice system actors, including judges and prosecutors, on the effective use of protective orders to ensure victim safety during and after criminal proceedings..

**49. This stakeholder report suggests the following recommendations regarding Professional Training:**

- Provide and fund mandatory and regular gender-sensitive training to judges, police, CSW personnel, prosecutors, health care workers, and psychosocial treatment administrators, in collaboration with women’s feminist NGOs.
- Training should include information on the dynamics of domestic violence and the definition of coercive control as part of the totality of crimes (including death threats) perpetrated on the victim.
- Train judges, prosecutors, and police on the application and enforcement of safety measures under civil and criminal laws both during the period of pending trials and after conviction.
- Train the legal and medical community on identifying the primary aggressor and assessing defensive injuries with a view to reducing the number of dual arrests.

**50. This stakeholder report suggests the following recommendations regarding funds for victim services:**

- Provide regular, secure and adequate funding to autonomous women’s shelters, while respecting the autonomy of their work.
- Withdraw the call of the DFYSP Ministry on July 4, 2019 to fund only counseling and hotline services that are separate from shelters.
- Create special programs for free housing for women survivors and fund NGO shelter initiatives to create longer-term housing solutions.

**51. This stakeholder report suggests the following general recommendations:**

- Ensure accountability of responders who fail to exercise due diligence to prevent further violence against women and provide sanctions for secondary victimization of the victims.
- Mandate full involvement of women's NGOs and autonomous women's shelters in coordinated community responses and greater interagency collaboration among judges, prosecutors, police, social workers, and the probation system to focus efforts on promoting victim safety and holding offenders accountable.

<sup>1</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, May15, 2019, 4. An in-depth analysis of these cases showed many of the femicides were the consequence of the failure of the state institutions to use the available legislative measures and protect the women from intimate partner violence.

<sup>2</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, May15, 2019, 2.

<sup>3</sup> Croatian Ministry of Interior, *Survey of Basic Safety Indicators in 2018 in the Republic of Croatia, 2018*. Available (in Croatian) at:

<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>. The cumulative number of reports for 2018 apply to all forms of domestic violence defined in the Law on Protection from Family Violence: physical, psychological, economic, sexual harassment and violence towards children.

<sup>4</sup> Ombudsperson for Gender Equality, *Work report for 2018*, (March 2019). Available (in Croatian) at <https://www.prs.hr/attachments/article/2645/Izvješće%20o%20radu%20Pravobraniteljice%20za%20ravnopravnost%20spolova%20za%202018.%20godinu~.pdf>.

<sup>5</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, May15, 2019, 4.

<sup>6</sup> Iva Grubisa, *The First Success of the Action 'Save Me': Every Bruise a Felony and 'Sex Without Consent Will be Treated as Rape, Minimum Sentence Rises to 3 Years*, September 11, 2019, <https://www.jutarnji.hr/vijesti/hrvatska/prvi-uspjeh-akcije-spasi-me-svaka-modrica-kazneno-djelo-i-seks-bez-pristanaka-tretirat-ce-se-kao-silovanje-minimalna-kazna-dize-se-na-3-godine/9345899/>.

<sup>7</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019).

<sup>8</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016). Available online at:

[http://www.theadvocatesforhumanrights.org/uploads/croatia\\_final\\_report\\_2016.pdf](http://www.theadvocatesforhumanrights.org/uploads/croatia_final_report_2016.pdf); Interview with Police, Zagreb, June 3, 2014; Interview with Ministry Official, Zagreb, June 3, 2014.

<sup>9</sup> Interview with Ministry of Interior, June 2, 2014; Interview with Lawyer, June 4, 2014.

<sup>10</sup> Interview with Advocate and Lawyer, July 3, 2019.

<sup>11</sup> Croatian Constitution, Art. 141, translation available at: <https://www.wipo.int/edocs/lexdocs/laws/en/hr/hr060en.pdf>.

<sup>12</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.21 Approve the budgetary funds needed to Implement the provisions of the Istanbul Convention, and therefore proceed to its ratification (Spain).

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<sup>13</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.86 Implement the Human Rights Committee’s March 2015 recommendations on gender-based violence ¶ 99.25 Review compliance of the Criminal Code, which now defines domestic violence only as a bodily injury and in compliance with the Istanbul Convention and CEDAW (Czech Republic) ¶ 99.28 Address the legislative gap that relates to domestic violence offences and update the Criminal Code to recognize domestic violence as a criminal offence (Trinidad and Tobago).

<sup>14</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.20 Strengthen its efforts to properly respond to allegations of domestic violence, including training police officers, prosecutors and judges, and ensuring that women victims of violence obtain adequate redress and support (Austria) ¶ 99.30 Redouble efforts aimed at the implementation of legal provisions against domestic and gender violence, with particular attention to raising the awareness and proper training of the police (Mexico) ¶ 99.96 Continue working particularly with regard to protecting the rights of victims of sexual violence and domestic violence, in particular through training or health, police and judicial personnel (Uruguay) ¶ 99.61 Establish a sustainable cooperation between the Ministry of Interior and civil society organizations dealing with domestic and gender-based violence (Poland).

<sup>15</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.108 Step up its efforts to curb domestic violence (Philippines) ¶ 99.82 Continue ensuring effective implementation of its domestic laws on the protection of the family and prevention of violence against women and children (Israel).

<sup>16</sup> *Addendum 1: Croatia* (7 Sep 2015), U.N. Doc. A/HRC/30/14/Add.1, 6.

<sup>17</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.29 Translate the initiatives of the National Strategy for Protection against Domestic Violence 2011-2016 and the National Anti-Discrimination Plan 2008-2013 into concrete laws (Indonesia) ¶ 99.84 Redouble efforts in combating domestic violence and violence against women, including through ensuring effective implementation of the National Strategy of Protection against Family Violence 2011-2016 (Malaysia)

<sup>18</sup> *Addendum 1: Croatia* (7 Sep 2015), U.N. Doc. A/HRC/30/14/Add.1, 6.

<sup>19</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 99.58 Dedicate additional resources to enhance the capacity of centres for victims of sexual and domestic violence (Norway) ¶ 99.93 “Improve services and support for women victims of domestic violence by conducting effective investigations, vigorously prosecuting the perpetrators, ending the practice of prosecuting victims and ensuring victims have access to protection and shelters (Canada).

<sup>20</sup> Misdemeanor Law, Art. 135. Also available (in Croatian) at <https://www.zakon.hr/z/52/Prekršajni-zakon>.

<sup>21</sup> Law on Protection against Domestic Violence, Art. 1 (2017). Also available (in Croatian) at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95374/112252/F-35737902/ZN.pdf>.

<sup>22</sup> The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (Minneapolis, 2012), 7. The Croatian psychosocial treatment is a counseling program that aims to modify perpetrators’ violent behavior by teaching self-control and conflict resolution skills. The treatment is administered through a six-month program consisting of weekly group meetings. The treatment also calls for victim involvement, on a voluntary basis, designed to inform the victim about the program, gather background information on the perpetrator, and monitor changes in the perpetrator’s behavior.

<sup>23</sup> Law on Protection against Domestic Violence, Art. 11(2) (2017).

<sup>24</sup> Law on Protection against Domestic Violence, Art. 20 (2017).

<sup>25</sup> Law on Protection against Domestic Violence Art.6 (2017).

<sup>26</sup> Criminal Code, Art. 117 (bodily injury), Art. 118 (heavy bodily injury), Art. 119 (especially heavy bodily injury), and Art. 120 (heavy bodily injury with a death outcome).

<sup>27</sup> Criminal Code, Art. 139.

<sup>28</sup> Criminal Code, Art. 154; interview with prosecutor, June 10, 2014.

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<sup>29</sup> Criminal Code, Arts. 152, 153. Crimes subject to enhanced sentences include murder<sup>29</sup>, bodily injury<sup>29</sup>, grievous bodily injury<sup>29</sup>, particularly grievous bodily injury<sup>29</sup>, female genital mutilation<sup>29</sup>, unlawful deprivation of liberty<sup>29</sup>, coercion<sup>29</sup>, threat<sup>29</sup>, and stalking<sup>29</sup>. The law requires that the victim provide medical documentation of injuries. Sexual intercourse without consent (art 152) is punishable by 6 months or up to 5 years of imprisonment, and 1 to 10 years if committed against a close person. Rape, which is defined in art 153 of the Criminal Code as sexual intercourse by use of threat/force, is punishable by 1 to 10 years of imprisonment, and 3 to 15 years if committed against a close person

<sup>30</sup> Criminal Code, Art. 73.

<sup>31</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016), 29. The amended 2013 Criminal Code, which removed domestic violence as a specific crime in the Code, did not recognize most domestic violence as a criminal level offense, thus relegating these offenses to the misdemeanor system. In addition, offenders whose cases were still pending under the previous Criminal Code (before 2013) were able to escape prosecution because of the new law.

<sup>32</sup> CRIMINAL CODE, art. 179a. (2015); Email from NGO to The Advocates for Human Rights (September 29, 2019) (on file with authors). According to the Ombudsperson for Gender Equality Work reports from 2015 to 2018, prosecutions for domestic violence under Article 179a have steadily increased since 2015, from 145 to 623 cases.

<sup>33</sup> Criminal Code, Art. 179a. (2015) The violation must cause a family member or a close relative to fear for their safety or the safety of their close persons or to put them in a humiliating or degrading position, without committing a more “serious offense.”

<sup>34</sup> Family Law, Art. 1. Available at:

<http://ilo.org/dyn/natlex/docs/ELECTRONIC/101656/122585/F1052999276/HRV101656%20Hrv.pdf>.

<sup>35</sup> Family Law, Art. 1.

<sup>36</sup> Family Law, Art. 332 (1).

<sup>37</sup> Personal Communication with CSO attorney, August 27, 2019, on file with authors.

<sup>38</sup> Family Law, Art.171.

<sup>39</sup> Ministry for Demography, Family, Youth and Social Policy: *National Strategy on Protection against Violence in the Family 2017-2022*. Available (in Croatian) at:

<https://ravnopravnost.gov.hr/UserDocsImages//arhiva/preuzimanje/dokumenti//Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>.

<sup>40</sup> Ministry for Demography, Family, Youth and Social Policy: *National Strategy on Protection against Violence in the Family 2017-2022* (September 2017), 5.108.

<sup>41</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1.

<sup>42</sup> Ministry for Demography, Family, Youth and Social Policy, *Protocol on the Protection of Domestic Violence* (June 2019). Available (in Croatian) at:

<https://mdomsp.gov.hr/UserDocsImages//Vijesti2019//PROTOKOL%20POSTUPANJU%20U%20SLU%20C4%208CAJU%20NASILJA%20U%20OBITELJI.pdf>.

<sup>43</sup> Ministry for Demography, Family, Youth and Social Policy, *Protocol on the Protection of Domestic Violence* (June 2019).

<sup>44</sup> Autonomous Women’s House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019), 6.

<sup>45</sup> Autonomous Women’s House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019), 6.

<sup>46</sup> Interviews conducted by Autonomous Women’s House Zagreb, (July 2019) .

<sup>47</sup> Internal Research Memo on the Istanbul Convention in Croatia, May 16, 2019, citing. Hina, *Istanbul Convention Implementation Begins*, Total Croatia News, Oct. 1, 2018, <https://www.total-croatia-news.com/politics/31391->

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[istanbul-convention-implementation-begins](#); Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (May 15, 2019).

<sup>48</sup> Internal Research Memo on the Istanbul Convention in Croatia, May 16, 2019, citing Hina, *Istanbul Convention Implementation Begins*, Total Croatia News, Oct. 1, 2018, <https://www.total-croatia-news.com/politics/31391-istanbul-convention-implementation-begins>, 3.

<sup>49</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. ¶ 5.82.

<sup>50</sup> Interviews conducted by Autonomous Women's House Zagreb, July 2019. (on file with authors).

<sup>51</sup> Internal Research Memo on the Istanbul Convention in Croatia, May 16, 2019, citing, Questions and Answers from Advocate (May 9, 2019); Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, (2011), art. 31: Custody, visitation rights and safety. Also available at: <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>.

<sup>52</sup> *Report of the Working Group on the Universal Periodic Review: Croatia* (Feb 9, 2015), U.N. Doc. A/HRC/WG.6/22/HRV/1. Articles 41 and 45 of the Convention require that all acts of physical violence and sexual harassment be codified in criminal law.

<sup>53</sup> Internal Research Memo on the Istanbul Convention in Croatia, May 16, 2019, citing, Hina, *Feminist Activists Demand Full Implementation of Istanbul Convention*, Total Croatia News, June 17, 2018. Also available at: <https://www.total-croatia-news.com/politics/29139-feminist-activists-demand-full-implementation-of-istanbul-convention>.

<sup>54</sup> Iva Grubisa, *The First Success of the Action 'Save Me': Every Bruise a Felony and 'Sex Without Consent Will be Treated as Rape, Minimum Sentence Rises to 3 Years*, September 11, 2019. Also available at: <https://www.jutarnji.hr/vijesti/hrvatska/prvi-uspjeh-akcije-spasi-me-svaka-modrica-kazneno-djelo-i-seks-bez-pristanke-tretirat-ce-se-kao-silovanje-minimalna-kazna-dize-se-na-3-godine/9345899/>.

<sup>55</sup> Internal Research Memo, citing Questions and Answers from Advocate (received May 9, 2019).

<sup>56</sup> Ministry for Demography, Family, Youth and Social Policy, *National Strategy on Protection against Violence in the Family 2017-2022*. (September 2017). Also available (in Croatian) at <https://ravnopravnost.gov.hr/UserDocsImages//arhiva/preuzimanje/dokumenti//Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>.

<sup>57</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (May 15, 2019), 6-7.

<sup>58</sup> Universal Periodic Review, Republic of Croatia, *Mid-term report on follow-up of the recommendations of the United Nations Human Rights Council under the Universal Periodic Review Mechanism* (UPR) (February 2019), at 19.

<sup>59</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016), 7-8. For example, a High Misdemeanor Court judge explained they can impose the measure prohibiting stalking and harassment and a restraining order on both parties when they live in the same home, particularly if children are present. When asked if a mutual order for protection was a good idea, the judge answered in the affirmative, because she viewed it necessary to work with and educate the victim about respecting the protective order.

<sup>60</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016), 9. CSW workers report meeting with women ordered into psychosocial treatment who later realize that the women are long-time victims who finally reported the violence and were sanctioned under the misdemeanor law with their abuser.

<sup>61</sup> Advocates for Human Rights and Autonomous Women's House Zagreb: *Implementation of Croatia's Domestic Violence Legislation: Follow-up*, (Minneapolis, 2016), 9.

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- <sup>62</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016), 11.
- <sup>63</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up* (Minneapolis, 2016), 9. The Croatian government has reported at one time training more than 4000 police officers on how to respond to domestic violence. However this appears to have had a minimal impact on the continued prevalence of dual arrests.
- <sup>64</sup> Interview with Police, June 3, 2014.
- <sup>65</sup> Criminal Code, Arts. 117-119. The medical certificate is used to qualify the level of injury for purposes of criminal prosecution (bodily injury, heavy bodily injury, especially heavy bodily injury).
- <sup>66</sup> Interview with Lawyer, June 9, 2014.
- <sup>67</sup> Interview with NGO, June 2, 2014.
- <sup>68</sup> Interview with Lawyer, October 1, 2019.
- <sup>69</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019), 11.
- <sup>70</sup> Criminal Code, Art. 179a (2015).
- <sup>71</sup> Ombudsperson for Gender Equality: Work report for 2018. Available (in Croatian) at: [https://www.prs.hr/attachments/article/2645/Izvješće%20o%20radu%20Pravobraniteljice%20za%20ravnopravnost%20spolova%20za%202018.%20godinu\\_~.pdf](https://www.prs.hr/attachments/article/2645/Izvješće%20o%20radu%20Pravobraniteljice%20za%20ravnopravnost%20spolova%20za%202018.%20godinu_~.pdf).
- <sup>72</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019), 10.
- <sup>73</sup> European Court of Human Rights, *Maresti v. Croatia* (2009); The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (Minneapolis, 2012), 3. *Maresti v. Croatia* (*Maresti*), drastically altered the legal landscape—and protections—for domestic violence victims in Croatia. *Maresti* is a decision concerning, among other things, a violation of the applicant's right not to be tried or punished twice for the same offense under Article 4 of the European Convention on Human Rights. The Croatian government cannot prosecute an offense under both the misdemeanor and the criminal codes—it must choose to use one or the other in domestic violence cases.
- <sup>74</sup> European Court of Human Rights, *Maresti v. Croatia*, (2009). The victim is precluded from availing herself of both systems' remedies for the same act of violence. If two or more acts of violence were to occur, they could be charged separately under the misdemeanor and criminal systems.
- <sup>75</sup> Advocates for Human Rights and Autonomous Women's House Zagreb: *Implementation of Croatia's Domestic Violence Legislation: Follow-up*, (Minneapolis, 2016), 5, 30. "Despite the severe violence, multiple threats to kill, and repeated violations of protective measures, the state continued to sentence [a perpetrator] under the misdemeanor law to suspended sentences, short jail terms, or fines."
- <sup>76</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up*, (Minneapolis, 2016), 30. Stakeholders are concerned that this practice will continue even under the amended Criminal Code (Article 179a) because the language is very similar to the provision repealed in 2011 that prosecutors rarely invoked.
- <sup>77</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (Minneapolis 2012), 35.
- <sup>78</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (Minneapolis 2012), 35.
- <sup>79</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (Minneapolis 2012), 35.
- <sup>80</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (Minneapolis 2012), 4.

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- <sup>81</sup> Interview with Ministry of Interior, June 2, 2014.
- <sup>82</sup> Interview with Lawyer, June 4, 2014.
- <sup>83</sup> Interview with Attorney, July 3, 2019.
- <sup>84</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019), 13.
- <sup>85</sup> Interview with Gender Equality Ombudswoman, June 3, 2014.
- <sup>86</sup> Interview with NGO, June 2, 2014.
- <sup>87</sup> Interview with NGO, June 2, 2014.
- <sup>88</sup> The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (2012).
- <sup>89</sup> FamilyLaw, Art. 332
- <sup>90</sup> Advocates for Human Rights and Autonomous Women's House Zagreb, *Implementation of Croatia's Domestic Violence Legislation: Follow-up*, (Minneapolis, 2016), 26.
- <sup>91</sup> Email from CSO attorney to Autonomous Women's House Zagreb (August 27, 2019) (on file with authors).
- <sup>92</sup> 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-o-sigurnosti-cestovnog-prometa/283233>, 14. State homes and autonomous women's shelters have the same number of beds: 141 and 142 beds.
- <sup>93</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019) Shelters are funded by the contracting of services within the social welfare network through a capitation system, and financial support is provided, through competition to autonomous women's shelters for domestic violence victims.
- <sup>94</sup> Interview with Office of Minister for Demography, Family, Youth and Social Policy (July 5, 2019).
- <sup>95</sup> Internal Research Memo on the Istanbul Convention in Croatia, May 16, 2019, citing Questions and Answers from Advocate (May 9, 2019).
- <sup>96</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019).
- <sup>97</sup> Autonomous Women's House Zagreb, *Response to the Questionnaire on Domestic Violence and the Prohibition of Torture and Ill-Treatment, Thematic Consultation of the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, (May 15, 2019). The programs received an approximate total of 2,100,000 kunas (280,000 euros) to support their counseling and shelter services.
- <sup>98</sup> Letter from Autonomous Women's House Zagreb, to the DFYSP Ministry (July 17, 2019) (on file with authors).
- <sup>99</sup> Croatian Ministry of Interior: *Survey of Basic Safety Indicators in 2018 in the Republic of Croatia*, (Jan 2019).
- <sup>100</sup> Interview with Advocate and Lawyer (July 3, 2019).