**Croatian answers to questionnaire regarding violence against women**

The matter of violence against women in the Republic of Croatia is regulated by the provisions of the Act on Protection from Domestic Violence, the Criminal Code, the Criminal Procedure Act, the Misdemeanour Act, the Ordinance on the manner of execution of precautionary measures and the Protocol on the procedure in cases of sexual violence.

In 2017, the Republic of Croatia adopted the new Act on Protection from Domestic Violence (OG 70/17), which was, among other things, conditioned by the need to transpose or implement European and international instruments into misdemeanour legislation.

The Act on Protection from Domestic Violence prescribes the rights of victims of domestic violence, the circle of persons to whom the Act applies, determines the forms of domestic violence, misdemeanour sanctions for protection against domestic violence, collecting data on the application of the Act, establishing a Monitoring Commission and improving the work of the bodies of criminal and misdemeanour proceedings and the execution of sanctions related to protection against domestic violence and misdemeanour provisions. Transposition of Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220 / JHA and implementing the Convention on Preventing and Combating Violence against women and domestic violence (Official Gazette - International Agreements, No. 4/18), before ratification, resulted in raising legal standards of protection of the victim, strengthening her procedural position, preventing secondary victimization and the urgency of all competent authorities.

In 2019, further amendments to the Act on Protection from Domestic Violence (OG 126/19) were adopted due to the need to revise the valid legal solutions regarding forms of domestic violence, in order to determine a clearer criterion for distinguishing between offenses under that Act and criminal offenses against bodily integrity committed against a close person. The circle of persons to whom this Act applies is further harmonized with the meaning of the term and the definition of a family member. In addition, the need to enforce legal toughening of misdemeanour penalties in relation to emerging forms of domestic violence was recognized.

It is also pointed out that in 2011 the Republic of Croatia adopted a new Criminal Code (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19), which, among other things, for the criminal offense of aggravated murder, introduces as a new qualifying circumstance the murder of a family member who was preceded by domestic abuse by the perpetrator. The notion of abuse should be understood in a broader sense as domestic violence. Also, the law in question, as some of the security measures imposed on the perpetrator of a criminal offense, prescribes mandatory psychosocial treatment, a ban on approaching, harassing or pampering, and removal from a joint household. The Misdemeanour Act (OG 107/07, 39/13, 157/13, 110/15, 70/17, 118/18), in relation to misdemeanours of domestic violence, prescribes the types of protective measures that a court may impose on a perpetrator of domestic violence, which are: compulsory psychosocial treatment, prohibition of approaching, harassing or stalking the victim of domestic violence and removal from the joint household. Further amendments to the Criminal Code from 2015 prescribe domestic violence as an independent incrimination, while the amendments from 2019 further strengthen criminal law protection against domestic violence, by amending the legal description of the criminal offense of domestic violence in relation to a state of long-term suffering, as a new feature of the act, which condition is caused by exposure to a serious violation of regulations on protection from domestic violence. Also, the legal criminal policy of punishing certain criminal offenses committed against a close person was tightened.

In general on “femicide”, we would like to point out that the Criminal Code (Official Gazette nos. 125/11, 144/12, 56/15,61/15, 101/17, 118/18, hereinafter: the CC) within the meaning of the term from Article 87 does not contain the term “femicide” nor does it exist as a separate criminal offense in the CC.

In Chapter X of the Criminal Code, entitled Criminal Offenses against Life and Body, Article 111 contains the criminal offense of aggravated murder. The felony of aggravated murder will be committed if the murder was committed under circumstances that make it aggravated. That is why this crime is also called qualified murder. Qualifying circumstances that make murder difficult can be, among other things, the motives for which the crime was committed, and these are hatred or other low motivation. Hatred is therefore one of the characteristics of the criminal offense of aggravated murder under Article 111, item 4 of the CC, as a special motive or motive.

The Criminal Code does not define hate as a low motive, but Article 87 (21) defines hate crime as a criminal offense committed on the grounds of race, colour, religion, national or ethnic origin, language, disability, sex, sexual orientation or gender identity of other persons. Such conduct will be taken as an aggravating circumstance if the Criminal Code does not explicitly prescribe a more severe punishment.

In this way, “femicide” (murder of a woman by an intimate partner, and the motivation is the sex of the person, therefore because she is a woman) in Croatian criminal law is a criminal offense of aggravated murder punishable by at least ten years in prison or long-term imprisonment.

Recent amendments to the Criminal Code, Criminal Procedure Act and Protection from Domestic Violence Act were triggered with a couple of severe cases of crimes committed against women, including murders, all committed during the course of 2018/2019. Amendments mainly increased the sentences for domestic violence and gender-based crimes in general. Rape is now punishable by a maximum of 15 years’ imprisonment (10 years before amendments). Conviction for domestic violence is punishable now by minimum of one up to three years’ imprisonment (minimum punishment was not prescribed before amendments). Sexual intercourse without consent is classified now as rape and punishable with three to ten years’ imprisonment. The maximum sentence for sexual harassment was also increased from one to two years of imprisonment.

A Law on Protection from Domestic Violence that provides misdemeanour sanctions for domestic violence of a lesser severity has also been amended and had also increased fines.

Despite the legislative changes, violence against women, including spousal abuse, remained a problem largely due to limited education and general lack of gender-based sensibility by the police investigators, prosecutors, and judges, which often lead to cases being decided either in favour of perpetrators or in most of the cases with lenient sanctions, most of which were actually within legally proscribed minimums.

In 2021 and in the light of the regional #metoo initiative (called #nisamtražila) with burst of hundreds of cases of sexual harassment publicly and, in many cases anonymously, reported by the media and through different social networks, mostly taking place on the universities and different faculties, Minister of Justice announced new amendments to the Criminal Code. Changes will, inter alia, affect criminal act of sexual harassment which, as proposed, will be prosecuted now ex-officio – obligatory victim’s proposal for the prosecution within three months deadline will no longer be requested and 10 years deadline for reporting the case to the prosecutor will be applied.

In 2017, the Gender Equality Ombudsperson Croatia founded „Monitoring body for comprehensive monitoring, data collection, analysis of cases of femicide and reporting - Femicide Watch“, the members of which are representatives of the Ministry of the Interior, High Misdemeanour Court, Ministry of Justice, organizations of civil society, Ministry of Demography, Family, Youth and Social Policy and the Faculty of Law. So far, three meetings took place while forth one is scheduled for 17 May 2021.

Since then this monitoring body collects detailed (gender) statistics on femicide cases, monitor and analyses individual cases and situations which resulted in femicide for the purpose of finding out the key omissions by the relevant authorities as well as for the purpose of enhancing the legislative framework and practice, prevention of violence and protection of victims, aiming also at improving and offer better education to the police and judiciary dealing with femicide and gender violence.

In the light of the above, worth to mention is the fact that the Ombudsperson was a holder of the EU project „*Building more effective protection: transforming the system for combating violence against women*“[[1]](#footnote-1), whose value was 427,762.27 EUR, and was implemented in the period 1.4.2017 until 31.12.2019.[[2]](#footnote-2) The project addressed the role of the police, judiciary and the media in cases of violence against women, with special emphasis on femicide. It included various target groups – judges of county and municipal courts, state attorneys (120), police officers (160), media representatives (75) and 464 women victims of violence within the counselling activities of the project partner - Woman's Room. Special efforts were made to sensitize the general public about the importance of combating violence against women and femicide. Conducted expert analyses of final misdemeanour and criminal verdicts in the cases of violence against women in the period from 2012 to 2016, were published in 2 publications.[[3]](#footnote-3)

The Ombudsperson visited 22 courts throughout the Republic of Croatia, where she gained an insight into 3,295 criminal and 1,092 misdemeanour verdicts, out of which 906 criminal and 557 misdemeanour verdicts were taken for the research sample. The analysis focused on problematic aspects of court proceedings that the Ombudsperson had already noticed through individual complaints of citizens, as well as through previous research.

In cooperation with the Police Academy and the Judicial Academy, as associated partners, the Ombudsperson organized and conducted a total of 9 two-day trainings in Zagreb, Osijek, Split and Trilj for a total of 83 judges of municipal and county courts, 63 state attorneys and deputies on municipal and county levels and 108 police officers. The total grade of the lecture content was 4.51 (out of 5). A total of 62% of the participants believe that there is a need for systematic training on gender-based violence, while 77% of all three groups believe that the training has met expectations in terms of topics. Out of the total number of respondents to evaluation questionnaires, 66% believe that the content of education is applicable in practice. A very high percentage of respondents (90%) are satisfied with the trainings. The most pronounced satisfaction with the training was recorded at the trainings for judges of the municipal and county courts, who gave the highest grade to the trainings (4.72).

Two in-depth analyses of media coverage of violence against women and femicide were conducted and published, on the basis of which the “Media Code - Guide for Professional and Sensitized Reporting on Violence against Women and Femicide” was developed and published.

The Ombudsperson also held the final conference of the project entitled "Femicide - regional and global challenges" (December 16, 2019), which presented the goals and achievements of the project and within which a panel discussion was held about femicide as a social, regional, European and global problem. As a part of the conference, a dramatic performance "Speak out!" was presented. It was created as part of the "Lily" project of the Ministry of the Interior, aimed at sensitizing citizens about violence against women and femicide.

In 2021, Ministry of Interior reported on 39 % increase in number of registered cases of domestic violence qualified as crimes comparing to 2020, while concerning the misdemeanour cases of domestic violence police reported around 11,3 % decrease of number of registered cases comparing to 2020. According to the 2019 report by the Ombudsperson for gender equality, the number of misdemeanour cases of domestic violence decreased by 6.3 percent compared with 2018, while the number of criminal acts committed against “closely-related people” (including domestic violence cases qualified as crimes) in the same period increased by 28 percent.

The stated long-term trend of decreasing the number of reported perpetrators and the number of victims of domestic violence in the field of misdemeanour legal protection (10 years constant decrease), along with the continuous increase of domestic violence criminal cases points to the conclusion that misdemeanour sentencing of domestic violence perpetrators in the long run actually deters victims of violence from reporting milder forms of violence until the situation escalates and moves into the realm of criminal law, and then violence is no longer possible to suffer or hide because the consequences are usually tragic. Such a misdemeanour legal system does not actually fulfil its preventive nature and does not offer an effective and quick response to violence, but brutalizes it and moves it from the sphere of misdemeanour to the sphere of criminal legislation. This phenomenon is due, among other things, and as already pointed out, the lack of effective and systematic measures to prevent violence outside the justice system and insufficient investment in long-term and quality resocialization of perpetrators, as well as the fact that prevention is reduced almost exclusively to fines or parole.

Therefore, the conclusion that the increase in the number of domestic violence offenses of a criminal nature, for the fifth year in a row, is not only about additional sensitization and education of the police (according to the official police interpretation of constant increase of criminal cases of domestic violence), but also about the mentioned shortcomings in the system and chronic lack of preventive mechanisms outside the justice system. Such a system of combating violence against women and domestic violence shows its weaknesses, especially in times of crisis such as this pandemic. Everything points to the need to undertake the necessary changes in the entire system, especially in the system of prevention and suppression of violence against women in accordance with the recommendations of the Ombudsperson, who has been warning about this problem for years.

The Ombudsperson for gender equality also reported a general lack of effective and dissuasive sanctioning of perpetrators of gender-based violence, and judicial practice was generally not gender sensitive, due in part to insufficient education on international standards.

Lastly, we would like to point out that in the last three years, according to the data recorded in the eSpis system, there were 3 cases in which convictions were handed down for aggravated murder or aggravated attempted murder:

* one case involved an attempted aggravated murder of a life partner (i.e. the perpetrator and the victim are male),
* the second case concerns a murder committed in the direction of incompetence and does not involve the murder of an illegitimate wife / partner, and
* in the third case, a final conviction was handed down for the attempted aggravated murder of an illegitimate wife by her husband.

The sentences imposed in these cases are as follows:

* in the first case, imprisonment for a term of three years and six months (unconditional)
* in another case, an incompetent defendant was sentenced to six months in a psychiatric institution, and
* in the third case, a prison sentence of four years (unconditional).
1. JUST/2016/RGEN/AG/VAWA/9940286. [↑](#footnote-ref-1)
2. Project partner was an organization of civil society Woman's Room-Center for sexual rights and associated partners: Judicial Academy, Police Academy and Croatian Journalist Association. [↑](#footnote-ref-2)
3. „Expert analysis of the final misdemeanour verdicts in violence against women cases, 2012 – 2016“, on a sample of 470 final misdemeanour verdicts, and „Expert analysis of the final criminal verdicts in violence against women cases, 2012 – 2016“, on a sample of 655 criminal verdicts. Both analyses are available in Croatian on project web pages: http://vawa.prs.hr/publikacije/ [↑](#footnote-ref-3)