



Care4Trauma

Improving GBV victims support services and the access to justice through Trauma-informed Care

Country report Croatia

Table of Contents

Introduction	3
PART I – Overview - Croatia State-of-the art	4
Gender-based violence in Croatia – national background information	4
Most important national statistical data and legislation concerning gender-based violence	5
Access to justice framework model	12
Framework of existing health and social care policies for victims of Gender-Based-Violence	16
PART II Mapping of current provision of trauma-informed-care and access to justice and related gaps in Croatia	18
Study aim	18
Method	18
Procedure	18
Data analysis	19
Reference to trauma in the documents	19
Reference to TIC principles	19
Part III Conclusions	28
Current strengths and positive aspects of the legislation and policy	28
Current concerns and negative aspects of the legislation and policy	28

Introduction

Gender-based violence against women in Croatia is a serious and widespread issue, in particular violence in intimate partner relationships. This violence is both a cause and a consequence of historical inequalities between women and men. Gender-based violence against women is a global phenomenon that cuts across boundaries of age, socioeconomic status, education and geography. Restrictive patriarchal norms and social attitudes contribute to both widespread incidence of violence against women, but also its acceptance and tolerance towards it. Femicide is a big problem in Croatia, and just in first eleven months of 2022, 14 women have been killed by their current or former intimate partners.¹

While there have been many positive trends in legislation in Croatia, both on gender equality and protection from gender-based violence against women, these provisions are either not sufficiently implemented or they are more and more often implemented to the detriment of survivors of violence against women. Autonomous Women's House Zagreb and other Croatian women's non-governmental organisations have been advocating for years for more gender sensitive legislation policies and a holistic approach to providing protection and support to women survivors of gender-based violence.

What is often lacking is the understanding that women survivors of gender-based violence suffer from high levels of trauma and need specific approach in order to feel protected and supported. Gender based violence against women in Croatia is often treated as one-off incidents, without taking into consideration coercive control, the long-term exposure to such violence and the serious consequences that it has for women and their children. This often results in victim blaming and secondary victimisation which then has further effect on women who refrain from reporting the violence they had survived to the police and other institutions.

This report is divided into three parts. The first part provides an overview of the situation related to gender-based violence against women in Croatia including the most important statistical data and legislation, the access to justice framework model and the framework of existing health and social care policies for survivors of gender-based violence. The second part provides an analysis of the mapping of current provision of trauma-informed care (TIC). It explains the aim of the study, and the method and procedures used, as well as its findings. Finally, the third part presents her conclusions related to both effective and still challenging parts of the implementation of the current legislation.

¹ <https://balkans.aljazeera.net teme/2022/11/6/femicid-u-hrvatskoj-samo-tokom-2022-ubijeno-je-14-zena>

PART I – Overview - Croatia State-of-the art

Gender-based violence in Croatia – national background information

Gender based violence against women in Croatia was a taboo subject until late 1980s when the first women's organisations were founded. In 1988 the first SOS helpline for abused women and their children was founded in Zagreb and in 1990 the first shelter was opened by Autonomous Women's House Zagreb. This was when women's organisations started working intensely on raising awareness and on combating intimate partner violence and when they started providing services to women survivors of violence and their children. Autonomous women's house Zagreb and other women's organisations that started to provide support to women survivors of violence and their children at that time based their work on feminist principles of women helping women and on the human rights of every woman to live a life free from violence. Extensive training was received from women's shelters from western Europe about the causes, consequences and dynamics of intimate partner violence as well as on trauma that women survivors of violence have as a result of their experiences. From the beginning women's organisations provided support based on the trauma-informed care, such as taking into account in their work the causes and effect of violence against women, providing empathetic support, a safe environment for the victims and their children, and working together with the victims on creating a safe future.

Gender based violence against women was not a punishable offence, except in cases of physical injury, until 1998 when an article in the family law was introduced that punished domestic violence with up to 30 days in jail. In 2000 domestic violence was introduced in the criminal law as a criminal act and in 2003, a new law on protection from domestic violence was passed. The state started to get involved in protection from and prosecution of intimate partner violence in 2000. With the involvement of the state in the issue of intimate partner violence, gender-based violence against women began to be treated more as one of the forms of violence in the family, instead of as one of the forms of violence against women.

Croatia has ratified most of the relevant international instruments against violence against women and domestic violence. They include:

- UN Convention on the Elimination of All Forms of Discrimination of Women (CEDAW), ratified in 1997, together with its Optional Protocol (2001).
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), ratified in 1997. Later, its optional protocols 12, 13 and 14 were also ratified.
- Convention on the Rights of Persons with Disabilities, and its optional protocol, were ratified in 2007.
- CoE Convention of Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention), ratified in 2018.

Although the Istanbul Convention was signed in 2013, it was not ratified until 2018. The reason for this substantial delay was a strong backlash and opposition to its ratification from pushback movements, which misrepresented the content and aim of the Istanbul Convention, using the argument that the Convention would introduce a so-called "gender ideology."

The ratification of the Istanbul Convention has since resulted in some positive developments regarding the improvement of the legislative framework. However, it must be noted that although the CEDAW Convention has been ratified for many years, lawyers from women's NGOs working on cases of violence against women and discrimination of women say that it is almost never used in the legal processes against violence against women, despite it being above the national law and the same has been true for the Istanbul Convention since 2018.

Today, Croatia has national strategies, legislation, policies and standards of procedure that covers all forms of violence against women and domestic violence. However, the structural

nature of violence against women as gender-based violence is not sufficiently recognised. This problem of not recognising the structural nature of this formal violence led to further problems in preventing and combating gender-based violence against women because the legislation does not differentiate this form of violence from other forms of domestic violence. The issue of gender-based violence in various public discussions and in expert groups is often addressed but ignored and put into the general context of domestic violence.

The main national strategic document dealing with domestic/intimate partner violence against women is the National Strategy for Protection against Family Violence from 2017 – 2022, passed by the government of Croatia on September 22nd, 2017. It contains:

- Prevention – educational activities and programmes for children, youth and all stakeholders in the educational system; systematic monitoring of individual cases with the aim of providing assistance by forming interdisciplinary expert teams in health, education and social service sectors; financial support to NGOs working in the field of prevention and running SOS phone lines.
- Measures to change the legislation and align it with the IC.
- Services – providing financial support to shelters for victims of domestic violence, supporting employment for victims of violence.
- Providing psychosocial treatment to perpetrators of violence.
- The forms, manner and content of co-operation between the competent authorities and other actors involved in the detection and suppression of violence and the provision of assistance and protection to women victims of gender-based violence and victims of domestic violence.
- Education and training of all experts/stakeholders working in the field of protection from violence in the family.
- Raising public awareness of violence in the family.

Most important national statistical data and legislation concerning gender-based violence

A nation-wide survey that AWHZ conducted in 2003, the only one of its kind to date, showed that every third woman had survived or will survive some form of physical intimate partner violence (IPV) during her lifetime.² The same research showed that 44% of women survived verbal abuse in their current relationship, while nearly seven out of 10 (68%) women had experienced such abuse from a previous partner. A third of the women (34%) were survivors of sexual violence.

The 2012 data from the Fundamental Rights Agency (FRA) EU-wide survey on violence against women³ showed that one in eight (12%) women in Croatia survived physical violence from a partner since the age of 15, 3% have shared that they have survived sexual violence from a partner and 42% have survived psychological violence from a partner. Among them, most (33%) have experienced abusive behaviours (verbal abuse, insults, humiliation), but nearly three in ten (29%) also identified controlling behaviours. More than one in ten (11%) have identified economic abuse from their partners since the age of 15.

² Autonomous Women's House Zagreb, *Interpretacija rezultata istraživanja o nasilju nad ženama u Republici Hrvatskoj* ("Interpretation of Research Results of a Survey on Prevalence of Violence Against Women in Croatia"), available (in Croatian) at <http://www.azkz.net/istrazivanja.html>. The research looked at the violence that women have survived, the violence their mothers have survived and the violence their friends have survived and then calculated a lifetime prevalence.

³ European Union Agency for Fundamental Rights, *Violence against Women: an EU-wide survey (2014)*, available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>

Although many women reported serious long-term psychological consequences to violence, only 18% of them contacted the police. The reasons women gave for not contacting the police are mostly that they dealt with it themselves, involving perhaps a family member, or they didn't report out of fear and embarrassment. Of those women that did try to get help, they were most satisfied with women's shelters and other women's and health organisations (100% satisfaction with the shelters, above 70% with other organisations) and least satisfied with the police (40%). Women who contacted different services and asked for support after surviving non-partner violence are slightly more satisfied with the police, but still, less than half of those women were satisfied (48%).

Femicide, or murder of women in intimate partner relationships, is a serious issue in Croatia. From 2016 till 2021, 92 women have been murdered in Croatia (45% of all murders). Of those, 52 were murdered by a close person, with the past few years showing an increase (7 women in 2019, 9 in 2020 and 11 in 2021).⁴ An in-depth analysis of these cases showed that in many of them 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.⁵

Administrative data on domestic violence in Croatia is collected primarily by the police and published in monthly and yearly reports. These data provide an incomplete picture of VAW and DV in particular since they are only partially sex-disaggregated and do not cover all forms of GBV against women. They also don't show the relationship between the perpetrator and the victim. Since the data collection is based on the criminal and/or misdemeanour acts rather than different forms of VAW and DV, the data are not conjoined so that it would be clear which perpetrator (age, sex, conditions and so on) has perpetrated which act against whom.

Croatia doesn't have specific legislation nor policy referring to GBV against women. Instead, different forms of violence against women are criminalised, including intimate partner violence, which is treated as one of the forms of violence in the family. Most cases of violence against women that are reported in Croatia are cases of intimate partner violence. In Croatia, domestic violence is criminalized as violence in the family in two laws: the Criminal Code and the Law on Protection from Domestic Violence (LPDV). It was first criminalized in the Criminal Code in 2000, under article 215a, punishable by 3 months to 3 years in prison. In 2006, the punishment was increased to 6 months to 5 years. At the same time, family violence was also punishable according to the 2003 Law on Protection from Domestic Violence (LPDV) with up to 60 days in jail, or a fine. It is a misdemeanour law which provides for much lower punishment, but which introduced 6 protection measures and would allow for a speedier process than the Criminal Code. For this reason, the police tended to charge perpetrators of family violence under the LPDV to obtain the protection for the victim, but in more serious cases, they also charged the perpetrator under the Criminal Code, Act 215a.

The 2009 European Court of Human Rights decision in *Maresti v. Croatia*⁶ rendered the use of misdemeanour LPDV law and the Criminal Code mutually exclusive. The Court found that the applicant had been tried and convicted twice for the same deed, once under the LPDV and again under the Criminal Code. This decision was the primary reason why substantial changes regarding treatment of family violence were introduced to the Criminal Code in 2011. The new Criminal Code introduced several articles in an aggravated form if committed against a close

⁴ Ombudsperson for Gender Equality Year report (2021), available at https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

⁵ Ibid.

⁶ European Court of Human Rights, Case of *Maresti v. Croatia*, Final judgement, [https://hudoc.echr.coe.int/eng#{"itemid":\["001-93260"\]}](https://hudoc.echr.coe.int/eng#{)

person, including murder⁷, bodily injury⁸, grievous bodily injury⁹, particularly grievous bodily injury¹⁰, female genital mutilation¹¹, unlawful deprivation of liberty¹², coercion¹³, threat¹⁴, and stalking¹⁵.

After the new Criminal Code was passed, several cases of domestic violence that were prosecuted under Art 215a were dropped because the article no longer existed and severe cases of violence against women were not punished at all. In 2015, the Government decided to reintroduce a separate act of domestic violence into the Criminal Code. This is article 179a, which states that “Whoever violates the regulations on the protection of domestic violence, and thus causes a member of the family or a close relative a fear of their safety or the safety of their close persons or puts them in a humiliating position, (in a way) that they don’t commit a heavier offense, they shall be punished by imprisonment for up to three years.”¹⁶ With this amendment, the state ensured to punish all those acts of domestic violence where there is no medical certificate of injury (which is required in order to prove bodily injury), but where the case is more complex than a threat and involves many years of coercive control and violence. The Criminal Code does not define “coercive control” as a key element of intimate partner violence, therefore leaving a vague definition of family violence in art 179a.

The Law on Protection from Domestic Violence is a misdemeanour law and defines domestic violence as:¹⁷

- “1. Physical violence,
2. Bodily punishment or other forms of humiliating treatment of children,
3. Psychological violence which has caused injury to dignity or anxiety to the victim,
4. Sexual harassment,
5. Economic violence as a prohibition or disabling of the use of joint or personal property, disposing of personal income or property gained by personal work or inheritance, disabling employment, deprivation of resources for maintaining a common household and childcare,
6. Neglecting the needs of a person with a disability or an elderly person which leads to causing her anxiety or insulting her dignity and thereby causes her physical or mental suffering.”

Such violence is punishable by a fine, jail and/or protection measures. Whoever commits domestic violence according to this law will be punished by a fine of at least 2,000 HRK (€270) or up to 90 days in jail. Repeat offenders will be punished by at least 6,000 HRK (€800) or at least 30 days in jail. The law also defines aggravated forms of domestic violence, so that for violence

⁷ Criminal Code 2011, Official Gazette 125/2011, 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).

⁸ Criminal Code, art 117.2. – bodily injury punished by to 3 years in prison (up to 1 year for basic form).

⁹ Criminal Code, art 118.2. – punishment if committed against a close person is 1 to 8 years of imprisonment (basic form of the crime is punished by 6 months up to 5 years).

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

¹¹ Criminal Code 2011, Official Gazette 125/2011, art 116.3. – punishment if committed against a close person is 1 to 8 years of imprisonment (basic form of the crime is punished by 6 months up to 5 years).

¹² Criminal Code 2011, Official Gazette 125/2011, 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)).

¹³ Criminal Code 2011, Official Gazette 125/2011, 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.

¹⁴ Criminal Code 2011, Official Gazette 125/2011, art 139.2. – the punishment is up to 3 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).

¹⁵ Criminal Code 2011, Official Gazette 125/2011, art 140.2. – punishment is up to 3 years of imprisonment if committed against a close person, basic form is up to 1 year. However, there is no ex officio prosecution. The victim has to file a private complaint unless the victim is a child.

¹⁶ Law on the Amendments to the Criminal Code, Official Gazette 56/2015, art 49. Criminal Code

¹⁷ Law on Protection from Domestic Violence 2023, Official Gazette 114/2022, art 10.

committed in the presence of a child the sanction is at least 7,000 HRK (€930) or at least 45 days in jail (8,000 HRK (€1,060) or 60 days in jail for repeat violence), and at least 12,000 HRK (€1,600) or at least 70 days in jail for domestic violence committed against a child or a disabled person.

To ensure the implementation of LPDV, the government passed a protocol called the Rules of Procedure in Cases of Domestic Violence that were amended in 2019. The aim of the new protocol is, among other things, ensuring public awareness of the problem of violence, prevention of violent behaviour, introduction of prevention programs in educational institutions, early identification of risks and mutual exchange of information for comprehensive protection of victims and family members, as well as integrated approach to protection from DV.¹⁸

There is no emergency barring order specifically for domestic violence in Croatia. Instead, precautionary orders from the Misdemeanour Law can be issued as emergency barring orders. Article 130 of the Misdemeanour Law lists 6 precautionary measures, including a ban on visiting a certain place or area and a prohibition of approaching a certain person and prohibition of establishing or maintaining contact with a certain person. In cases of domestic violence, the police may issue these precautionary measures for up to 8 days and the perpetrator must leave the home immediately. Once they order the measure, they have eight days to file an indictment asking the court to extend the duration of the precautionary measure, otherwise the measure will cease to be in effect after eight days. The appeal process does not delay the execution of precautionary measures.

The Criminal Law¹⁹ prescribes a total of nine safety measures that can be applied to any defendant in a criminal procedure. Safety measures take effect from the enforceability of the judgment.

Prohibition of approaching, harassing or stalking the victim (Art. 73), a person or group of persons, or a ban on approaching a certain place to the perpetrator will be imposed by the court when there is a danger that the perpetrator may commit a criminal offense against those persons or in those places. This measure can be imposed for a period of 1 to 5 years.

Removal from a joint household (Art. 74) may be imposed by the court on the perpetrator of violence against a person living in a joint household if there is a high degree of danger that without implementing this measure the perpetrator could repeat violence against a member of the joint household. This measure can be imposed for a period of 3 months to 3 years.

The remaining three measures that can be imposed on the perpetrator of GBV are: compulsory psychiatric treatment (Art. 68), compulsory treatment for addiction (Art. 69) and compulsory psychosocial treatment (Art. 70). All three may be carried out during the prison sentence or while on probation.

For the two safety measures directed at protection of the victim, there are specific procedures for monitoring outlined in the Ordinance on implementation of safety measures of restraining order and removal from the joint household²⁰. For either of these two safety measures, one police officer who is in charge of implementation should draft, together with the victim, a safety plan and should check once a week with the victim whether the perpetrator is complying with the measure. While the language of the Ordinance is somewhat vague, it is clear that monitoring the compliance of the measure is done primarily through communication with the victim and

¹⁸ Ministry for Demography, Family, Youth and Social Policy, Rules of Procedure in cases of domestic violence, 2019., available (in Croatian) at <https://mdomsp.gov.hr/UserDocsImages/Vijesti2019/PROTOKOL%20O%20POSTUPANJU%20U%20SLU%20C4%8CAJU%20NASILJA%20U%20OBITELJI.pdf>

¹⁹ The Criminal Law, Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, available in Croatian at <https://www.zakon.hr/z/98/Kazneni-zakon>

²⁰ Ordinance on implementation of safety measures of restraining order and removal from joint household, Official Gazette 76/13, available in Croatian at <http://www.propisi.hr/print.php?id=12406>

based on reports of violation from the victim or other people close to her. The perpetrator who is found violating one of these safety measures will be arrested and criminal proceedings will be instigated. The sanction for violating the safety measure is up to two years in prison.

The Criminal Procedure Law²¹ prescribes precautionary measures when there are reasons for ordering pre-trial detention or it has already been ordered. Then the court and the State Attorney, if the same purpose can be achieved by a precautionary measure, may determine the application of one or more such measures. In case of non-compliance with the imposed measure, it will be replaced by pre-trial detention. Article 98 Par 2 states that precautionary measures are:

- 1) ban on leaving the place of residence,
- 2) ban on visiting a certain place or area,
- 3) the obligation to report regularly to a certain person or state body,
- 4) ban on approaching a certain person,
- 5) prohibition to establish or maintain contact with a certain person,
- 6) ban on performing certain business activities,
- 7) temporary confiscation of travel and other documents for crossing the state border,
- 8) temporary revocation of the license for driving a motor vehicle,
- 9) prohibition of stalking or harassing the victim or other person,
- 10) removal from home,
- 11) ban on internet access.

Pursuant to the Criminal Procedure Law, in case of non-compliance with the precautionary measures, they are replaced by pre-trial detention.

The main law used for protection orders is LPDV.²² According to this law, protection measures are defined as a type of sanction and can be issued with or without other types of sanctions (jail or a fine). Article 12 of the same law states that the purpose of protection measures is to prevent domestic violence, ensure the protection of the health and safety of victims of domestic violence and eliminate circumstances that favour or encourage the commission of a new offense. The law prescribes the following protection measures:

1. Mandatory psychosocial treatment for the perpetrator,
2. Prohibition of approaching, harassing or stalking a victim of domestic violence,
3. Removal from a joint household,
4. Compulsory treatment for addiction.

Protection measures of removal from a joint household and prohibition of approaching, harassing or stalking a victim (eviction and restraining order) can be passed for a period of 1 month to 2 years. Psychosocial treatment can be ordered for no less than 6 months and addiction treatment for up to 1 year. Violation of a protection measure can be punished by a fine of at least 3,000 HRK (€400) or by at least 10 days in jail.

The LPDV in Art. 12 states that protection measures may be imposed ex officio, at the proposal of the authorised prosecutor, the victim or the Centre for Social Welfare. The authorised prosecutor in cases tried under the LPDV is usually the police, or sometimes the public prosecutor. In accordance with Art. 14 of the same law, the court may impose protection measures prohibiting the approach, harassment or stalking of a victim of domestic violence and removal from a joint household before initiating misdemeanour proceedings at the proposal of the victim or another authorized prosecutor if there is a direct threat to the safety of the victim

²¹ The Criminal Procedure Law, Official Gazette 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, available in Croatian at <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

²² The Law on Protection from Domestic Violence, Official Gazette 70/17, 126/19, available in Croatian at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

or their family member. That decision has to be rendered by the court without delay, and no later than twenty-four hours after the submission of the motion. The court makes the decision after hearing the victim and the person against whom protection is sought. The appeal does not delay the execution of the decision. The decision will be revoked if the victim or other authorized prosecutor does not file an indictment within eight days from the day the decision was made, of which the court is obliged to warn the victim.

Less than 20% of women reported the violence to the police. The number of reported cases each year under the Law on Protection from Domestic Violence (LPDV) has been steadily decreasing in the last 10 years, with 58% less cases reported in 2021 than in 2011 (Figure C1). In the recent years, more cases have been reported through the Criminal Law (Figure C2), but not nearly enough to account for such a decrease in reported LPDV cases. Qualitative research indicates that women don't report violence because of lack of information about their rights, feeling ashamed, lack of financial resources, feelings of inferiority due to a failed marriage, and distrust in the work of institutions. Three in five women (60%) who did report the violence were not satisfied with the police response.

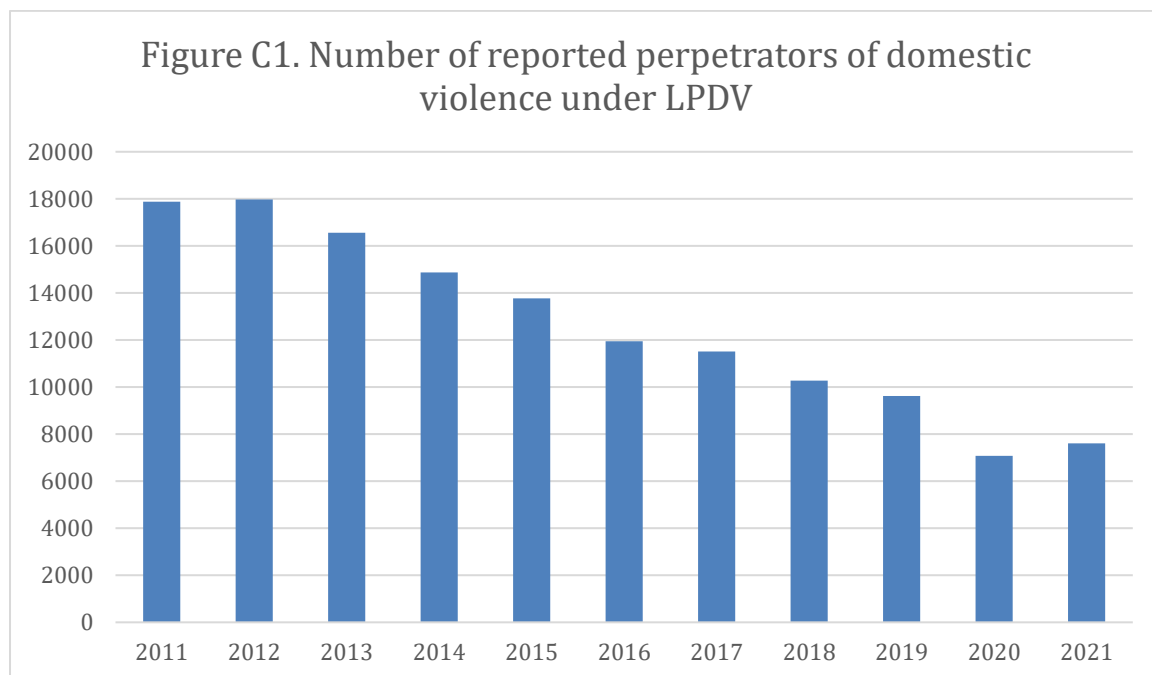
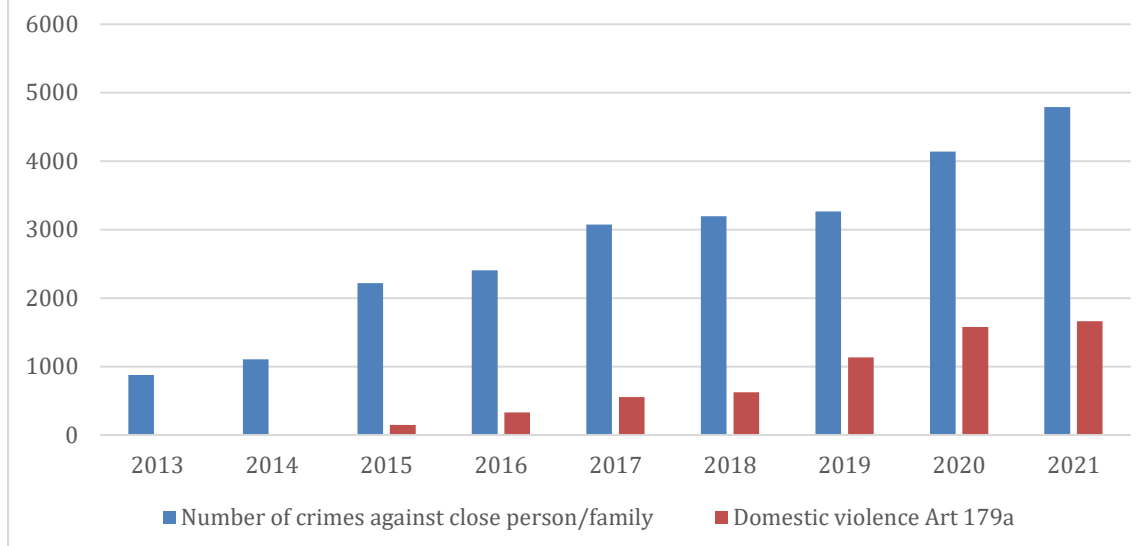


Figure C2. Number of crimes of domestic violence under Criminal Law



Access to justice framework model

Survivors of gender-based violence against women have access to justice through the two main legislative components, the misdemeanour and criminal. According to both variants, all institutions are required to report gender-based violence, and specifically domestic violence. The LPDV states, in article 7, states that “Health care workers, employees in social welfare institutions, persons employed in educational institutions, professional workers employed in religious institutions, humanitarian organisations or civil society organisations, and all other professionals who come into contact with victims of domestic violence in their work are obliged to report to the police or the state attorney’s office the commission of domestic violence that they found out about in the course of their work.” Therefore, upon receiving information about domestic violence, all these professionals are obliged to report it to the police.

The victim can also contact the police directly and the police is obliged to come to an emergency intervention in the home of the victim. The authorised prosecutor in cases tried under the LPDV is usually the police, or sometimes the public prosecutor. During the investigation, the police will decide whether the report on domestic violence has merit and whether it constitutes a misdemeanour or a crime. If they determine that the act of violence constitutes a misdemeanour under the LPDV, they will file a complaint with the civil court. In cases of physical violence, they are tried under the LPDV only where no visible injuries were incurred. In case of a visible injury, the case is defined as a crime and tried through Criminal Law. This complaint contains information about the case, as well as proposed protection orders. The case goes to the court where the judge will decide on the punishment and the protection orders.

The LPDV also defines the rights of the victim. According to this law, the victim has the following rights:

1. the right of access to support services for victims of domestic violence
2. the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence
3. the right to protection against intimidation and retaliation
4. the right to protection of dignity during the questioning of the victim as a witness
5. the right to being accompanied by a person of trust in taking all actions in which he or she participates

6. the right, at his or her request, to be informed, without undue delay, of the termination of the detention or escape of the accused and of the repeal of the decision to impose protective measures and the suspension of precautionary measures imposed for his or her protection or release of a convict from prison.
7. the right to confidentiality of information the disclosure of which could endanger his or her safety or the safety of persons referred to in Article 8, paragraphs 1 and 2 of this Act, and the right to demand the exclusion of the public in court proceedings
8. the right to a proxy in the proceedings
9. the right, at his or her own request, to be informed of the actions taken in connection with the reporting an offence and of the outcome of the proceedings
10. the right to be questioned without undue delay after reporting the perpetrator, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings
11. the right to be questioned by the police by a person of the same gender
12. the right to avoid contact with the perpetrator before and during the proceedings, unless the misdemeanour proceedings require such contact
13. the right to temporary accommodation in an appropriate institution in accordance with a special law
14. the right to police protection and security, by order of a court, for the purpose of unhindered collection of personal belongings when leaving a shared household

During the procedures under LPDV, it is possible for the victim to get an emergency barring order under the Misdemeanour Law. Monitoring the compliance with the precautionary measures issued according to the Misdemeanour Law is done by the police. The court may at any time request a review of the execution of the precautionary measure and a report from the police or another body executing the precautionary measure. The violation of the precautionary measure may be sanctioned with a fine of up to 10,000 HRK (€1,300).

There are three ordinances regulating the implementation of protection measures according to the LPDV. The Ordinance on the implementation of the protection measure of compulsory psychosocial treatment²³ and Ordinance on the implementation of the protection measure of compulsory treatment for addiction²⁴ define who can and how carry out these treatment programmes. These programmes are then in charge of notifying the court of non-compliance with the programme.

For the protection measures that protect the victim directly, i.e. restraining order and eviction, there is the Ordinance on the manner of implementation of protection measures prohibiting the approach, harassment or stalking of a victim of domestic violence and measures of removal from a joint household.²⁵ During the implementation of the protection measure, the police officer in charge is obliged to check in contact with the perpetrator, at least once a month whether the perpetrator acts in accordance with the imposed protection measure and warn him of the consequences in case of violation. Depending on the circumstances and the behaviour of the perpetrator in relation to the imposed protection measure, the contact is made upon the perpetrator's arrival at the police station, through other police officers or through other means of communication. The compliance with the measure is also checked through communication

²³ Ordinance on the implementation of the protection measure of compulsory psychosocial treatment, Official Gazette 116/18, available in Croatian at https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_116_2315.html

²⁴ Ordinance on the implementation of the protection measure of compulsory treatment for addiction, Official Gazette 110/18, available in Croatian at https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_110_2132.html

²⁵ Ordinance on the manner of implementation of protection measures prohibiting the approach, harassment or stalking of a victim of domestic violence and measures of removal from a joint household, Official Gazette 28/19, available in Croatian at https://narodne-novine.nn.hr/clanci/sluzbeni/2019_03_28_577.html

with the victim. A person who violates the protection measure will be punished by a fine of at least 3,000 HRK (€400) or at least 10 days in jail.

In cases that go to the criminal court because they are defined as a crime, the Law on Criminal Procedures is applied. According to the Criminal Procedure Code, precautionary measures may be ordered before and during the criminal proceedings. Before filing an indictment, precautionary measures are determined, extended and revoked by a decision of the State Attorney, and the investigating judge when deciding on pre-trial detention. The public prosecutor or the investigating judge who ordered the measure is competent to extend or revoke it. After the indictment has been filed and until the verdict becomes final or enforceable, the measure is determined, extended and revoked by the court.²⁶

Safety measures that are prescribed by the Criminal Code can only be issued by the judge presiding in the case. In order to be issued, the public prosecutor or the victim has to apply for them. The court can also decide to issue safety measure(s) without the plaintiff's application, if the judge deems such measures necessary.

During the criminal procedure, according to Article 43 of the Criminal Procedure Act, the victim has the following rights:

1. the right of access to support services for victims of domestic violence,
2. the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence in accordance with the law,
3. the right to protection against intimidation and retaliation,
4. the right to protection of dignity during the questioning of the victim as a witness,
5. the right to be questioned without undue delay after filing the report, the right to request to be questioned in court proceedings and the right to have further questioning carried out only to the extent necessary for the purposes of the misdemeanour proceedings,
6. the right to being accompanied by a person of trust in taking all actions in which he or she participates,
7. the right to have medical interventions against the victim taken to a minimum and only if they are strictly necessary for the purposes of criminal proceedings,
8. the right to file a proposal for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as a victim, the right to be informed of the rejection of criminal charges and withdrawal of the state attorney from criminal prosecution and the right to take over criminal prosecution instead of the state attorney,
9. the right to be notified by the state attorney of the actions taken in connection with his or her report and to file a lawsuit with the senior state attorney,
10. the right, at his or her request, to be informed, without undue delay, of the termination of the detention or remand prison, escape of the accused or release of a convict from prison and measures taken for the protection of the victim,
11. the right to be informed at her request of any legally binding decision terminating criminal proceedings,

In practice, not all these rights of the victim are always respected. Croatian authorities often fail in ensuring an effective response. The repeated and gendered nature of crime of domestic violence as well as its context of coercive control is not taken into account by the state actors. Violence is investigated and prosecuted as isolated acts of physical, sexual, verbal or economic violence, without taking into consideration the gendered nature of such violence and the context

²⁶ Article 98 par. 5 of the CPC.

of power and control of perpetrator over the victim. As a result, the sentences received by perpetrators are very low, and end in prison or jail sentences only in about 10% of the cases.

The perpetrators are almost never held in pre-trial detention. Precautionary orders of protection in Criminal Procedure Law and Misdemeanour Law are largely used only to make sure that the defendant will not escape, destroy evidence or repeat the act. The last condition can be used to protect the victim but is rarely used. Very few judges will use these orders to protect the victim on the basis of her fear. This means that, especially in criminal procedures, the victim is left unprotected during a very long time since these proceedings can take years.

Most sanctions are fines and suspended sentences. For example, in 2019, only 12% of perpetrators tried and convicted under LPDV received a jail sentence. Over half of them (54%) received a fine, followed by 34% who received a suspended sentence.²⁷ The Ombudsperson for Gender Equality Office conducted two research analyses of court cases, both misdemeanour and criminal in 2012–2016. The research “Expert analysis of final criminal convictions on violence against women in the period 2012–2016”²⁸ analysed 655 court rulings, while the research “Quantitative results of the expert analysis of final misdemeanour verdicts on violence against women 2012–2016”²⁹ analysed 470 court cases. All cases concerned only GBV committed against a close person. They both showed that courts tend to issue low sanctions for domestic violence, with only about 10% of cases being prison or jail sentences. There is a general lack of understanding of the gendered aspect of GBV, as well as of its continuity, resulting in the police, prosecutors and the courts treating GBV as isolated incidents.

Looking specifically at protection orders, the research showed that in 655 analysed rulings according to the Criminal Code, in only 6% of the cases (40 cases out of 655) the court issued any precautionary measures through Criminal Procedure Code. Looking at the other research on the rulings in misdemeanour cases, from 470 court cases, precautionary measures were issued in only 5% of the cases (22). Protection orders were issued in 22% of the cases (105).

Framework of existing health and social care policies for victims of Gender-Based-Violence

Health and social care policies for victims of gender-based violence are a part of general state policies. Victims of domestic violence or other forms of violence are included in the Social Welfare Act as beneficiaries (Article 21). The rights under this social welfare system include guaranteed minimum benefit, compensation for housing costs, right to heating costs, compensation for personal needs of accommodation of beneficiaries, one-time benefit, education benefits, personal disability allowance, allowance for assistance and care, parent caregiver or caregiver status, employment benefits, social services and benefits for vulnerable energy source customers (Article 25).

Both individuals and families are entitled to counselling and assistance, which are carried out by the Centres for Social Welfare and Family Counselling Centres. These represent general support services. Only for the social benefit of temporary accommodation are victims of domestic violence specifically mentioned. In cases of domestic violence, Centres for Social Welfare should

²⁷ Report on the activities of the Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Procedure and Execution of Sanctions Related to Protection from Domestic Violence for 2019.

²⁸ 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

²⁹ 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 misdemeanour 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

assist the victim by reporting the case to the police, informing her about her rights, providing accommodation to her and financial assistance.

The Centres for Social Welfare are given significant tasks and authority in cases of domestic violence as they are obligated to report the violence to the police, propose protection orders to the court that the victim needs, talk to the victim and do a needs assessment as well as a safety plan for her, assess the situation of the child/ren and propose/issue measures for their protection, find accommodation for the victim, provide legal, psychological and financial aid, secure medical aid for the victim, talk to the abuser, do a needs assessment for him, explain to him the consequences of his behaviour, help him and secure adequate professional help for him, and do case work and write opinions and propose measures to the court.

The team for marriage and family, consisting of a social worker, legal assistant and a psychologist work with families, including in cases of domestic violence. The laws and the Rules of procedure task them with protecting the children first, which is often done to the detriment of the abused woman. Also, they are required to help both the victim and the abuser, with abusers often acting either charming and innocent or threatening. Most facilities of CSWs have only one guard and most employees are women, so they are not adequately protected from the abusers.

Health professionals are also obligated to report domestic violence, using a special form f , and are very important in legal proceedings because they issue medical documentation regarding injuries which are important in proving physical violence under Croatian Criminal Law.

Specialised services of support to women in Croatia are provided mostly by women's NGOs. The Council of Europe estimates that 428 shelter spaces are necessary for victims of domestic violence in Croatia. The State claims in its report that there are 25 shelters in Croatia with 325 places. These include autonomous women's shelters, state homes, accommodation provided by religious organisations, accommodation founded by cities and counties. These facilities and programmes differ greatly in their approach, principles, and level of experience, as well as in available resources and funding. Out of a total of 25 shelters for victims of domestic violence, 8 locations are run by women's NGOs/autonomous women's shelters, 6 locations by civil society organisations, 5 by religious institutions, and the other 6 by other accommodation providers, i.e., the Red Cross and homes/institutions.³⁰

Autonomous women's shelters work on the feminist principles of providing help to women and their children survivors of violence. Most shelters also run counselling centres and helplines. Within the shelters, the accommodation is free. There are specialists working with the women and children, including social workers, psychologists and the women receive free legal aid and representation. In most shelters in Croatia, women can stay up to one year.

State and church run safe houses, which are sometimes operated in cooperation with women's and other NGOs, require a referral from the Centres for Social Welfare and cannot be accessed directly. Victim's access to state and church shelters is conditioned on a referral by CSW, which is conditioned on a requirement that the victim reports any violence to the police. CSW also determines which woman can go to a shelter and how long a woman can stay in the shelter, typically a few months or less. These requirements unfortunately exclude undocumented migrant women, and restrict the access for other women, such as asylum-seekers, to shelter. Autonomous women's shelters have no referral requirements and allow women to stay up to a year or longer. Longer stay times are important considering very long legal procedures, both criminal and civil.

³⁰ State report to GREVIO, 2022, pg.37.

PART II Mapping of current provision of trauma-informed-care and access to justice and related gaps in Croatia

Study aim

This part of the study analyses existing national legislation and documents related to domestic violence and violence against women regarding the inclusion of principles of trauma-informed care. The aim of the analysis is to determine to what extent are these principles integrated in the national policy and legal documents to combat and prevent violence against women and domestic violence.

Method

The selection of documents for analysis was done according to the criteria set by the Scientific Committee. The chosen documents include:

- National policies and strategies on domestic violence and gender equality.
- Legislation related to domestic violence and victim's rights.
- Secondary legislation, including rules of procedure and protocols.
- Local strategies on domestic violence.

A total of eighteen documents was analysed.

Procedure

The procedure for document analysis started with the description of selected documents according to the type of the document (in the suggested excel table). All documents selected were not older than ten years and the most recent version of the document was provided.

The documents were then analysed and the mention of following trauma-informed care principles was checked :

- Recognition
- Establishing emotional safety
- Restoring choice and control
- Facilitating connection
- Avoiding re-traumatization
- Cultural competence
- Secondary trauma

For each TIC principle, the researcher searched for proof – words and phrases that demonstrated that these principles were considered in drafting of the document. This was done within the context of the purpose and values that underpin the document/legislation. The guiding questions for the analysis were:

1. What aspects (that you are looking for – referring to the indicators) are evident in the language of the policy?
2. Does the policy language refer to these aspects directly or indirectly?
3. What is specifically stated in the policy?
4. What is not stated in the policy?
5. How does this align with legal or regulatory requirements?
6. How well does your local policy reflect national or international policy trends and purposes?

In the analysis we first investigated whether the word *trauma* appears directly in the documents or not, and then proceeded to analyse themes that identify the presence of TIC indicators by using interpretive approach to assess if document intent and provisions were aligned with the principles. For each indicator, we noted if it is present and then annotated text where they are present. Finally, a report of the analysis was produced, with examples of TIC indicators from the texts.

Data analysis

Analysed documents

The Croatian dataset consisted of 18 documents, most of which were legislation documents (61% of all documents). Other documents included secondary legislation documents (22%) and strategic documents (17%). A detailed list of the documents is presented in Table C2.

Reference to trauma in the documents

Of all the analysed documents, only three documents (17%) contain the word *trauma* in them (Table C1). Two of them are strategic documents and one is a secondary legislation document. The National Strategy for protection against domestic violence for the period 2017-2022 mentions *traumatisation*, Zagreb strategy for protection against domestic violence 2018 – 2022 mentions *traumatised* children and youth, and Rules of procedure in cases of domestic violence mentions *avoiding secondary trauma*.

Reference to TIC principles

The analysis of eighteen documents concluded that 72% (13 documents) include at least one trauma-informed care principle (Table C1). Of those, 11% (2 documents) include all seven principles, 5% (1 document) includes five principles, 11% (2 documents) include four principles, 17% (3 documents) include two principles, 28% (5 documents) include one principle, and 28% (5 documents) don't include any TIC principles.

Table C1

The number of documents mentioning the word trauma or TIC principles

Number of principles	Number of documents	Percentage of documents
7	2	11%
5	1	5%
4	2	11%
2	3	17%
1	5	28%
0	5	28%

The number of TIC principles varied in different types of documents (Table C2). Strategic documents contained mentions of 2-4 principles, the legislation contained mentions of 0-7 principles, and secondary legislative documents from 0-5 principles.

Table C2

TIC principles identified in specific documents

No.	Document	Number of identified TIC principles	Identified TIC principles
Strategic documents (17% of all documents)			
1	National Policy for Gender Equality 2011 - 2015	2	Recognition Cultural competence
2	National strategy for protection against domestic violence for the period 2017-2022.	4	Recognition Establishing emotional safety Facilitating connection Avoiding re-traumatisation
3	Zagreb strategy for protection against domestic violence 2018 - 2022.	4	Recognition Establishing emotional safety Facilitating connection Avoiding re-traumatisation
Legislation (61% of all documents)			
4	Law on Gender Equality	0	
5	Act on Protection from Domestic Violence	7	Recognition Establishing emotional safety Restoring choice and control Facilitating connection Avoiding re-traumatisation Cultural competence Avoiding secondary traumatisation
6	Criminal Law	1	Recognition
7	Criminal Procedure Act	7	Recognition Establishing emotional safety Restoring choice and control Facilitating connection Avoiding re-traumatisation Cultural competence Avoiding secondary traumatisation
8	Misdemeanour Law	0	
9	Family Law	2	Recognition Avoiding secondary traumatisation
10	Social Welfare Act	1	Facilitating connection
11	Free Legal Aid Act	0	

12	Act on Housing and Care on Assisted Areas	1	Facilitating connection
13	Anti-Discrimination Act	2	Recognition Cultural competence
14	Act on Pecuniary Compensation for Victims of Criminal Offence	1	Recognition
Secondary legislation documents (22% of all documents)			
15	Rules of procedure in cases of domestic violence	5	Recognition Establishing emotional safety Restoring choice and control Facilitating connection Avoiding re-traumatisation
16	Ordinance on implementation of safety measures of restraining order and removal from joint household	1	Facilitating connection
17	Ordinance on the implementation of the protection measure of compulsory psychosocial treatment	0	
18	Ordinance on the implementation of the protection measure of compulsory treatment for addiction	0	

Recognition was the most often mentioned principle (being mentioned in the 56% of the documents), being followed by Facilitating connection (44%; Table C3). The least mentioned principles were Restoring choice and control and Secondary trauma (both mentioned in 3 or 17% of the documents).

Table C3

The number of documents containing indicators of specific TIC principles

TIC indicator	No. of documents	Percentage of documents
Recognition	10	56%
Establishing emotional safety	5	28%
Restoring choice and control	3	17%
Facilitating connection	8	44%
Avoiding re-traumatization	5	28%
Cultural competence	4	22%
Secondary trauma	3	17%

Recognition

Over half of the documents (56%) contain the concept of **recognition**. In all documents, it is present indirectly, in a general way, as a recognition that violence has an impact on the victim and her ability to cope. The most explicit is the Zagreb strategy for protection against domestic violence, which states that for women:

“Economic and/or emotional dependence on a partner is cited as the most common reason for staying in violent relationships.”³¹

The other documents merely recognise that the victim is in a special vulnerable position and should therefore be treated with care and dignity. The emphasis is especially given to the condition and situation of the children, where the victim is to be treated with special attention so that she can understand the rights and the need for children to be protected.

For example, Rules of Procedure in cases of domestic violence include the victim’s right to: *“Mandatory counselling of the victim in a way that she/he can understand about her/his legal rights, especially about the rights of the child.”³²*

Indirectly, both the National strategy and Zagreb strategy, aim to implement the provisions of the Istanbul Convention, therefore including the concept of gender-sensitive victim-centred approach.

Establishing emotional safety

Less than a third of the documents (28%) included the concept of **establishing emotional safety**. These include both national and local (Zagreb) strategy against domestic violence, Rules of procedure in cases of domestic violence, Criminal Procedure Act and Act on Protection from Domestic Violence. The concept of emotional safety relates mostly to providing a safe environment and providing the necessary information to the victim.

According to the Rules of Procedure in cases of domestic violence, the police must: *“obtain data and collect information in a way that will enable the person who is reported or assumed to be a victim of violence to communicate all information relevant to the determination of the committed violence to the police officer without hindrance and without fear, i.e. in separate rooms and without the presence of the perpetrator of violence”.*³³

The victim also has the right, in the Act of Protection from Domestic violence, to: *“be questioned by the police by a person of the same gender” and to “avoid contact with the perpetrator before and during the proceedings, unless the misdemeanour proceedings require such contact”.*³⁴

As part of establishing emotional safety, the staff in contact with the victim should adopt a non-judgemental attitude. This component of this principle is not directly present in the analysed documents, but it can be inferred from the document’s aim to provide adequate and sensitive support during the questioning of the victim about the incident of violence.

For example, the Criminal Procedure Code states that:

³¹ Zagreb strategy for protection against domestic violence 2017-2022. Available at <http://www1.zagreb.hr/slglasnik/index.html#/akt?godina=2018&broj=200&akt=DE57F085DE186C5CC125830B00438C3C>

³² Rules of Procedure in cases of domestic violence, art. I.9, pg. 6, available at https://mup.gov.hr/UserDocsImages/dokumenti/Protokol_o_postupanju_u_slucaju_nasilja_u_obitelji-usvojila_Vlada_19_6_2019.pdf

³³ Ibid, pg. 6.

³⁴ Act on Protection from Domestic Violence, (Official Gazette, No. 70/17, 126/19, 84/21) Article 6, available at <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

“Prior to the questioning of the victim, the body conducting the questioning shall, in cooperation with the bodies, organisations or institutions for assistance and support to victims of criminal offences, conduct an individual assessment of the victim. The individual assessment of the victim includes determining whether there is a need for special protective measures in relation to the victim and, if so, which special protective measures should be applied (special questioning of the victim, use of communication technologies to avoid visual contact with the perpetrator and other legal measures prescribed by law). When the victim of a crime is a child, it shall be assumed that there is a need to apply special protective measures and determine which special protective measures should be applied.”³⁵

Restoring choice and control

The trauma-informed care principle of **restoring choice and control** appears in three (17%) of the analysed documents. These are again Rules of procedure in cases of domestic violence, Criminal Procedure Act and Act on Protection from Domestic Violence. Again, this principle appears generally and indirectly.

The Criminal Procedure Act states that:

“The individual assessment of the victim shall be carried out with the participation of the victim and considering his or her wishes, including the wish not to use special protective measures prescribed by law.”³⁶

The Act of Protection from Domestic violence states that the victim has the following rights:

*“1 the right of access to support services for victims of domestic violence
2 the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence
3 the right to protection against intimidation and retaliation
4 the right to protection of dignity during the questioning of the victim as a witness.”³⁷*

While these represent a good general framework for helping the victim to restore choice and control, more specific guidelines are needed to establish the space for the woman to tell her story, and for them to shape the work of the staff working in the institutions. The legislation is very gender neutral and focused on ensuring prosecution with the victim’s participation, rather than putting the needs of the victim at the centre of the response.

The Rules of Procedure in Cases of Domestic Violence are more specific and state that there should be:

“An individual approach to victims of domestic violence and application of regulations on personal data protection;” and that we should *“treat victims of violence in a particularly considerate, impartial and professional manner, respecting their dignity, and especially women, children, persons with disabilities and elderly persons as victims of domestic violence.”³⁸*

³⁵ Criminal Procedure Code, (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19), article 43a, available at <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

³⁶ Ibid.

³⁷ Act on Protection from Domestic Violence, (Official Gazette, No. 70/17, 126/19, 84/21), article 6.

³⁸ Rules of Procedure in cases of domestic violence, pg 5.

Facilitating connection

The trauma-informed care principle of **facilitating connection** was found in 8 (44%) documents. This is mostly limited to the principle of investing in relationships with women victims of violence, as well as in somewhat fostering their relationship with the community, especially regarding employment and housing.

For example, the Ordinance on implementation of safety measures of restraining order and removal from joint household requires police officers to contact and maintain contact with the woman victim to ensure that she is safe, and that the perpetrator is complying with the protection order. Legislation and secondary legislation include the same principle in making sure to remain in contact with the victim and inform her of developments in her case.

The Social Welfare Act provides for counselling services for families in crisis:

“Counselling and assistance for a family includes family support, intensive family support in crisis and long-term work with family members aimed at improving family relationships. Counselling and assistance for a family also includes the psychological preparation of a child for the departure of a parent to serve the imprisonment and for the child's contacts with the parent prisoner in a penal institution.”³⁹

However, these services are not specific for women victim of violence and are provided without the context of the trauma that the victims have survived. More specifically, the Social Welfare Act provides for temporary emergency accommodation to women victims of violence.

Zagreb strategy for protection against domestic violence 2018 – 2022 provides for the women victims of violence to re-establish their place in the community by providing for social housing.⁴⁰ Act on Housing and Care on Assisted Areas further specifies that:

“A victim of domestic violence shall submit a request for housing care to the competent state administration office in the county or to the competent administrative body of the City of Zagreb.”⁴¹

Employment of victims of domestic violence is also facilitated. The National Strategy for Protection against Family Violence from 2017 – 2022 has, as one of its measures, to:

“Plan and program the employment of victims of domestic violence.”⁴²

Avoiding re-traumatization

The principle of **avoiding re-traumatization** means that any system working with women victims of violence should aim to minimize the possibilities of re-traumatization within all interaction. The services provided need to be conscious of any practices, procedures and interactions that have the potential to re-traumatise the victim. This principle is present in five (28%) of documents. These are the same five documents that contain most of the TIC principles: both

³⁹ Social Welfare Act, Art 78, par 2, available at <https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>

⁴⁰ Zagreb strategy for protection against domestic violence 2018 – 2022.

⁴¹ Act on Housing Care in Assisted Areas (Official Gazette, No. 106/18, 98/19), article 45, par 1. Available at <https://www.zakon.hr/z/1437/Zakon-o-stambenom-zbrinjavanju-na-potpomognutim-podru%C4%8Djima>

⁴² National Strategy for Protection against Family Violence from 2017 – 2022, pg. 33. Available at <https://mrosp.gov.hr/UserDocsImages/dokumenti/MDOMSP%20dokumenti/Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>

national and local (Zagreb) strategy against domestic violence, Rules of procedure in cases of domestic violence, Criminal Procedure Act and Act on Protection from Domestic Violence.

For example, the Rules of Procedure in Cases of Domestic Violence state, when referring to the programme for the support of victims and witnesses:

*"The aim of the victim and witness support system is to enable the victim or witness during criminal or misdemeanour proceedings and after it to provide appropriate support and assistance in order to avoid additional trauma, for the purpose of empowerment, rehabilitation and establishment of violated rights."*⁴³

In the introduction to the National strategy for Protection against Family Violence from 2017 – 2022, it is stated that:

*"Prescribing the catalogue of rights of victims of domestic violence will strengthen their procedural legal position, enable them to actively participate in the procedural actions taken by the competent authorities for their protection and sanction the perpetrators, and prevent their traumatization and secondary victimization in the process."*⁴⁴

More indirectly, the Criminal Procedure Act considers the sensitivity needed in treating the victim during the criminal process.

*"The police, the investigator, the state attorney's office, and the court shall treat the victim of a criminal offence with special regard."*⁴⁵

To avoid re-traumatisation, according to the same Act, the victim also has a right to:

*"have medical interventions against the victim taken to a minimum and only if they are strictly necessary for the purposes of criminal proceedings."*⁴⁶

Cultural competence

The trauma-informed care indicator of **cultural competence** is present in 4 (22%) of documents. As far as the need to respect each woman's individual experience and cultural background, it is reflected in both Criminal Procedure Act and Act on Protection from Domestic Violence as the right of the victim to an individual approach. The cultural background and harmful practices are not really included directly in the legislation.

National Policy for Gender Equality has a measure that refers to this principle:

*"Campaigns and other activities, workshops, lectures, forums and roundtable discussions will be organised concerning the problem of gender motivated violence, including trafficking in human beings and prostitution, and violence against LGBT persons. Publications and educational material will be printed and distributed on all forms of violence against women with a view to informing and raising public awareness of the phenomenon, problems, and methods of suppressing gender motivated violence."*⁴⁷

Secondary trauma

⁴³ Rules of Procedure in cases of domestic violence, pg. 9.

⁴⁴ National Strategy for Protection against Family Violence from 2017 – 2022, pg. 9.

⁴⁵ Criminal Procedure Act, (Official Gazette, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19), Article 16, par. 2.

⁴⁶ Ibid, Article 43, par. 7.

⁴⁷ National Policy for Gender Equality 2011-2015, pg. 61. Available at

<https://ravnopravnost.gov.hr/UserDocsImages/arhiva/images/pdf/National%20Policy%20for%20Gender%20Equality%202011-2015.pdf>

The final TIC principle, avoiding **secondary trauma**, was found to be present in three (17%) of documents. These are Criminal Procedure Act, Act on Protection from Domestic Violence, and the Family Law.

In order to avoid secondary trauma, the Family Law states that the Centres for Social Welfare should:

“Encourage parents to reach an agreement and participate in the family mediation process, except in cases of domestic violence.”⁴⁸

This way, the Family Law prohibits mediation in such cases. However, it is important to say that this provision, according to the experience of women’s NGOs, is not implemented regularly and many women victims of violence are still required to undergo mediation.

The Criminal Procedure Act and Act on Protection from Domestic Violence have similar provisions, with the following rights of the victim:

“2 the right to effective psychological and other professional assistance and support from bodies, organisations, or institutions for assistance to victims of domestic violence

3 the right to protection against intimidation and retaliation

4 the right to protection of dignity during the questioning of the victim as a witness

5 the right to being accompanied by a person of trust in taking all actions in which he or she participates

6 the right, at his or her request, to be informed, without undue delay, of the termination of the detention or escape of the accused and of the repeal of the decision to impose protective measures and the suspension of precautionary measures imposed for his or her protection or release of a convict from prison.

7 the right to confidentiality of information the disclosure of which could endanger his or her safety or the safety of persons referred to in Article 8, paragraphs 1 and 2 of this Act, and the right to

demand the exclusion of the public in court proceedings

8 the right to a proxy in the proceedings

9 the right, at his or her own request, to be informed of the actions taken in connection with the reporting an offence and of the outcome of the proceeding.”⁴⁹

⁴⁸ Family Law, Special Duties and Court Decision on Establishing Personal Relations of the Child with the Parent – Article 417 (excerpt from the Article), available at <https://www.zakon.hr/z/88/Obiteljski-zakon>

⁴⁹ Act on Protection from Domestic Violence, article 6.

Part III Conclusions

Current strengths and positive aspects of the legislation and policy

Croatia has made significant efforts in the last twenty years to address the issue of domestic violence and other forms of violence against women. Most forms of violence against women are criminalised, with domestic violence being both an aggravated form of several crimes and a separate crime under the Criminal Act. There is also a special Act on Protection from Domestic Violence explaining definitions of violence, who the victims are, procedures and punishment, including protection orders. In recent years, both criminal and misdemeanour procedures have been improved with specifically defined victims' rights. These rights respect the vulnerable position of the victim and reflect concern for the process the victim must go through. She has a right to be questioned via video-link (in criminal proceedings), to have a person of trust with her, to not be unduly examined multiple times, to be treated with respect and dignity, and to be informed in all stages of the process.

There is a national strategy on protection from domestic violence, ensuring support for the shelter and other services for the victim as well as training for the staff working with the victims. Croatia has shelters and other accommodation places for women and their children victims of violence.

Family Law considers domestic violence in divorce proceedings and mediation is to be avoided in such cases. Children have to be protected in all stages of the proceedings from harmful effect of both direct and indirect violence.

Croatia has ratified all the relevant international documents, including the Istanbul Convention, despite the strong backlash from the conservative parties, NGOs, and part of the public. Following the ratification, Croatia has taken steps to implement the Convention, amending several laws and protocols, as well as working on the next national strategy on protection from domestic violence and providing support for the shelters and counselling centres.

Most of the legislative and other documents include some reference to the situation of the victim and many trauma-informed care principles are indirectly included as part of the general context and specific measures and articles. There is an awareness that women victims are vulnerable, and that violence has far-reaching serious consequences, including trauma and decreased ability to cope. This is reflected in the documents, which state that the responsibility for the violence is on the perpetrator and that re-traumatisation should be avoided.

Croatia has been working on implementing all four pillars of the Istanbul Convention, and the legislation covers reporting, prosecution, emergency and long-term protection orders, service provision, shelters, hotlines and counselling centres, compensation, civil procedures, attention to the situation of the children and prevention.

Current concerns and negative aspects of the legislation and policy

Despite significant progress in preventing and combatting violence against women and domestic violence, which includes strategies and extensive legislation, Croatia still has many areas of protection of the victims and accountability of the perpetrators which need improvement. While there have been many positive trends in legislation in Croatia, both on gender equality and protection from gender-based violence against women, these provisions are either not sufficiently implemented or they are more and more often implemented to the detriment of survivors of violence against women.

What is often lacking is the understanding that women survivors of gender-based violence suffer from high levels of trauma and need specific approach to feel protected and supported. This is officially recognised in several documents, including the strategies against domestic violence, however, the meaning of what it means to be a woman survivor of violence, and to suffer trauma

as a consequence, is not sufficiently elaborated in the documents or in the training that the staff working with the victims in the institutions receive.

Gender based violence against women in Croatia is often treated as one-off incidents, without taking into consideration coercive control, the long-term exposure to such violence and the serious consequences that it has for women and their children. Although secondary victimisation is considered on a declaratory level, it is again not elaborated nor integrated deeply in existing policies and legislation, which often results in victim blaming and secondary victimisation which then has further effect on women who refrain from reporting the violence they had survived to the police and other institutions.

Research has shown that women unfortunately do not have trust in the institutions. Qualitative research indicates that women don't report violence because of lack of information about their rights, feeling ashamed, lack of financial resources, feelings of inferiority due to a failed marriage, and distrust in the work of institutions.⁵⁰ Of those women that did try to get help, they were most satisfied with women's shelters and other women's and health organisations (100% satisfaction with the shelters, above 70% with other organisations) and least satisfied with the police (40%). Women who contacted different services and asked for support after surviving non-partner violence are slightly more satisfied with the police, but still, less than half of those women were satisfied (48%). Three in five women (60%) who did report the violence were not satisfied with the police response.⁵¹ The repeated and gendered nature of crime of domestic violence as well as its context of coercive control is not taken into account by the state actors. Violence is investigated and prosecuted as isolated acts of physical, sexual, verbal or economic violence, without taking into consideration the gendered nature of such violence and the context of power and control of perpetrator over the victim. As a result, the sentences received by perpetrators are very low, and end in prison or jail sentences only in about 10% of the cases.⁵²

These data show that while Croatia has all the necessary legislation and some TIC principles recognised and listed in the legislation, including all seven in two key laws, they often appear generally and indirectly. What is more important, the implementation is insufficient. It is therefore necessary to evaluate and create more detailed strategies for preventing and combatting violence against women and domestic violence, as well as provide regular gender-sensitive training and especially training on the consequences of trauma in women victims of violence.

⁵⁰ Centre for Women War Victims, Izvještaj o praćenju primjene nacionalnih i lokalnih politika za zaštitu žena od rodno utemeljenog nasilja („Report on monitoring the implementation of national and local policies for the protection of women from gender-based violence“), 2014., available in Croatian at <http://www.potpisujem.org/doc/769d9e6af693cd4baabb0a1b92bd4bdb.pdf>

⁵¹ Fundamental Rights Agency „Violence against women: An EU-wide report“, 2014, available at <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

⁵² 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 misdemeanour 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

Disclaimer:

"The views expressed in this publication are the sole responsibility of the Autonomous Women's House Zagreb and do not necessarily reflect the views of the Office for Cooperation with NGOs of the Government of the Republic of Croatia or of the European Commission."