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**Project: 101049100: Protection of victims of gender-based violence -
response to pandemic challenges – RISKFREE**

DELIVERABLE 2.2. COUNTRY REPORT – CROATIA





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1. INTRODUCTION

This research has been done within the project "Protection of victims of gender-based violence – response to pandemic challenges (RISKFREE)" financed by the Citizens, Equality, Rights and Values programme (CERV) of the European Commission and executed from 15 April 2022 to 14 April 2023. The project is implemented in partnership with organizations from four other countries: Union of Women Associations of Heraklion - UWAH (Greece), Association for Nonviolent Communication - DNK (Slovenia), Fenestra (Slovakia) and the Women for Women Together Against Violence Association - NANE (Hungary). The purpose of the project is to contribute to the improved protection of women from gender-based violence (GBV) by examining the phenomenon of an increased level of risk for women survivors of violence in the context of the COVID-19 pandemic. Along with research as part of the project, a risk assessment protocol and methodology will be developed to ensure the continuity of service provision to women who survived violence during the pandemic. The capacities of practitioners who provide support to women survivors of violence will be further improved through their participation in trainings on risk assessment methodology that will be conducted by members of partner organizations in their respective countries. Finally, public awareness campaigns will be conducted in all countries involved in the project with the aim of promoting zero tolerance towards gender-based violence against women and informing women on how to seek help.

The goal of the research is to detect international standards and obligations regarding risk assessment in cases of violence against women, and to determine in what way our country is in line with those standards and obligations.

The second part of the document gives definitions and explanations of important terms used in the research, such as risk assessment, risk management and the risk assessment tool.

The third part of document focuses on the analysis of international standards and obligations that the Croatian government has regarding risk assessment in cases of violence against women, and all relevant international documents highlighting risk assessment and risk management as one of important elements of prevention of violence and protection of women. The relevant documents that we have analyzed are: General Recommendations Adopted by The Committee on the Elimination of Discrimination Against Women, Eleventh Session (1992) - General Recommendation No. 19: Violence against Women; General recommendation No. 35 to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on gender-based violence against women; Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states, CoE Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) and explanatory report; Declaration of the Committee of the Parties to the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the implementation of the Convention during the COVID-19 pandemic and 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.





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The fourth part of the document focuses on the national legal framework and implementation of existing norms related to risk assessment and risk management carried out by institutions. In this part we have analyzed in what way our national legal framework is harmonized with international standards and obligations, and how institutions implement risk assessment in their work with women survivors of gender-based violence.

In the fifth part of the document present the most important research findings on the experiences that women who survived violence have had with institutions and non-governmental organizations before and during the pandemic. The document ends with conclusions and recommendations based on our research.





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2. RISK ASSESSMENT FACTORS

This document lists factors for risk assessment and risk management in cases of violence against women. The factors we use are listed in the WAVE material Protect II Capacity Building in RISK Assessment and Safety Management to Protect High RISK Victims¹. Focus on risk in cases of violence against women is very important because it can help identify women who are at risk of repeat violence, serious injury or death and cases when violence escalates.

Risk assessment (RA) is a calculation of probability that harmful behavior or a harmful event will occur, and involves an assessment of frequency of a behavior or event, its likely impact and who it will affect.

Focus on high-risk situations means increased coordination and level of services required for victims at high risk of serious harm, and seeks to match services to the individual victim's need and risks they are exposed to. It also recognizes that risks can fluctuate and change over time, and changes in circumstances can result in a low-risk case becoming high risk, thus requiring a different approach.

Benefits of risk assessment:

- Common ground for understanding of situation of victim
- Base for more appropriate responses to individual situation of victim
- Better matching of safety plans to the level and nature of risk
- Applies coordinated responses from a range of agencies to complex cases
- May help to increase the victim's awareness of the risks they face

Risk assessment tools have been developed over time and there is a general understanding about key risk factors for domestic violence. Those materials are emphasized risk assessment and not risk predictions – we cannot predict what the abuser will do. The focus is on risk assessment with victim/survivor – cases and situations are assessed and safety management plans are developed.

According to materials developed by WAVE on risk assessment and safety in PROTECT II there are 5 risk categories of risk in domestic violence:

1. History of violence
2. Victims' perception of risk
3. Aggravating factors
4. Forms and patterns of violence
5. Risk factors related to perpetrator's attitudes and behavior

¹ http://files.wave-network.org/trainingmanuals/PROTECTII_Risk_Assessment_and_Safety_2012_English.pdf page 65





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History of violence:

1. Previous violence against women and domestic violence
2. Violence against children and other family members
3. Generally violent behavior
4. Violation of protective orders

Forms and patterns of violence

1. Severity and frequency of violent acts
2. Use of threats or weapons
3. Controlling behavior and isolation
4. Stalking
5. Sexual violence
6. Threats to kill, threats to harm, coercion
7. Strangulation and choking

Risk factors related to perpetrator's behavior

1. Issues related to alcohol and drugs use
2. Possessiveness, extreme jealousy and other forms of harmful behavior
3. Issues related to poor mental health, including threats and attempts to commit suicide
4. Economic stress (changes in perpetrator's financial status)

Victim's perception of risk:

1. Fear for herself and others

Aggravating factors:

1. Separation
2. Child contact
3. Step-child living in family
4. Violence during pregnancy (approx. 30% of violence starts in pregnancy)

RISK ASSESSMENT check list is a tool for the systematic consideration of possible risk factors in cases of domestic violence and are most effective where they include a survivor's perception of risk and are completed using professional judgment.





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Key principles of risk assessment:

- Risk assessment should be done with the victim
- Victim's assessment of risk should be taken seriously, but remember, women may underestimate their situation
- Risk assessment itself will not improve the situation and safety of women, must be followed by safety plan and safety management
- Should be done systematically on regular basis

EXAMPLES OF EXISTING RISK ASSESSMENT TOOLS:

1. Danger assessment (DA)² – 20 yes/no questions about risk factors which are weighted and result in four levels of risk. Review of past year with a calendar to document severity and frequency and battering. It is conducted as interview with victim usually by her advocate. Filing the calendar. Use: assessing the risk of extreme dangerousness and lethal violence for victim education, awareness, safety planning and service provision.
2. Brief risk assessment for the Emergency Department – shorter version of DA that consists of 5 questions. A positive answer to any three questions has sensitivity for high risk of severe assault of 83%. This interview is conducted with the victim by Emergency Department health care provider. This is an instrument developed for Emergency Departments to identify victims at highest risk for suffering severe injury or potential lethal assaults.
3. CAADA DASH Checklist³ (CAADA - Coordinated Actions Against Domestic Violence; DASH – Domestic abuse Stalking and Harassment and Honor Based Violence) – 24 questions about risk factors – 10 yes responses are regarded as high risk, whilst 14 of more yes responses would normally will meet MARAC (Multi Agency Risk Assessment Conference) referral criteria. It is conducted as interview with victim by any professional identifying domestic violence. It is used to help front line professionals to identify high risks cases of domestic violence, stalking and harassment and honor-based violence; to dedicate which cases should be referred to MARAC and what other support might be required.

Safety planning – highlighting steps she can take to enhance her safety.

A checklist is not an assessment. Assessment still relies heavily on the skill and experience of the practitioner in order to make an informed decision.

Professional judgement:

- Based on knowledge and research about the most accurate and useful risk factors
- Based on good interviewing and information gathering techniques

² <https://www.dangerassessment.org/uploads/pdf/DAEnglish2010.pdf>

³ <https://www.safershetland.com/assets/files/RIC%20Without%20Guidance.pdf>





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- Based on guidance and training

Judgement is not professional when it relies on:

- Prejudices
- Stereotypes
- False beliefs
- Unsound knowledge or unsound information





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3. INTERNATIONAL FRAMEWORK

Risk assessment as an important issue in the process of protection from violence is recognized in international documents. In this part we will present the relevant documents that deal with the issue of violence against women and prescribe the actions needed in the area of safety and protection from secondary victimization of women and their children survivors of gender-based violence.

3.1. UNITED NATIONS LEVEL

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN GENERAL RECOMMENDATION NO. 19: VIOLENCE AGAINST WOMEN⁴

On level of the United Nations, the Convention on Elimination of Discrimination of Women (CEDAW) is a very important document, as well as the documents related to it. The document that specifically deals with issue of violence against women is the General Recommendation No 19: Violence against Women, and mentions safety and protection of women several times.

Specific recommendations

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends:

- (a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;
- (b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;
- (c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;
- (...)
- (r) Measures that are necessary to overcome family violence should include:
Criminal penalties where necessary and civil remedies in case of domestic violence;
Legislation to remove the defense of honor in regard to the assault or murder of a female family member; Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes;

⁴ <https://www.oursplatform.org/wp-content/uploads/CEDAW-Committee-General-Recommendation-19-Violence-against-Women.pdf>





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This is one of the first international documents dealing with the issue of violence against women. States that ratify the document have an obligation to report on its implementation on the national level. This document asks from state parties to take special care on protection of women from violence. It underlines special protective and support services for victims and educated and sensitive professionals who provide support to survivors. Research of the extent of causes and effect of violence are also an important element of the process and represent an important element in the chain of solving the problem of violence against women. By studying the problem, we can create quality tools that will lead to the suppression of violence against women. One of these important tools is the risk assessment tool.

GENERAL RECOMMENDATION NO. 35 TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) ON GENDER-BASED VIOLENCE AGAINST WOMEN⁵

General recommendation No. 35 to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on gender-based violence against women, updating general recommendation No. 19 was adopted in 2017 by CEDAW Committee. It “complements and updates the guidance to States parties set out in general recommendation No. 19 and should be read in conjunction with it” . In the recommendation, the term “gender-based violence against women” is used as a more precise term, which not only explicitly names the gendered cause and impact of violence against women, but it “further strengthens the understanding of the violence as a social rather than an individual problem, requiring comprehensive responses, beyond those to specific events, individual perpetrators and victims/survivors” .

General recommendation no. 35 acknowledges many advances made in many countries in the field of combating gender-based violence against women. At the same time, it concludes that “despite those advances, gender-based violence against women, whether committed by States, intergovernmental organizations or non-State actors, including private persons and armed groups, remains pervasive in all countries, with high levels of impunity” .

The recommendation also reiterates the need to tackle gender based violence against women as a violation of human rights by stating that “women’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association”.

In Article IV. Recommendations, the key areas of combating gender-based violence against women are addressed - general legislative measures, prevention, protection and prosecution and punishment. In the field of general legislative measures, the Committee recommends that State parties “ensure that all legal systems, including plural legal systems, protect victims/survivors of gender-based violence against women and ensure that they have access to justice and to an effective remedy...”.

⁵ https://digitallibrary.un.org/record/1305057/files/CEDAW_C_GC_35-EN.pdf?ln=en





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In the area of prevention, the State parties are recommended to “provide mandatory, recurrent and effective capacity-building, education and training for members of the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators and health-care professionals (...) to equip them to adequately prevent and address gender-based violence against women“ .

Such training is a prerequisite for effective protection informed by the latest knowledge and best practice on gender-based violence against women, including intimate partner violence, and its power and control dynamics.

Finally, the recommendations in the area of protection, explicitly recommends that State parties implement several proactive measures, such as “providing appropriate and accessible protective mechanisms to prevent further or potential violence, without the precondition that victims/survivors initiate legal action, including through removal of communication barriers for victims with disabilities.

Mechanisms should include immediate risk assessment and protection comprising a wide range of effective measures and, where appropriate, the issuance and monitoring of eviction, protection, restraining or emergency barring orders against alleged perpetrators, including adequate sanctions for non-compliance. Protective measures should avoid imposing an undue financial, bureaucratic, or personal burden on women who are victims/survivors. The rights or claims of perpetrators or alleged perpetrators during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in the light of women’s and children’s human rights to life and physical, sexual, and psychological integrity and guided by the principle of the best interests of the child “.

3.2.COUNCIL OF EUROPE LEVEL

RECOMMENDATION REC(2002)5 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES⁶

On 30 April 2002, the Committee of Ministers in the Council of Europe adopted the recommendation Rec(2002)5 to member states on the protection of women against violence. The recommendation references previous international and EU documents relevant to violence against women. Although the document does not discuss risk assessment *per se*, it includes several points pertaining to risk assessment.

It recommends the elaboration of institutional action plans (IV): Member states shall encourage “all relevant institutions dealing with violence against women (police, medical and social professions) to draw up medium- and long-term coordinated action plans, which provide activities for the prevention of violence and the protection of victims.” The Appendix lists a number of recommendations following the principle of victims’ safety and it places special emphasis on the training of professionals.

⁶ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2612





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3. Member states should introduce, develop and/or improve where necessary, national policies against violence based on:
 - a. maximum safety and protection of victims;
 - b. empowerment of victimized women by optimal support and assistance structures which avoid secondary victimization;
 - (...)
 - e. ensuring special training for professionals confronted with violence against women
(...)
8. include in the basic training programmes of members of the police force, judicial personnel and the medical and social fields, elements concerning the treatment of domestic violence, as well as all other forms of violence affecting women;
9. include in the vocational training programmes of these personnel, information and training so as to give them the means to detect and manage crisis situations and improve the manner in which victims are received, listened to and counselled;
10. encourage the participation of these personnel in specialized training programmes, by integrating the latter in a merit-awarding scheme;
11. encourage the inclusion of questions concerning violence against women in the training of judges;
12. encourage self-regulating professions, such as therapists, to develop strategies against sexual abuse which could be committed by persons in positions of authority;

Further points of the Appendix discuss specific areas where member states could make improvements against violence against women, containing elements of risk assessment. Among the *Judicial proceedings*, it is recommended that “all stages in the proceedings, the victims’ physical and psychological state is taken into account and that they may receive medical and psychological care”.

In the area of *Assistance for and protection of victims (reception, treatment and counselling)*, the recommendations discuss how law-enforcement bodies should treat victims of violence in order to prevent secondary (re)victimization. Beyond female victims, children’s needs are also discussed.

Member states should

29. ensure that the police and other law-enforcement bodies receive, treat and counsel victims in an appropriate manner, based on respect for human beings and dignity, and handle complaints confidentially; victims should be heard without delay by specially-trained staff in premises that are designed to establish a relationship of confidence between the victim and the police officer and ensure, as far as possible, that the victims of violence have the possibility to be heard by a female officer should they so wish;
30. to this end, take steps to increase the number of female police officers at all levels of responsibility;
(...)
33. take all necessary measures to ensure that none of the victims suffer secondary (re)victimization or any gender-insensitive treatment by the police, health and social personnel responsible for assistance, as well as by judiciary personnel.

In sum, the recommendation Rec(2002)5 by the Committee of Ministers encourages member states to priorities women’s safety in prevention and in victims support, mostly through professional





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trainings and sensitive legal procedures. It does not address risk assessment specifically, but it recommends institutions to draw up coordinated action plans.

COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION)⁷

The Istanbul convention was adopted by the Council of Europe Committee of Ministers on 7 April 2011. It was opened for signature on 11 May 2011 on the 121st Session of the Committee of Ministers in Istanbul. Following its 10th ratification by Andorra on 22 April 2014, it entered into force on 1 August 2014. Croatia signed the convention in 2013 and ratified it in 2018 after great resistance and protests led by the Catholic Church and right-wing radicals. Women's organizations strongly advocated the ratification of this important document and exerted great pressure on the Government to adopt and start implementing this comprehensive document that protects women from violence.

The Istanbul convention defines risk assessment and risk management in Article 51.

Article 51 – Risk assessment and risk management

1 Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide coordinated safety and support.

2 Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

Article 51 defines that state parties are obliged to take necessary legislative and other measures to ensure that an assessment of the risk of mortality, seriousness of the situation and the risk of repeated violence are carried out as a precondition for taking measures to protect women from violence. This article in its first paragraph defines elements that need to be taken to protect women from severe violence that can have fatal consequences. These steps are:

- Legislative and other measures that will secure implementation of a risk assessment for each individual report of violence by using risk assessment tool. Risk assessment tool must be created and implemented as standard procedure in cases of violence against women and domestic violence.

⁷ <https://rm.coe.int/168008482e>





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- After risk assessment is conducted risk management should be carried out and provide protection and support to women survivors of violence and end violence by proper treatment and punishment of the perpetrator of violence.
- The third element is cooperation among all stakeholders in the process of combating violence against women in each individual case. Exchange of information between all stakeholders involved in each individual case of violence against women should be coordinated and cooperation should be standardized.

In the second paragraph, special emphasis is placed on the possession or access to weapons by perpetrators of violence. Thus, possession or access to a weapon by a perpetrator of violence is especially recognized as an important element of assessment explained in paragraph 1 that must be included in all phases of the investigation and application of protective measures.

The content of Article 51 is additionally explained in Explanatory report to Council of Europe Convention on preventing and combating violence against women and domestic violence which provides an explanation of the issues related to safety of victims and obligations and roles of included stakeholders.

EXPLANATORY REPORT TO THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE⁸

Article 51 – Risk assessment and risk management

260. Concerns for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the scope of this Convention. This article therefore establishes the obligation to ensure that all relevant authorities, not limited to the police, effectively assess and devise a plan to manage the safety risks a particular victim faces on a case-by-case basis, according to standardized procedure and in cooperation and coordination with each other.

Many perpetrators threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past. It is therefore essential that any risk assessment and risk management consider the probability of repeated violence, notably deadly violence, and adequately assess the seriousness of the situation.

261. The purpose of this provision is to ensure that an effective multi-agency network of professionals is set up to protect high-risk victims. The risk assessment must therefore be carried out with a view to managing the identified risk by devising a safety plan for the victim in question in order to provide coordinated safety and support if necessary.

262. However, it is important to ensure that any measures taken to assess and manage the risk of further violence allow for the rights of the accused to be respected at all times. At the same time, it

⁸ <https://rm.coe.int/1680a48903>





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is of paramount importance that such measures do not aggravate any harm experienced by victims and that investigations and judicial proceedings do not lead to secondary victimization.

263. Paragraph 2 extends the obligation to ensure that the risk assessment referred to in the first paragraph of this article duly takes into account reliable information on the possession of firearms by perpetrators. The possession of firearms by perpetrators not only constitutes a powerful means to exert control over victims, but also increases the risk of homicide. This is particularly the case in post-conflict situations or in countries with a tradition of firearms ownership, which can provide perpetrators with greater access to these weapons. However, very serious cases of violence against women and domestic violence are committed with the use of firearms in all other countries as well. For this reason, the drafters felt it essential to place on Parties the obligation to ensure that any assessment of the risks faced by a victim should systematically take into consideration, at all stages of the investigation and application of protective measures, whether the perpetrator legally or illegally possesses or has access to firearms in order to guarantee the safety of victims. For example, in issuing emergency barring orders, restraining or protection orders, and when sentencing following criminal convictions for any of the forms of violence covered by the scope of this Convention, Parties may adopt, within their domestic legal systems, such measures as may be necessary to enable immediate confiscation of firearms and ammunition. Additionally, in order to cover all weapons that could be used in serious cases of violence, notably combat-type knives, Parties are encouraged to take into account, as far as possible, the possession of or access to such weapons.

Article 51 puts safety of victim in the first place of every intervention. All relevant authorities should effectively evaluate and design a plan to manage safety risks that each victim faces and it should be done on a case-by-case basis. It is very important to notice what is emphasized here that this obligation is not limited only to the police. All other relevant stakeholders should be involved in these processes.

Cooperation among all stakeholders is recognized as an important factor of effective dealing with risk and safety of victims. Purpose of this provision is to ensure the establishment of an effective multi-agency network of experts for the protection of high-risk victims. Development and standardized usage of a tool for risk assessment must be a precondition for effective management of situation. Risk assessment must be carried out with the aim of managing identified risk by developing a safety plan for each victim in order to provide coordinated safety and support as needed. For this purpose, it should be developed and implemented as a standardized procedure in co-operation and co-ordination with all stakeholders involved in this process. Tool for risk assessment in cases of violence against women defined in the Istanbul Convention should be used to efficiently protect women from further violence, prevent secondary victimization of women survivors and end violence in the long term. Crucial elements that should be taken into account of every risk assessment are likelihood of repeated violence, especially lethal violence, and adequate assessment of seriousness of the situation.

In the process of protecting victims of secondary victimization it is of great importance that measures undertaken do not aggravate any harm experienced by victims in all phases of the process, including investigations and judicial proceedings.





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According to the Explanatory report (p. 263), the possession of a firearm by the perpetrator is not only a powerful way to exert control over the victim, but also increases the risk of murder. This is especially the case in post-conflict countries. Therefore, public authorities must ensure immediate confiscation of firearms and ammunition as well as other weapons that can be used in cases of violence, especially fighting knives, when issuing removal or restraining orders in cases of other protection measures.

DECLARATION OF THE COMMITTEE OF THE PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION) ON THE IMPLEMENTATION OF THE CONVENTION DURING THE COVID-19 PANDEMIC⁹

Additionally, the Council of Europe developed a special document as a reaction to COVID-19 pandemic and its consequences to violence against women. This document is the Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the implementation of the Convention during the COVID-19 pandemic and it was issued on 20 April 2020. In introduction part negative impact of COVID-19 pandemic on problem of violence against women is highlighted, as well as the increased risk of women's and girls' exposure to violence and recalling importance of an integrative approach to new challenges.

In the ANNEX "Possible action and measures to take during the COVID-19 pandemic" under the selected provisions of the Istanbul Convention one of highlighted articles is the article that refers on risk assessment and risk management, Article 51:

- Article 51 (Risk assessment and risk management): Under the pandemic it remains crucial to continue to assess the seriousness of victims' situations and the risk of repeated violence. To the extent possible and provided precautionary measures to prevent contagion are in place, pretrial detention should remain the preferred option in high-risk cases. Were alternatives to perpetrator's deprivation of liberty and pretrial detentions are resorted to as a consequence of the pandemic, they should not be decided without informing the victim and without assessing the consequences thereof for the victim's safety.

This article highlights the importance of conducting risk assessment in cases of violence against women in circumstances of the COVID-19 pandemic. In high-risk cases of violence against women detention of the perpetrator of violence is emphasized as a measure of protection that should be implemented respecting all health measures related to COVID-19 restrictions. In cases when this is not possible because of the pandemic, all decisions should be assessed and victims should be informed about them.

⁹ <https://rm.coe.int/declaration-committee-of-the-parties-to-ic-covid-16809e33c6n-cases-of-violence-against-women>





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3.3. EU LEVEL

DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL¹⁰

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on the establishment of minimum standards in the field of rights, support and protection of victims of crime and on the replacement of Council Framework Decision 2001/220/JHA (hereinafter referred to as the Victim's Directive) establishes the rights, which victims of criminal offenses should receive in criminal proceedings. Individual assessment, in accordance to Victim's Directive is to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings due to their particular vulnerability and to prevent to secondary and repeat victimization, to intimidation and to retaliation.

Article 22 of the Victim Risk Assessment Directive stipulates:

Individual assessment of victims to identify specific protection needs

1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimization, to intimidation and to retaliation.

2. The individual assessment shall, in particular, take into account:

- (a) the personal characteristics of the victim;
- (b) the type or nature of the crime; and
- (c) the circumstances of the crime.

3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organized crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.

4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimization, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.

¹⁰ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>





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5. The extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.
6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 23 and 24.
7. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.

The purpose of carrying out an individual assessment of victims is to determine what kind of help victims need and what their protection needs are (the Victims Directive uses the term "specific protection needs"). It is an individual assessment, which means that the authority which is preparing the assessment must proceed from a specific case and must take into account the specific threat to the victim in the assessment. What needs an individual victim has and what are the most suitable measures for their protection and preventing secondary victimization must be based on all the circumstances of the individual case.

The Victim's Directive stipulates, that should be assessed, when individual assessment is preparing the personal characteristics of the victim, the type of crime and the circumstances in which the crime was committed. The institution that prepares the individual assessment must assess both objective factors that may endanger the victim (e.g., type of crime) as well as subjective factors (is the victim capable of protecting themselves or does it need the help of governmental and non-governmental organizations; are the circumstances that the perpetrator will continue to threaten the victim...). The Victims Directive require special attention to victims:

- victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics,
- victims who are particularly vulnerable due to their relationship with the perpetrator or their dependence on him,
- victims suffered significant damage due to the seriousness of the crime.

In connection with the circumstances mentioned above, the Victims Directive specifically highlights victims of terrorism, organized crime, human trafficking, gender-based violence, intimate partner violence, sexual violence, exploitation or hate crimes, and victims with disabilities.

The Victims Directive intends special attention to the treatment of children. It is considered that child as a victim has specific protection needs and that an individual assessment needs to be carried out so that measures can be implemented to protect their interests in criminal proceedings.

The Victims Directive therefore establishes the obligation for authority, to make an individual assessment, but also provides guidance - which circumstances are important when they are preparing





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an individual assessment. The Victims Directive does not prescribe the process of compiling an individual assessment; it does not specify at which stage of the process the individual assessment should be prepared (The Victims Directive determines, that the assessment should be prepared "in time". Given the purpose of the individual assessment, it is only correct if the assessment is prepared as early as possible in the process, preferably at the victim's first contact with governmental or non-governmental authorities), it is not determined by which institution is supposed to prepare the assessment or the experts who are supposed to participate in the preparation of the assessment (since the Victims' Directive defines the rights of victims of criminal acts, it makes sense that an individual assessment must be prepared by an institution that participates or is connected with criminal proceedings, if it is possible, with the participation of other institutions that provide assistance to the victim), it also does not specify how the individual assessment should be done (with the help of a questionnaire, in writing, only verbally...).

The Victim's Directive stipulates that is necessary to work closely with the victim and consider their needs, abilities and wishes. The individual assessment should not be a formality, but should be based on a conversation with the victim. Only in this way, the goal of prevention secondary and re-victimization can be achieved. The Victims Directive also stipulates that the individual assessment needs to be updated during the procedure if the elements that form the basis of the assessment change.

European Directives set minimum rules, that Member States must transfer into their national legal systems. The Member States have also transferred the Victims' Directive into their national legislation in the way that is most appropriate for their already existing system of protection of victims' rights. However, they (or should) proceed from the purpose of the Directive on Victims when transferring the regulations and specifically: the purpose of the composition of the individual assessment.

The Victims Directive leaves it up to the Member States to regulate the procedure for preparing an individual assessment. Victim's Directive stipulates that is necessary to take into account the personal characteristics of the victim, the type and circumstances of crime and the other circumstances. The Victims Directive mentions special attention to the victims of crimes, but it does not give any further instructions regarding the consideration of other circumstances. Depending on the purpose of preparing an individual assessment, it is necessary to take into account (in addition to the circumstances of the criminal act itself):

- the relationship between the victim and the perpetrator and whether the victim lives with the perpetrator (a close or consanguineous relationship of the victim is usually more dangerous),
- whether the perpetrator was violent towards the victim and what form of violence perpetrator used,
- whether the criminal act is repeated, or whether the intensity is increasing (e.g. whether the perpetrator is escalating the violence),





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- has the perpetrator ever threatened the victim; the victim feels that perpetrator can carry out the threats (because he has already tried to attack her or threatened her with weapons or dangerous objects)
- the perpetrator has mental health problems that can make him a danger to himself or others,
- the perpetrator has addiction problems,
- the victim is financially or otherwise dependent on the perpetrator,
- the victim is more vulnerable due to his age, disability, mental or physical health problems or some other circumstance and cannot defend himself against violence,
- does the victim has a developed social network (private) and is included in any of the programs to help victims of crimes,
- the victim is scared, in shock, under stress,
- the victim does not have the citizenship of the country in which he resides and does not know the language of this country,
- other circumstances regarding the victim, the perpetrator or the criminal act, which in a specific case increase or decrease the danger of the victim and which the authority detects when preparing an individual assessment.

Some countries prepare an individual assessment with the help of a questionnaire in which "points" are collected and based on the collected points level of threat is determined. This way of preparing an individual assessment is good, because it is standardized and (if the questionnaire is properly drawn up) reduces the possibility that the person which is preparing the individual assessment together with the victim, would overlook some important circumstance. On the other hand, because of the standardization, a circumstance that puts the victim in great danger may be overlooked, because the questionnaire does not give it enough weight.

An individual assessment compiled by e.g., police officers upon first contact with the victim (maybe at the scene of the incident or when the victim was in shock or under the influence of the incident) is specific and may change over time. It would make sense to review the individual assessment and update it with the victim, before each procedural action in which the victim will participate, and take into account, the possible views of other organizations and institutions that do not participate in the criminal proceedings, but they know the victim's life situation and offer help (social work center, non-governmental organizations, safe houses, therapists, doctors...). Just like an individual assessment, the determination of protection measures must be based on the actual needs of the victims and not be left to the individual judges.





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4. CROATIAN NATIONAL FRAMEWORK

4.1. THE NATIONAL CONTEXT OF VIOLENCE AGAINST WOMEN IN CROATIA

Violence against women in Croatia is a serious and widespread issue, especially violence in intimate partner relationships. A nation-wide survey that AWHZ conducted in 2003¹¹, 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 during her lifetime. 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 EU wide survey¹² on violence against women 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 behaviors (verbal abuse, insults, humiliation), but nearly three in ten (29%) also identified controlling behaviors. More than one in ten (11%) have identified economic abuse from their partners since the age of 15.

Femicide, or murder of women in intimate partner relationships, is a serious issue in Croatia. The fact that in the first 10 months of 2022 as many as 13 femicides were committed is extremely worrying. From 2016 to 2021, 92 women were killed in Croatia by a close person-partner, which accounts for 45% of all murders. An in-depth analysis of these cases showed 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.

The gender-neutral approach to violence against women in the Republic of Croatia negatively impacts the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and consequently leads to a range of bad practices in the work of institutions.

One of the alarming examples of poor police practice are the cases of double arrests of victims of violence and perpetrators, where, despite having gone through training, police officers fail to identify the primary assailant, and it is up to the victim to bear the burden of defense from the charges brought by the authorities, the same authorities that are bound to protect her. Double arrest in this context means that the police, who respond in cases of male violence against women, often do not identify the assailant and arrest the woman as the second accused, even though she is the one who has

¹¹ <https://azkz.hr/wp-content/uploads/2022/01/Istrazivanje-o-rasprostranjenosti-nasilja-protiv-zena-2003..doc>

¹² https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14_hr.pdf





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survived violence. The police interpret the violent event as a one-off incident and/or conflict between partners, not as continued violence against the woman.

4.2. NATIONAL LEGAL FRAMEWORK FOR THE SUPPRESSION OF VIOLENCE AGAINST WOMEN AND RISK ASSESSMENT

As stated in previous chapters, Croatia is obliged to provide risk assessment in cases of violence against women and act according to the international documents to protect women against gender-based violence.

Gender-based violence against women is regulated in Croatia through the Criminal Code (CC)¹³ and the Act on Protection from Domestic Violence (APDV)¹⁴. The Criminal Procedure Act (CPA)¹⁵ and Misdemeanor Act¹⁶ also give reference and regulate some parts of the proceedings related to cases of 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 – 2022¹⁷, passed by the government of Croatia on September 22, 2017. There is also a specialized law on Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War Act¹⁸ that secures compensation of women survivors of sexual violence during the 1990s war. The Free Legal Aid Act¹⁹ provides all victims with access to secondary legal aid.

The only document that clearly defines risk assessment and its usage is the Protocol on procedure in cases of domestic violence²⁰, specifically in police actions.

The Protocol on procedure in cases of domestic violence specifies the following in terms of police obligations:

(...)

5. carry out a risk assessment and verbally and in writing inform the victim about his rights and provide him with the information of the department for support of victims and witnesses in the courts and the National Call Center for Victims of Criminal Crimes and Misdemeanors - 116 006 (Association for Support of Victims and Witnesses) as well as contact information data of state administration bodies and civil society organizations that deal with the support and protection of victims in the area of a particular police administration;

¹³ <https://www.zakon.hr/z/98/Kazneni-zakon>

¹⁴ <https://www.zakon.hr/z/81/Zakon-o-za%C5%A1titi-od-nasilja-u-obitelji>

¹⁵ <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

¹⁶ <https://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon>

¹⁷ <https://bit.ly/3P5rvX1>

¹⁸ <https://bit.ly/3ur36BQ>

¹⁹ <https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i>

²⁰ <https://bit.ly/3in4RND>





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6. carry out an individual assessment of the victim, for which purpose they can obtain the necessary data from the center for social welfare and other bodies, organizations and institutions that provide assistance and support to victims of criminal acts, especially the department for supporting victims and witnesses;
18. at the request of the professional workers of the center for social welfare, in high-risk situations, she is obliged to provide assistance with placement in a shelter for victims of domestic violence.

As part of the implementation of the RISKFREE project and this research, we asked the Ministry of Interior about the use of risk assessment tools in cases of violence against women. We were provided with information that police officers implement an assessment of repeat violent behavior in accordance with Article 51 of the Council of Europe Convention on preventing and combating violence against women and domestic violence. For this purpose, the Ministry of Interior has drawn up guidelines for police action in criminal offenses committed to the detriment of close persons, according to which police officers, in cases of violent behavior to the detriment of close persons/family members and in cases of violence against women, are obliged to fill in the "Risk Factor Form for repeat violent behavior" and submit it to the competent judicial body - the misdemeanor court/department or the state attorney's office - as an attachment to the indictment or criminal complaint.

As it is explained in answer provided by Head of Department of juvenile delinquency and criminality to the detriment of youth and families: *This form is a result of thirteen years of monitoring murders of close persons and women in Republic of Croatia. It was created based on the examination of cases, scientific literature, analysis of risk assessment forms used by police of other countries as SARA-Spousal Assault Risk Appraisal - Kropp, Hart, DASH - Domestic Abuse, Stalking and Harassment and Honor Based Violence L. Richards and DANGER ASSESSMENT SCALE- J. Campbell²¹, as well as research carried out by Directorate of Criminal Police and Police Academy on Domestic Homicide from 2014²² and analyses of all cases of murders of women conducted by Criminal Police Directorate since 2016. An integral part of the analysis is the data collected from the research questionnaire that they have been conducting since 2016 - Murders of women (Femicide Watch) 2016-2018 and 2016-2020. From November 1, 2022, police officers of the regular and criminal police are required to fill in the form in cases of violent behavior to the detriment of close persons/family members and in cases of violence against women, and from the specified date the obligation to submit the completed form to the competent judicial authority is also in force – to the misdemeanor court/department or the state attorney's office as an attachment to the indictment, or criminal report. The form itself was created in 2010, when it was used for the training of police officers, and the final, modified version was submitted for mandatory use and application in October 2022. It is the first form used by the police in risk assessment. Prior to the introduction of this form, police officers were trained on the obligation to assess risks in accordance with the Istanbul Convention through specialist courses and seminars at the Police Academy and*

²¹ <https://policijska-akademija.gov.hr/UserDocImages/onkd/2-2011/amatijevic.pdf>

²² <https://www.bib.irb.hr/1091661>





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additional professional training in police administrations, where the subject of risk assessment was also covered with the use of the form itself.”²³

The form of risk factors for the repetition of violent behavior is made in the form of a table on two pages. The form contains the following:

- General administrative information on police station and file number
- General information on perpetrator (age, date of incident, legal classification of the act)
- General information on victim (age, relation to perpetrator)

Then there are 26 questions with YES and NO answers, all with the option of providing a comment:

- perpetrator threatened to kill the victim or a person close to her
- perpetrator was violent towards children
- perpetrator was violent towards household members
- perpetrator previously followed, stalked or monitored the victim
- perpetrator restricted the victim's movement, controlled financial means, contacts with others
- perpetrator showed excessive jealousy and/or possessiveness towards the victim
- perpetrator sexually abused the victim
- perpetrator physical abused the victim
- perpetrator strangled/suffocated the victim
- victim suffered visible physical injuries
- perpetrator behaved cruelly, humiliatingly or callously towards the victim
- victim expresses fear of the perpetrator
- perpetrator behaves violently more often and/or the violence is of greater intensity
- perpetrator was previously registered as a perpetrator of a punishable act with elements of violence (criminal act, misdemeanor act)
- offender has violated or has previously violated the imposed precautionary measure or protective measure
- there is knowledge of **other** previously **unreported** violent behavior of the perpetrator (to whom)
- perpetrator owns a firearm

²³ Data received by e-mail on December 2 2022





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- there is knowledge that the perpetrator attempted suicide or threatened to do so
- there is knowledge that the perpetrator suffers from a psychiatric illness
- perpetrator is socially isolated (no support from family or friends)
- perpetrator behaved violently under the influence of alcohol or drugs
- perpetrator excessively consumes alcohol or uses drugs
- perpetrator belongs to a community that has a different culture and customs that justify violence
- victim has left the perpetrator or has announced that she will leave him or divorce proceedings are underway
- is there a problem with establishing contact with children
- prior to the violent event, a special event took place (unresolved property and legal relations, financial difficulties, losing a job, losing an apartment, health problems, adultery - whose or something else) – clarify which one

At the end there is space for the observations of the police officer at the scene: emotional and other states of the victim and the perpetrator, agitation, fear, aggressiveness, cold-bloodedness, observed injuries, damaged things, the victim is a disabled person or is particularly vulnerable due to other reasons: a child, a person with mental health issues, an elderly person, foreign citizen, pregnant woman.

As stated in the supporting letter to the tool, police officers are obliged to implement risk assessment in cases of violence against women and violence against close persons. It is not clear whether they fill them in together with the women victims of violence or not. Recommendations from the Victim's Directive state how important it is for the victim to be involved in the process.

When analyzing content of this form, we can say that it is rather good, and that the creators have included all the key risk factors. A positive step forward are the questions aimed at clearly identifying the primary aggressor in cases of violence. The form largely follows obligations specified in the Victim's Directive, which requires the relationship between victim and perpetrator to be defined, history of violence, increase in violence, victim's perception of danger, psychological problems and addictions of the perpetrator, but does not detect the victim's financial or other forms of dependence on the perpetrator, and circumstances that put victim in an aggravating position (illness, poverty, unresolved status issues if the victim is a foreign citizen).

As for the part of the additional remarks concerning the observations of the police officers at the scene of the incident, it includes important elements about the condition of the victim and the perpetrator, so it would be better if they were separated as special questions that require more attention.





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Additional focus could be placed on children, because it could later be used not only in criminal or misdemeanor proceedings, but also in divorce proceedings when determining custody. Some questions that could be added:

- Were children present during the incident?
- Was the perpetrator violent towards children?
- Were there threats of harming children?
- Did children directly intervene in the incidents?
- Was the perpetrator threatening or attempted to abduct children?

One of the problems detected is usage of form after it is filed in because there is no clear verification of scale. The Head of Department of juvenile delinquency and criminality to detriment of youth and families provided us with information: *“Unfortunately, we have not yet been able to scientifically verify the scoring scale. All variables represent risk factors, but the combination of some positive answers increases the risk, and with what we have learnt by analyzing murders of women and murders in the family in Croatia - as the most risky factors - which represent a very high and an alarmingly high risk, we have isolated the following: previously reported and/or unreported violent behavior (of all forms, including threats), suicidality of the perpetrator, mental illness of the perpetrator, termination or announcement of termination of a marital or extramarital union or intimate relationship, but also a combination of positives corresponds to consumption of intoxicants, especially excessive use of alcohol. Information obtained by police officers by filling out the form is used when making a decision on arrest of the perpetrator, determining precautionary measures by police in accordance with Art. 130 of the Criminal Code and proposing protective measures in misdemeanor proceedings, proposing the determination of precautionary measures and pretrial detention in criminal proceedings. According to the first feedback, it will also benefit the judicial authorities when making decisions on victim protection measures. Asking questions from the form reduces the possibility of police “missing” suspicion of committing a criminal offense, that is, the totality and chronology of violent behavior of the perpetrator towards the victim is reviewed, which contributes to the correct classification of punishable behavior²⁴.”*

At the time of writing this report, the obligation to implement Risk Assessment Form has only been in effect for one month and it is difficult to assess its implementation. For the purposes of this research, we contacted women’s NGOs that support women survivors of gender-based violence in order to find out about their experiences in implementing the risk assessment tool in cases of violence against women. We contacted the lawyer of the Autonomous Women’s House Zagreb and Centre ROSA, B.a.B.e. from Zagreb, DOMINE from Split, HERA from Križevci, SOS telephone from Rijeka²⁵. We received information from all of them that, in their work, none of them have so far come across a risk assessment form as part of the documentation or when accompanying a woman to the police to

²⁴ Information received by e-mail on 5 December 2022

²⁵ Information received in telephone or personal communication on 1 December 2022





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report violence. We received the same answer via email from “Dom Duga” from Zagreb, which accommodates victims of domestic violence.

The problem is the fact that the form went into use only on November 1, 2022, although the obligation exists since the ratification of Istanbul Convention in 2018, and the obligation of risk assessments is also stated in the Protocol of procedures in cases of domestic violence²⁶, which was adopted on June 19, 2019.

Nevertheless, we welcome efforts of the Ministry of Interior to introduce risk assessment and use of a standardized risk assessment form in cases of violence against women, and we consider it to be quality material and a positive step forward in combating violence against women.

As part of the research, we sent an inquiry to the State Attorney's Office asking them to provide us with information on whether they receive documentation and a form of risk factors for repeating violent behavior in cases of violence against women. In the official reply sent to us by e-mail on December 6, 2022, the Deputy Chief State Attorney of the Republic of Croatia states that the State Attorney's Office had no information that the form existed, but found out about it in an informal conversation with a representative of the Ministry of the Interior, whom they contacted after our inquiry. Accordingly, they do not have information on whether completed forms of risk factors for repeating violent behavior are submitted along with reports of violence against women. We consider it problematic that the Ministry of the Interior did not notify other relevant institutions even a month after the introduction of the obligation to use the above-mentioned form, because many international documents emphasize the importance of cooperation and exchange among all stakeholders.

Social welfare centers are not obliged by the Social Care Act²⁷ or the Protocol of Procedure in Cases of Domestic Violence to use risk assessment; their responsibility is to work with victims to draw up a safety plan in accordance with the “danger assessment” in each individual case. The safety plan includes measures to protect the victim repeat violence. As is stated in the safety plan on the website of the social welfare center Čakovec²⁸: *“The safety plan assesses dangers and risks, and plans protection in advance and increases safety and women and children”*

The safety plan is prepared for the following situations:

- If women still live with abuser
- When preparing to leave abuser
- If women no longer live with abuser (at home, at work, safe movement outside their home and workplace (if abuser is following and stalking them), in case women get a restraining order)

²⁶ https://mup.gov.hr/UserDocImages/dokumenti/Protokol_o_postupanju_u_slucaju_nasilja_u_obitelji_usvojila_Vlada_19_6_2019.pdf

²⁷ <https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>

²⁸ <http://czss-ck.hr/userfiles/downloads/PLAN%20SIGURNOSTI.pdf>





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- Protection of children
- Additional safety measures (usage of secured communicational devices, changing of passwords...)

Article 43 of the Criminal Procedure Act²⁹ and the Regulation on the manner of implementation of individual assessment of victims³⁰ as the bylaw that came into force on 1 November, 2017, stipulate the procedure of assessing the needs for protection and support of victims of all criminal acts. In accordance with Article 1, paragraph 3 of this Regulation, all authorities involved in the pre-trial criminal proceedings (police officers, state attorneys and judges) who come into contact with the victim, from the inquiry up to the final judgement in the criminal proceedings, are obliged to conduct an assessment of the victim's needs via a form on the implemented procedure of individual victim's needs for protection.

The form contains the following data:

- General information on the authority conducting the assessment (name, subject, date, victim's name and surname, victim's date of birth, PIN)
- Information on whether the assessment is conducted with or without the participation of the victim
- Conclusions after the procedure:
 - No need to use special protection measures
 - Need for using special protection measures has been identified (list which needs)

The Regulation on the manner of implementation of individual assessment of victims defines the characteristics of the personal vulnerability of the victim: age, possible pregnancy or having recently given birth, difficulties in communicating (speech, reading or writing), health, alcohol or substance addiction, PTSD, or similar; victim's previous experience of criminal act or misdemeanor with characteristics of violence, irrespective of whether it was reported and processed as a criminal act or misdemeanor or not; the fact that the criminal act also affected the victim's children or other persons who the victim takes care of or who are dependent on the victim. Elements of special vulnerability in this respect include the gender of the victim (female) and whether she has recently left her violent partner/filed for divorce, as these are especially dangerous for women.

The Regulation on the manner of implementation of individual assessment of victim refers to the victims of criminal acts and therefore does not include the large number of women who are victims of violence classified as misdemeanors in accordance with the Act on Protection from Domestic Violence.

²⁹ <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

³⁰ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_106_2426.html





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When contacting the courts in Croatia during the research, we received several answers. The Municipal Criminal Court in Zagreb and the Municipal Court in Karlovac, Permanent Service in Ogulin informed us that they still have not received the Form of risk factors for the repetition of violent behavior in the files, and that the Form on the individual assessment of the victim's need for protection is submitted with the other files. The Municipal Court in Osijek informed us that in files dated since November 1, 2022 Form of risk factors for repeating violent behavior is submitted. We can conclude that the Form of risk factors for the repetition of violent behavior is not yet recognized, which is evident from the response of the Municipal Court in Rijeka, which states that Form has been applied since 2017, when the Rulebook on the method of implementing individual victim assessment came into force.





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5. RESULTS OF RESEARCH ON THE EXPERIENCE OF WOMEN SURVIVORS OF VIOLENCE WITH THE WORK OF INSTITUTIONS AND NGOs DURING THE COVID-19 PANDEMIC

In 2022, the Center for Women Victims of War - ROSA and Autonomous Women's House Zagreb conducted the research on the experiences of women survivors of violence within the project RISKFREE, with the goal of examining whether there has been an increase of violence during the COVID-19 pandemic, and what expectations and experiences with institutions and/or NGOs the women who turned to us for help have had.

The research involved women who got in touch with the Women's Counseling Center of the Autonomous Women's House Zagreb and the Centre ROSA. A total of 37 women participated in the survey. A total of 33 questionnaires were statistically analyzed, and 4 were excluded due to incomplete data. The research was conducted in the period from July to October 2022.

The majority of respondents, i.e., 32 women (96.97%) were or are still exposed to intimate partner violence. The most represented forms of intimate partner violence are psychological abuse, followed by physical violence and economic violence. The ex-partner (husband or non-marital partner) is the abuser in 60,6% of cases. The respondents, especially those who have suffered violence for many years, tend to connect the beginning of violence with specific events, most often with pregnancy, childbirth or a wedding. The majority of respondents state that they suffered violence for several years before they sought help for the first time. 25 respondents (75.8%) said they most often turned to NGOs, 20 of them (60.6%) sought help from the police, 18 (54.5%) contacted social welfare centers and 16 (48.5%) asked their family members and friends for help. During the pandemic, all respondents turned to institutions and NGOs and sought help from them several times due to the violence they experienced. When asked about their needs/expectations in seeking help from institutions and organizations, the respondents predominantly said that they sought help and support, protection from the abuser and information on their rights. Their answers can lead to the conclusion that they expected the institutions to act in terms of providing information, protection and safety, and the NGOs to provide information, support and empowerment.

When asked about their satisfaction with the behavior of institutions and/or NGOs or the services provided by them, the results indicate that the largest number of respondents were only partially satisfied (12, 36,4%) and they turned to institutions and NGOs several times for help. Seven respondents primarily pointed out their satisfaction with the work of the institutions and problems they faced in the institutions. All 33 respondents turned to NGOs, and the majority also turned to the institutions, several times.

The respondents who answered that they were not satisfied with the work/services of the institutions and/or NGOs, said that the reason is that the institutions abused their position, took the side of the abuser, ignored the problem, did not dedicate enough time to women who turned to them because they had experienced violence, did not give important information on their rights, justified violence and/or did nothing. The majority of the respondents spoke about the work of social welfare centers.





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There was an equal distribution of answers between "Same" (14, 42,42%) and "Worse" (14, 42,42%) in the level of support the received from the institutions and NGOs before and during the pandemic. Not a single respondent said that the level of support was better, and five of them said that they had never experienced any violence before the pandemic.

The majority of respondents described that support offered during the pandemic was worse because contacts face to face were made difficult or were altogether absent. That led to phone lines being busy and availability of support was generally hindered.

Fear of the abuser, distrust in the institutions and the restricted face to face communication due to the pandemic, access to institutions only with a COVID passport and similar issues presented obstacles for some women in seeking help from institutions and/or organizations.

The focus of the research was to investigate the reasons why those respondents who didn't turn to institutions for help during the COVID-19 pandemic decided to do so. Out of the total number, two respondents failed to contact the institutions at all. Among the reasons offered, they said: "I didn't think they could help me", "I don't trust the institutions", "I am afraid of the consequences", "I am afraid of the abuser, restrictions imposed during the pandemic" and "I felt ashamed".

A comment from one of the respondents summarizes the statements from women included in this research:

"I don't have personal experience like that, but in talking to other women I have found out that there is lack of believing them, that they are coerced and intimidated, that the children are forced to have visits with their father abuser, which sometimes leads to women going back to the abuser, that the mothers are accused of manipulation and alienation, that children and their interests are not considered enough, and that the interest of the abuser is considered too much. Women are scared because they don't believe them - the police do nothing, there are too many connections within the police, and oftentimes both the wife and the husband get reported. The system is sluggish. I did not have too bad of an experience, but I think it is because I also turned to NGOs.





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6. CONCLUSIONS

Implementing systematic and standardized risk assessment is a key factor of stopping violence, preventing deadly consequences of violence and disabling re-victimization of women and their children. The Ministry of Interior of the Republic of Croatia has produced the form of risk factors for the repetition of violent behavior and has instructed all police officers to use it in criminal investigations of chargeable offenses committed to the detriment of close persons and in cases of violence against women. This form was produced in accordance with Article 51 of the Istanbul Convention and its use by police officers was made mandatory on 1 November 2022. It has to be noted that the Istanbul Convention was ratified in 2018, and that this form should have been introduced much before. The form itself is of good quality and the creators have included the key risk factors. A positive step forward are the questions aimed at clearly identifying the primary aggressor in cases of violence. The form largely follows obligations specified in the Victim's Directive, which requires the relationship between victim and perpetrator to be defined, history of violence, increase in violence, victim's perception of danger, psychological problems and addictions of the perpetrator, but does not detect the victim's financial or other forms of dependence on the perpetrator, and circumstances that put victim in an aggravating position (illness, poverty, unresolved status issues if the victim is a foreign citizen). It is currently impossible to determine whether the use of the form has started, but it has to be pointed out that the bodies included in the process of combating violence against women, such as the State Attorney's Office, are not aware of the fact that the form exists and that it is being used. An evaluation system needs to be developed to monitor the implementation of risk assessment in order to ensure its correct and complete implementation. The Istanbul Convention emphasizes that risk assessment should also be implemented by other institutions included in the process of combating violence against women. None of the national documents have incorporated this obligation. Social welfare centers are obliged to implement the safety plan with women victims of violence, while the courts, the police and the State Attorney's Office are obliged to implement needs assessment for victims of criminal acts in accordance with the Criminal Procedure Act.

Analysis of international obligations and experiences of women survivors of violence with institutions shows it is important that institutions conduct risk assessments in each individual case of violence against women. Use of risk assessment would contribute to the decrease of negative experiences women had with institutions and the issue of violence would be fully perceived - i.e. the totality and timeline of abusive behavior of perpetrator towards the victim, which contributes to the correct classification of chargeable behavior, leading to steps being taken to prevent further violence and prevent revictimization of women and their children victims of violence. Timely risk assessment would contribute to the decrease of the issue of double arrests, as the form for risk assessment developed by the Ministry of Interior focuses on clear identification of primary aggressor. The data from our research shows how important it is for the institutions to implement risk assessment in each individual case of violence against women. It would mean avoiding the negative experiences that the women had with institutions and the problem of violence would be considered in its entirety, which would mean steps to prevent further violence and prevent revictimization of women and their children





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victims of violence. Timely risk assessment would contribute to the decrease of the issue of double arrests, as the form for risk assessment developed by the Ministry of Interior focuses on clear identification of primary aggressor.

Looking at the experiences of women respondents who sought help during the pandemic, we can see that their communication with the institutions was made difficult and that some institutions were unavailable in terms of personal contact, providing only the possibility of written communication and the added issue of some respondents never receiving replies. This form of work of the institutions can contribute to the deterring effect in reporting violence. Our research shows that almost half of the respondents (15; 48.48%) stated an increase in violence during the pandemic and isolation. They most often state that the frequency and brutality of violence has also increased (9; 57.1%). In the descriptions given by the respondents we can see new forms of violence arising, exclusively related to the circumstances caused by the pandemic, in particular endangering their and their children's health during the pandemic, limiting movement under the pretext of the pandemic, and accusations of deliberately causing the infection. The respondents who stated they have not experienced an increase in violence during the pandemic most often state that the reason for this is that they have left the abuser.

Implementing risk assessment is especially important in the circumstances of the COVID-19 pandemic, as emphasized by the Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on the implementation of the Convention during the COVID-19 pandemic, which was issued on 20 April 2020 by the Council of Europe as the supporting document to the Istanbul Convention.

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