

NATIONAL REPORT CROATIA 2016

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DETAILS REPORT WRITING ORGANISATION

Country: Croatia

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Representing any other organisations? Yes

Names of these organisations: *Home for children and adults - victims of domestic violence  
"Duga", Zagreb*

## 1. ORGANISATIONS/PROGRAMMES

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WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

Both Home "Duga" and the Association Lux Vitae work with perpetrators of domestic violence. The former operates in the capital city of Zagreb, and the latter in the county of Istria. In addition to this work with perpetrators, Home "Duga" also provides services for children and adult victims of domestic violence, including a safe house and a counselling centre. The two organisations work as partners in local prevention programs.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

The biggest obstacle is the lack of communication from the Department of Justice. The department should be responsible for programmes for working with perpetrators, however in the past there has been a lack of practical support, discouraging the implementation of programmes for perpetrators. During this time some cities and counties such as Zagreb, Rijeka and the county of Istria, financed this work. In the past two years however, the Ministry of Justice has signed a contract with individuals and organisations for work with perpetrators.

## 2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

Domestic violence is a form of discrimination against women and a violation of women's human rights. It violates a woman's right to life, bodily security and integrity, equal protection, and freedom from torture. Domestic violence continues to be a widespread problem in Croatia. According to research published in 2012, 31 percent of women in Croatia have experienced frequent domestic violence, and 44 percent have experienced it occasionally. In 2013, there were approximately 14,335 domestic violence offenses under the misdemeanour domestic violence law, and in 2014, there were approximately 13,067 such offenses. The actual incidence of domestic violence is in fact higher, however, as this number does not include criminal-level domestic violence offenses, nor unreported abuse. Femicides are also a serious problem in Croatia; 12 women were killed by their male partners in 2012, and 11 women were killed by their male partners in 2013. In the past ten years, 300 women have been murdered by their husbands, partners, or relatives. In 2003, the Croatian government took an important first step in combatting this problem and adopted the misdemeanour Law on Protection against Domestic Violence (LPDV). In

addition, Croatia has a number of other laws that are relevant to holding offenders accountable and promoting victims' safety, including the Criminal Code, Criminal Procedure Code, Family Law, and Law on Legal Aid Act.

The international community recently voiced its concerns about the Croatian Government's response to domestic violence. Throughout this report, we note recommendations made by UN human rights bodies to the Government of Croatia, aimed at bringing its response to domestic violence into compliance with international human rights standards. In 2015, the Government of Croatia took the first step, in restoring the specific offense of domestic violence in the Criminal Code. Nonetheless, many changes are needed to fully comply with international standards, and at a minimum, the government should

- End dual arrests;
- Ensure all intimate partners can access protection from domestic violence;
- Ensure victims remain protected during appeals for protective orders;
- Provide consistent and sufficient funding to autonomous women's shelters and services for women who are victims of violence;
- Collect data on domestic violence for developing strategies;
- Provide specific training on domestic violence for police, Centres for Social Welfare (CSW), prosecutors, and family, criminal and misdemeanour judges;
- Ensure any psychosocial treatment programme is consistent with internationally recognised best practices;
- Ratify the Istanbul Convention.

The LPDV is a misdemeanour law which defines domestic violence as "any form of physical, mental, sexual or economic violence". Under the LPDV, victims can seek six protective measures:

- 1) psychosocial batterers' treatment;
- 2) addiction treatment for the offender;

- 3) eviction of the offender from the home;
- 4) confiscation of firearms;
- 5) a restraining order; and
- 6) prohibitions against stalking and harassing the victim.

Three of the measures (restraining orders, stalking/harassment prohibition, and eviction) can be requested on an ex parte “urgent” basis. Importantly, perpetrators can be fined or imprisoned for violations of these protective measures. Finally, in addition to the six protective measures, the court can impose fines or jail sentences (of up to 90 days) on perpetrators.

Misdemeanour laws (including the LPDV) and criminal laws are mutually exclusive in Croatia and this restricts the remedies available to victims. Further, it limits the accountability faced by perpetrators. Victims of domestic violence cannot obtain remedies or protection under both the misdemeanour and criminal systems, and it is usually police officers who determine whether they will apply the LPDV or Criminal Code after the victim reports the violence.

Under the misdemeanour system, the two possibilities for protection include: 1) the Misdemeanour Act, which has limited precautionary measures to protect victims during the proceedings, and; 2) the LPDV which provides immediate measures to protect victims on a long-term basis before and after misdemeanour proceedings. Under the criminal system, the Criminal Procedure Code includes limited precautionary measures to protect victims during the proceedings, and the Criminal Code includes eight post-conviction safety measures, two of which are aimed at protecting the victim. The Criminal Code’s protections are less quick, strong and encompassing than the LPDV’s protections. However, the Code imposes higher sanctions for perpetrators that respond more proportionately to the seriousness of the offense than the Misdemeanour Act.

In the majority of domestic violence cases in Croatia, men are the perpetrators of violent behaviour. However, dual arrests and convictions of both the perpetrator and the victim are on the rise throughout Croatia. In her 2014 annual report, the Ombudsperson for Gender Equality reported that 43.2 percent of cases under the Misdemeanour Act involved women who were arrested and charged as violent perpetrators. Despite extensive training for more than 4,000 police officers, as detailed by the Croatian Government, the problem of dual arrests has continued unabated. As a result, women victims of violence are not only arrested, but also sanctioned under Croatia's misdemeanour laws. In some cases, misdemeanour courts issue mutual orders for protection for both parties.

While the Croatian government plainly considers psychosocial treatment to be a key weapon in the fight against domestic violence, questions have been raised regarding both the efficacy and the implementation of psychosocial treatment. Access to this protective measure is often dependant on whether or not a jurisdiction has adequate funding and personnel to administer the treatment. Judges have noted that limited funding from the Ministry of Justice restricts the number of perpetrators for whom treatment can be ordered, further exacerbating the problem. In addition, perpetrators cannot be required to travel more than 50 kilometres for treatment, which curtails the ability of judges to order treatment in areas with insufficient providers. One of the barriers to the implementation of treatment programmes, noted by many practitioners working in the field, is the severe lack of funding from the government. At the beginning of the programme, psychosocial treatment costs were 7,000-7,500 kunas (approximately 930-997 euros) for a single perpetrator. In the past four years that figure has been reduced to 2,000 kunas (approximately 250 euros) for a single perpetrator for a period of six months.

Finally, sanctions for the violation of protective measures and punishments under the LPDV are not adequately enforced. Best practices show that the violation of a protection order should be criminalised. The LPDV imposes a fine of at least 3,000 kunas, or a prison sentence of at least ten days, for the violation of a protective measure. In practice however, reports indicate that the police and courts do not always enforce these requirements.

PLEASE GIVE AN OVERVIEW OF YOUR COUNTRY'S CRIMINAL AND CIVIL RESPONSE TO DOMESTIC VIOLENCE, ESPECIALLY ANY CHANGES WITHIN THE LAST 3 YEARS? (I.E. WHAT ARE THE MOST IMPORTANT LEGAL AND POLICY MEASURES AND HOW HAVE THEY BEEN IMPLEMENTED?)

In 2015 domestic violence was reintroduced as a criminal offense under the Criminal Code (Art. 179a). Since that time, the Ministry of Interior has submitted data on a total of 145 registered criminal acts of violence in the family, involving a total of 150 victims, of which 121 were women (81%) and 29 were men (19%). The number of reported criminal offenses among close persons continues to rise. Data from the Ministry of Interior recorded a total of 2.220 criminal offenses with elements of violence among close persons (100.5% more than in 2014, when they recorded 1107). A total of 2,359 victims were injured (104.2% more victims than in 2014, when a total of 1,155 victims were injured), of which 1.752 were women (112% more than in 2014) and 607 were men (85% more than in 2014).

In 2011, the Croatian Parliament amended the 2008 Criminal Code, and these amendments came into force in January 2013. Article 215A, prohibiting domestic violence, was eliminated from the Criminal Code, and domestic violence was instead prosecuted as bodily injury, threats, or sexual attacks. The 2013 law forced prosecutors to rely on bodily injuries and threat provisions, which effectively excluded long-term domestic violence for which victims did not have proof of injuries, as well as acts of coercive control that did not rise to criminal-level threats. As a result, the 2013 Criminal Code did not recognize most domestic violence as criminal, instead relegating these offenses to the misdemeanour system. In addition, offenders whose cases were still pending under the previous Criminal Code were able to escape prosecution under the new law.

The 2011 amendments included two important post-conviction safety measures offering protection to victims after the conclusion of a criminal trial. After a criminal conviction, the court can order a restraining order (of up to five years) and the eviction of the offender (for up to three years) as part of a criminal sentence. These two safety measures are intended to address a major gap in victim protection after the conclusion of a criminal trial. However,

implementation of these safety measures has been slow. Between January 2013 and June 2014, only one eviction safety measure had been issued since the law entered into force, and even that was not a final ruling as of June 2014.

Croatia's family law addresses issues related to marriage, and relationships between parents and children, among other concerns. An amended family law entered into force on September 1, 2014 however, the Constitutional Court of Croatia subsequently suspended it due to several challenges to the legislation. Pending the court's decision on these challenges, the previous family law remained in effect. In 2015, the government adopted another family law, which contains provisions, similar to those already in effect, that are detrimental to victim safety. The newest and current family law entered into force on November 1, 2015. This law grants authority to the CSW to determine whether mediation will be used in all cases. The law, however, makes no reference to domestic violence in these cases. In cases with no pending claims of domestic violence, or where CSW staff fail to properly screen for domestic violence, there is a significant risk that victims might be compelled to participate in mediation with perpetrators. CSW staff, who routinely conduct mediations, have not typically screened clients for domestic violence, nor have they informed victims of their right to decline mediation in the presence of the perpetrator. As a result, many cases of domestic violence are routed through mediation. Although the goal of mediation is to bypass an overscheduled judicial system with a quick alternative, the assumptions underlying the use of mediation do not apply in cases involving domestic violence.

#### 2015 statistics

- Adult persons accused of violent behaviour in the family: 13.682 (2.930 women)
  - found guilty: 11.137 (2.133 women)
  - received a court fine: 6.086
  - imprisonment: 4.676

- psychosocial treatment: 534
- compulsory treatment of addiction: 713
- prohibition to approach the victim: 661
- Juvenile persons accused of violent behaviour in the family: 291 (220 men)
  - court reprimand: 202

#### 2014 statistics

- Adult persons accused of violent behaviour in the family: 16.589 (3.338 women)
  - found guilty: 13.236 (2.348 women)
  - received court fine: 6.711
  - imprisonment: 5.908
  - psychosocial treatment of perpetrators: 602
  - compulsory treatment of addiction: 985
  - prohibition to approach the victim: 893
- Juvenile persons accused of violent behaviour in the family: 451 (107 women)
  - court reprimand: 243

#### 2013 statistics

- Adult persons accused of violent behaviour in the family: 17.540 (3.374 women)
  - found guilty: 13.892 (2.322 women)
  - received court fine: 6.923
  - imprisonment: 6.376
  - psychosocial treatment of perpetrators: 894
  - compulsory treatment of addiction: 1.125
  - prohibition to approach the victim: 830
- Juvenile persons accused of violent behaviour in the family: 335 (272 men)
  - court reprimand: 228

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PLEASE TELL US ABOUT THE PROGRESS YOUR COUNTRY HAS MADE IN RELATION TO ISTANBUL CONVENTION.

There has been no progress in relation to the Istanbul Convention. Croatia has signed the convention, but has not yet ratified it, despite many campaigns demanding that the government do so.

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DO YOU KNOW ANY OTHER ORGANISATIONS/PROGRAMMES IN YOUR COUNTRY THAT CARRY OUR DOMESTIC VIOLENCE PERPETRATOR WORK? IF YES, PLEASE, LIST THEM.

In 2016, the Ministry of Justice signed contracts with 33 individuals and six institutions (mostly NGOs) for work with perpetrators. All those contracted work within the same programme model approved by the Ministry of Justice. The number of individuals working with perpetrators remains relatively small when one considers that more than 150 individuals have been trained in this work.

### 3. BEST PRACTICES

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TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

A regional NGO worked for five years to develop a psychosocial treatment service to which Croatian courts and social services could refer family violence perpetrators. This work included training potential professional staff, lobbying government ministries to introduce changes to legal frameworks, and promoting the benefits of these services among the judiciary, social services, women's organisations, and caring professions. Croatia now has a structured treatment programme for work with perpetrators, due to this work.

The purpose of psychosocial treatment is to prevent and stop family violence. This is achieved by including perpetrators in a structured treatment programme that helps them to gain insight, accept responsibility for their violent behaviour, adopt self-control behaviour, and learn social skills. Perpetrators participate in two to four individual sessions

with treatment providers. Group treatment consists of 16 meetings, and includes at least 36 hours of direct contact with perpetrators and implementation of treatment relating to real-life circumstances. The treatment programme is carried out over a period of six months.

#### 4. NEEDS AND RECOMMENDATIONS

##### WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

Better communication must be developed, both between the various providers of work with perpetrators and between service providers and the Ministry of Justice.

Police officers, prosecutors, and judges must be trained in identifying primary aggressors, and assessing defensive injuries, in order to reduce the number of dual arrests, charges and convictions of victims of domestic violence.

The Gender Equality Ombudswoman has analysed data on the murder of women by men close to them for a period of six years, and has found that the rate of such crimes has remained relatively stable, despite the fact that the total number of murders has decreased. This suggests that legislative, judicial, media and educational measures to combat violence against women have still not produced significant results in terms of reducing the number of cases of violence against women. In addition, statistics show that there has been a 100% increase in the total number of violent crimes committed against female victims by people close to them, and that 92% perpetrators of violence are male. This data demonstrates the need for a thorough analysis of the causes of violence among loved ones, as well as the need for emergency changes in systems for preventing and combatting violence.

WHAT ARE THE MOST IMPORTANT TASKS AND STEPS THAT YOU FEEL SHOULD BE FOCUSED ON IN YOUR COUNTRY IN ORDER TO TACKLE DOMESTIC VIOLENCE ON A GENERAL LEVEL?

The ratification of the Istanbul Convention is extremely important, and will enable further developments in tackling domestic violence in Croatia.

Written by Tomislav Vurusic, Association Lux Vitae

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ANNEX - RESOURCES:

Implementation of Croatia's Domestic Violence Legislation: Follow-up Report, 2016; The Advocates for Human Rights and Autonomous Women's House Zagreb.

The Croatian Bureau of Statistics: statistical reports on perpetrators of misdemeanours for 2013, 2014, 2015.

Ministry of Justice, letter to Home "Duga" about signed contracts with individuals and organizations for work with perpetrators of DV.

Annual Report for 2015 of the Ombudswoman for Gender Equality of Croatia.

Ajdukovic, D.: Development of evaluation indicators in psychosocial projects: balance between a creative challenge and research rigor, Intervention 2008, Volume 6, Number 1, Page 29 – 38.