



CROATIA:
**61st Session of the Committee on the Elimination of
Discrimination Against Women
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Written Statement dated 12 June 2015

Submitted by

**The Advocates for Human Rights, an NGO in special consultative status,
and
Autonomous Women's House Zagreb**

The Advocates for Human Rights is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world. In particular, The Advocates is committed to ensuring human rights protection for women around the world. The Advocates' Women's Human Rights Program has published 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence. The Women's Human Rights Program also created training modules on access to justice and legislation on violence against women in all its forms for UN Women's Virtual Knowledge Centre.

Autonomous Women's House Zagreb (AZKZ) is a feminist, non-governmental, and non-profit organization whose priority is working in civil society. The organization was founded to respond to the need for safe shelter for women and their children exposed to violence—physical, psychological, sexual, economic, or institutional. Its mission is to provide support and help to women who have survived violence and to empower women's position in society.

This statement summarizes the most current information available to The Advocates and AZKZ about violence against women in Croatia, with particular attention to (a) the combined fourth and fifth periodic reports of Croatia to the Committee on the Elimination of Discrimination Against

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Women, distributed 13 December 2013, and (b) the replies of Croatia to the list of issues, distributed 24 February 2015.

A. Domestic violence continues to be a widespread problem in Croatia. According to research published in 2011, 31 percent of women in Croatia have experienced frequent domestic violence, and 44 percent have experienced it occasionally.¹ In 2014, there were approximately 13,067 domestic violence offenses under the domestic violence law;² the rate of domestic violence is actually greater, however, as this number does not include criminal-level domestic violence offenses³ or unreported offenses. Femicides are also a serious problem in Croatia; 12 women were killed by their male partners in 2012,⁴ and 11 women were killed by their male partners in 2013.⁵

B. These acts of violence against women violate their human rights, as well as commitments Croatia has made to the international community. For example, on 8 October 1991 Croatia succeeded to the Convention on the Elimination of All Forms of Discrimination Against Women. And on 12 October 1992 Croatia succeeded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This violence also violates Croatia's own internal constitution⁶ and laws.⁷

C. As indicated in The Advocates' and AZKZ's joint submission for the Pre-Sessional Working Group, the 2013 amendments to Croatia's Criminal Code removed Article 215A, which specifically prohibited "violent, abusive, or particularly insolent conduct" within a family. As a result, prosecutors could no longer prosecute long-term domestic violence that did not qualify under the bodily injury or threats provisions in the Criminal Code. Because domestic violence can be a continuing pattern of control in which offenders use physical violence, intimidation or humiliation,⁸ the removal of Article 215A meant that most domestic violence offenses could only be prosecuted as misdemeanors. The Croatian government appears to have taken recent steps to remedy this problem, and it has amended the Criminal Code to include those who heavily violate regulations on protections from family violence and cause a family member or close person to fear for their safety or put them in a humiliating position.⁹ The Committee should confirm what steps the Croatian government will take (including training of prosecutors, police officers, and judges) to ensure that the amendment to the Criminal Code will be used to ensure the protection of victims of such long-term violence and ensure that these actions will not continue to be relegated to misdemeanor actions.¹⁰

D. Although Croatia has taken some steps to reduce violence against women, some of the protections women have had against violence are not working in implementation.¹¹ As a result, Croatia has failed to live up to its own internal standards, to international standards, and to its commitments to the international community.

E. Croatia should take a variety of specific steps to keep Croatian women safe from violence, which are described in the final section of this statement.

I. CROATIA FAILS TO PROTECT WOMEN FROM VIOLENCE IN AT LEAST TWELVE SIGNIFICANT WAYS.

A. Not all women are protected under the Law on Protection against Domestic Violence.

The Law on Protection against Domestic Violence (the “LPDV”) fails to protect women unless they are in certain specified relationships with men. The LPDV protects women only in certain defined kinds of families. Article 3 defines “family” to include, among others, married couples (including those in common-law marriages) and their children, and also “people who have common children.” But it does not include couples who have lived together for less than three years, unless they have a child together, and it does not include couples in long-term intimate relationships without children who are not living together. The more common such relationships become, the bigger the gap left by the LPDV.

B. By arresting and charging female victims, Croatia’s laws treat victims as criminals and deter women from reporting violence.

When police respond to domestic violence calls, they at times arrest and even charge the victim. The effects of these dual charges and convictions are devastating: a victim who reports domestic violence only to be arrested and convicted will never again seek help from the government. The Ombudsperson for Gender Equality expressed concern on the number of women arrested and charged as violent perpetrators – 43.2 percent,¹² yet in the majority of cases, men are the perpetrators of violent behavior in the family.¹³

These arrests and charges are the result of several factors:

1) Croatia’s LPDV classifies psychological and economic violence on par with physical violence, thus holding a victim who is alleged to have made verbal insults or to have spent too much money as culpable as a physical abuser. Police officers insist that name-calling and physical violence are both forms of domestic violence under the LPDV.¹⁴ In additional information provided in response to the Human Rights Committee’s recent concluding observations,¹⁵ the Croatian Ministry of the Interior confirmed its position that verbal abuse of a family member is a misdemeanor unless the person was defending herself from the perpetrator’s attacks.¹⁶ Thus, even if the woman uses verbal name-calling and the man uses physical violence, the police will arrest both parties.¹⁷ Yet, the misdemeanor judges who preside over these charges are also poorly equipped to identify the predominant aggressor and have found victims guilty under the LPDV.¹⁸ One lawyer opined that dual arrests were not the only problem—dual convictions for both victim and perpetrator handed down by misdemeanor judges are also a serious concern.¹⁹

2) Police do not conduct a predominant aggressor assessment to identify the physically violent party and instead defer that evaluation to judges. In Croatia’s response to the Human

Rights Committee regarding this issue, it asserted that the police always determine the facts of the case, determine the primary aggressor, and only arrest those victims who insult or attack the other person.²⁰ Yet police acknowledged they do not determine who is truthful when both parties give conflicting accounts of what happened, but instead arrest and detain both parties. An officer explained that, “[w]e don’t make those calls. It is for the court to decide who is telling lies.”²¹ In contrast, misdemeanor judges recognize the need for police officers to play a bigger role in identifying the primary aggressor and receive additional education.²²

3) Police are not trained to identify injuries inflicted out of self-defense and instead defer that evaluation to doctors. Yet, the only way a medical professional can document self-defense injuries is if the perpetrator goes to the hospital or signs a statement that his injuries were sustained by the victim defending herself.²³

C. Requiring medical certificates creates a significant barrier for criminal prosecutions.

Prosecutions under the Criminal Code often require proof of specific injuries,²⁴ and prosecutors refuse to proceed without a medical certificate issued by a doctor,²⁵ ignoring injury-related information that was or could be collected by first-responders such as the police or emergency medical personnel. This practice creates significant barriers for victims. For example, the perpetrator may prohibit the victim from visiting an emergency room while her injuries are still visible, or she may have young children who cannot be left alone. The perpetrator may also be present during the examination, limiting frank communication between the victim and her doctor. One emergency room physician explained that women may be too frightened to explain the cause of their injuries because their abuser may be waiting nearby.²⁶ And, although all doctors are authorized to provide medical certificates, doctors may be hesitant to provide such documentation for fear that the perpetrators will retaliate against them. Unless the victim admits her injuries are from domestic violence, doctors do not opine on the cause of injury but only document what the patient says was the cause.²⁷ Finally, many women suffer domestic violence for years before reporting it, and most victims do not visit the doctor until they are severely injured.²⁸

D. Appeals suspend protective measures when they are needed most.

When a defendant appeals an order under the LPDV granting protective measures, those measures, including those important to victim safety, such as restraining orders, evictions, and stalking or harassment measures, are suspended.²⁹ As a result, the victim is unprotected at one of the most dangerous times for her, that is, after she has chosen to separate from her offender. And such appeals can take up to one month or even far longer—during which time, the victim has no protection against her abuser.³⁰

E. Police fail to appeal denials of protective measure requests.

Up to 90 per cent of applications for protective measures under the LPDV are made by the police, not by the victims themselves.³¹ But police appeal very few cases in which the courts deny their applications for protective measures.³² In fact, police surrendered their right to appeal in 16% of cases and appealed in only 1% of surveyed cases, which the Gender Equality Ombudsperson called “a really low level.”³³ Yet, because the police become the official party when they initiate proceedings, victims and their lawyers are often precluded from making the appeals themselves, and are not even necessarily aware when an appeal is made, because the police do not always inform them if they appeal.³⁴

F. Judges need immediate training on safety and precaution measures to protect victims during and after penal proceedings.

Judges are not always ordering safety measures under the Criminal Code or precaution measures under the Misdemeanor Act that could protect victims. Two new safety measures under the Criminal Code – restraining orders³⁵ and evictions³⁶ - are important measures to protect victims after a criminal trial. However, courts have denied requests for safety measures from attorneys representing victims, incorrectly stating that they cannot give those measures for the victim but only to ensure the perpetrator’s presence in court.³⁷

During misdemeanor proceedings, judges display a similar reticence to utilize measures in order to protect the victim. The Misdemeanor Act also provides for six different precaution measures that the court may order before and during misdemeanor proceedings, including banning visits to a certain location or area, banning coming near to a person, and banning maintaining or establishing connections with a particular person.³⁸ But misdemeanor judges indicated that they were not aware of their ability to grant these measures. Confronted with Article 19 of the LPDV, governing emergency protective measures, the vice-president of a court admitted, “We never had such a thing in practice. I never used Article 19(2) in practice. I think nobody did.”³⁹

G. Croatia’s laws force women to choose between seeking prosecution and seeking protection; they cannot obtain both.

A European Court of Human Rights decision in 2009, *Maresti v. Croatia* (Application no. 55759/07), made it harder to protect victims of domestic violence. *Maresti* held that serial prosecutions in a minor-offences court and then in a municipal court violated Article 4 of the European Convention on Human Rights, which guarantees the right not to be tried or punished twice for the same offense.

Maresti has been interpreted in Croatia in a way that prevents the courts from granting measures under the LPDV (the misdemeanor law that allows for orders for the protection of the victim but severely limits the punishment of the offender) and also convicting offenders under the

Criminal Code (which allows greater punishment).⁴⁰ Although there are precautionary measures that can be imposed during criminal trials, these protections are not as quick, strong or encompassing as the LPDV protections. As a result, victims are required to choose: allow the state to hold perpetrators criminally accountable or seek immediate protection for themselves and their children, but not both.

H. Violations of protective measures and punishments under the LPDV are not adequately enforced.

Best practices show that the violation of a protection order should be criminalized.⁴¹ The LPDV punishes the violation of a protective measure with a fine of at least 3,000 Kunas or a prison sentence of at least 10 days.⁴² Yet in practice, reports indicate that the police and courts are not always enforcing these requirements. For example, one victim received a protective measure against her husband. He violated the order, which should result in jail time, but the police refused to do anything because there was no room in jail to keep him.⁴³ The same victim also reported that the husband only served 10 days of a 25-day jail sentence because of lack of space.⁴⁴ Croatia should be urged to ensure the punishment of violations of protective measures and enforce punishments of offenders under the LPDV.

I. Croatia's new Family Law places victims and their children at risk.

The new Family Law, which entered into force September 1, 2014, is currently under review by the Constitutional Court and has been temporarily suspended. The draft Family Law that is currently in parliamentary procedure retains the dangerous provisions from the suspended 2014 Family Law. The Croatian Parliament should be urged to make amendments and ensure that dangerous provisions in the new Family Law are removed, including the following:

1. Mandatory mediation in divorce cases. Even though the 2014 Family Law and the new draft indicate that mediation will not be mandatory in cases of domestic violence,⁴⁵ if there are no pending claims of domestic violence or victims are not properly screened, this could result in the victim still being compelled to participate in mediation against her perpetrator. Staff at Centres for Social Welfare, who routinely conduct mediations, do not usually screen clients for domestic violence or inform victims of their right to decline mediation in the presence of their perpetrator.⁴⁶ Thus, many cases of domestic violence may go undetected or still be 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 domestic violence. Mediation assumes that both parties are equal, yet an abuser holds tremendous power over a victim. This imbalance of power between the parties cannot be

remedied despite the skills of the mediator. Mediation in the divorce context is usually geared toward reconciling the family; thus, in situations of domestic violence, mediation by itself is problematic by encouraging the victim of violence to remain with her perpetrator.

2. The 2014 Family Law and the new draft that the parents cooperate in raising the children, with serious consequences for a parent who refuses to cooperate. For example, if the parents do not show sufficient willingness to cooperate, the CSW can propose special measures (Art 143), which range from oversight to removal of the child from the parent (Art 149). Article 171 even states that the parent can lose parental rights if the child witnesses violence in the family. While it is understood that perpetrators of domestic violence can lose parental rights because of violence, this rarely happens in practice.
3. The 2014 Family Law and the new draft impose fines on parents for not allowing contact with children, which disregards the dynamics of domestic violence and perpetrators' use of children to manipulate their victims. The Family Law includes fines of up to 30,000 kunas (approximately \$5,000) and the possibility of prison sentences for not complying with the court's decision regarding parenting time.⁴⁷ Yet, child visitation in domestic violence cases can present an opportunity for the offender to commit further violence and even murder.⁴⁸ Furthermore, visitation facilities with adequate security and supervision are rare in Croatia.⁴⁹ For women who are afraid of their perpetrators and want to protect themselves and their children from further attacks, such a provision could be used against the victims by alleging that she is not permitting contact when, in reality, she is protecting herself and her children.⁵⁰

J. Legal aid procedures are complicated and limit those who can access free and necessary legal support.

Having a legal representative pursue a case is an important service for victims, who may lack the knowledge of their rights and legal proceedings, be struggling with other issues, and be unable to navigate the legal system successfully by themselves. Under the Croatian Free Legal Aid Act, victims have the right to legal representation, but this right does not extend to misdemeanor and criminal proceedings, where the state presumably represents them. And interviewees reported that free legal aid is often difficult to access for many women, as the application forms are too complicated.⁵¹ In addition, other barriers are the low-income level requirement that excludes some women from qualification, the lack of attorneys willing to provide free legal representation, and the lack of awareness about its availability. NGO workers explained that access to free legal aid requires proof of domestic violence, such as a police report, which further limits eligibility.⁵²

K. Funding for shelters is inadequate and insecure.

Of the 428 shelter spaces recommended by the Council of Europe for Croatia, approximately 267 of those spaces are available,⁵³ resulting in serious problems with capacity over the last several years.⁵⁴ Many autonomous women's shelters and state homes report that they are often full, forcing them to turn women away.

Although shelters receive money from a variety of sources, most autonomous shelters receive the bulk of their funding from government agencies.⁵⁵ But government financing is often seriously delayed or insufficient to meet the shelters' needs. Since 2010, nearly all shelters in Croatia have experienced funding cuts,⁵⁶ and in recent years, a lack of money has forced autonomous shelters to furlough employees and even close shelters.⁵⁷

Changes made in 2013 by the Ministry for Social Policy and Youth have resulted in some improvements, and they are now providing three-year contracts in an effort to allow autonomous shelters to operate with greater financial security. In addition to funding from the Ministry, the seven autonomous shelters receive funding from the respective counties and cities, and also fund an additional portion of their operations on their own. However, the Ministry only provides for up to 30 percent of funding. Cities and counties are slated to provide 60 percent of funding, but they provide much less. Although the three-year contracts are a positive step, they are not a permanent secure solution. Instead, longer-term funding should be established at the national, county, and city level because of the importance in ensuring the continuing operation and expansion of shelters. In addition, the Ministry and responsible parties at the county and city level should communicate with NGOs to ensure that funding and budget rules are compatible with the present realities of running a shelter and recognize the autonomy of the shelters and expertise of the NGOs.⁵⁸

Although Ministry funding is available for shelters throughout 2015, funding remains uncertain for future years once this three-year financing runs out. The Ministry has offered shelters per-bed based funding and has advised the shelters to apply for EU financing. Most shelters already rely on EU funds, however, and such funding is not issued for direct work with women and children. Moreover, Zagreb County, which is required to fund two of the seven autonomous women's shelters, abruptly withdrew its financial support for 2015. It has instead published a call for proposals for projects dealing with domestic violence and intends to finance these projects using the same funds previously provided to the two shelters. In other words, the two shelters in Zagreb have lost critical funding from Zagreb County—despite a written contract between the shelters, Zagreb County, the City of Zagreb and the Ministry—which guarantees funding for the 2011-2016 period of the National Strategy for Combating Violence in the Family.⁵⁹

L. Croatia's programs to treat perpetrators of violence are untested, unaccountable, and often unavailable.

Police file for protective measures under the LPDV on behalf of victims in up to 90 percent of applications,⁶⁰ and the measures requested by the police and granted by the courts overwhelmingly focus on perpetrator treatments – e.g., psychosocial or addiction treatment.⁶¹ Judges continue to order psychosocial treatment, even though it is unavailable in many places because of lack of funding.⁶² By favoring treatment over sanctions that protect victims, police and judges fail to hold violent offenders accountable for their actions. Holding criminals accountable for their actions cannot be ignored, especially because (a) the effectiveness of these treatment programs is not known, and (b) offenders' compliance with the programs is not monitored. And diverting money to untested batterers' treatment programs runs the risk of diverting much needed and scarce resources away from services for the victim, such as shelters.⁶³

Many interviewees questioned the effectiveness of psychosocial treatment programs, in part because, other than personal observations about recidivism, there is no evaluation to gauge their success, and there is no systematic monitoring and reporting system if the offender fails to attend the program.⁶⁴ In its reply to the List of Issues, Croatia indicated that in 2013, it established a Commission to implement, monitor and supervise the execution of obligatory psychosocial treatment; however, the government did not provide any information on what steps the Commission has taken thus far.

Even if research indicated that the programs were effective, NGOs have raised concerns that attendance at psychosocial treatment programs is not adequately monitored or enforced to ensure that perpetrators actually complete the program.⁶⁵ In some cases, misdemeanor judges reported that the institution conducting the treatment will inform them if the offender does not appear.⁶⁶ In other cases, judges admitted they have no way of knowing if the perpetrators violate the treatment measures because they are dependent on the police filing a report.⁶⁷ In practice, offenders failed to attend either the psychosocial or addiction treatment program as ordered, yet there was never a timely report of his non-compliance.⁶⁸

II. CROATIA SHOULD TAKE A VARIETY OF SPECIFIC STEPS TO KEEP CROATIAN WOMEN SAFE FROM VIOLENCE.

1. Amend the LPDV to redefine psychological and economic violence to ensure it includes only those acts that threaten the victim with physical harm or cause fear of such harm or constitute serious coercive or controlling behaviors. Take steps to ensure that definitions of psychological and economic violence are enforced in a manner that takes into account the context, severity, the use of power and control, repetition, and harassment in each case.
2. Implement policies that direct legal system officials, particularly police, to identify the primary aggressor in domestic violence cases so as to avoid continued arrests of domestic violence victims, including when they are acting in self-defense.

3. Expand the scope of the LPDV to protect victims of domestic violence who have never lived with their offender, but are in or have been in an intimate relationship, and expand the Criminal Code definition of close person to ensure that public prosecutors can pursue prosecution in these circumstances.
4. Clarify that protective measures serve a different role than criminal punishments, so that victims are not forced to choose between protection and punishment, but rather can obtain protection in one proceeding without interfering with the government's duty to punish wrongdoers in a separate proceeding.
5. Amend the LPDV so that an appeal does not eliminate the effectiveness of protective measures.
6. Provide and fund mandatory and regular gender-sensitive training to judges, police, CSW personnel, prosecutors, health care workers, and psychosocial treatment administrators on the dynamics of domestic violence and coercive control, in collaboration with women's feminist NGOs.
7. Provide adequate and consistent funding to shelters and adopt legislation that would guarantee such funding to the shelters while ensuring their autonomy.
8. Foster a system for regular communication and collaboration among all sectors—judicial, law enforcement, criminal, social welfare, health, educational and women's NGOs—to address domestic violence.
9. Develop formal and uniform policies, as well as risk assessment tools, in all agencies involved in the response to domestic violence.
10. Amend the Criminal Procedures Code to provide precautionary measures with the specific purpose of protecting the victim during criminal proceedings until the final court decision when safety measures can be issued. Precautionary measures should include: a restraining order; prohibitions against stalking, harassment, and communication; and eviction.
11. Prioritize victim services and shelter funding over psychosocial and addiction treatment programs.
12. Direct that police refrain from arresting victims of domestic violence by developing protocols that assist them in identifying the predominant aggressor and on evaluating defensive injuries.
13. Allocate greater resources to appeals of decisions that deny victims protective measures in domestic violence cases, particularly increasing officer capacity to make these appeals.
14. Provide regular and compulsory training on domestic violence to all levels of the judiciary.
15. Prioritize protective and precautionary measures that protect victims' safety over batterers' treatment, and ensure that police always inform victims of these measures and propose restraining orders, evictions, and stalking/harassment at the victim's request.
16. Arrest and detain perpetrators for all violations of protective measures. When the offender does not violate the protective measure per se, but his intent to track the victim is clear, police should treat those actions as stalking and harassment and file for criminal and misdemeanor proceedings and protective measures accordingly.

17. Give priority to protective measures under the LPDV that protect victim safety, including eviction, restraining order, stalking and harassment protections and confiscation of firearms. These measures should be ordered for the maximum period allowed under the law. Psychosocial and addiction treatment should never replace or take priority over protective measures that provide immediate protection to a victim and her children. When ordered, psychosocial treatment should be ordered in conjunction with other protective measures necessary to ensure victim safety, such as restraining orders or eviction, and jail time.
18. Ensure regular training on all aspects of domestic violence, including the dynamics of domestic violence, sensitivity to victims, risk assessment, defensive injuries, and promoting victim safety through regular communication of court processes.
19. Promote sentences for domestic violence that are commensurate with the gravity of crimes of violence against women; in other words, implementation of the law should strive to promote sanctions that are comparable to those for other violent crimes.
20. Strive for a policy that promotes victim-absent prosecutions in cases of victim recantation or exercising the right not to testify. Prosecutors should consider the totality of evidence in a case that might support or corroborate the victim's statement, including a history of abuse, and ensure that all available evidence has been collected by the police investigating body.

¹ Women Against Violence Europe (WAVE) 2012 Report, at 74.

² Ministry of Interior yearly statistical report for 2014, at 107, available at http://www.mup.hr/UserDocsImages/statistika/2015/Statisticki_pregled_2014.pdf.

³ Croatia's legislation allows the government to respond to domestic violence through either the misdemeanor system (where the domestic violence law is housed) or the criminal system.

⁴ Country Reports on Human Rights Practices: Croatia, U.S. Dep't of State (2013).

⁵ Personal Communication from Valentina Andrasek to Theresa Dykoschak, via email, Sept. 12, 2014 (on file with authors).

⁶ See, for example, Constitution of the Republic of Croatia, Article 3 ("Freedom, equal rights, national and gender equality, peace-making, social justice, respect for human rights . . . are the highest values of the constitutional order of the Republic of Croatia."), Article 14 ("All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender . . ."), Article 23 ("No one may be subject to any form of abuse . . ."), and Article 35 ("Respect for and legal protection of each person's private and family life, dignity, reputation shall be guaranteed.").

⁷ See, for example, Law on Protection From Domestic Violence, Misdemeanor Law, and Criminal Code.

⁸ Evan Stark, "Representing Battered Women: Coercive Control and the Defense of Liberty," Prepared for Violence Against Women: Complex Realities and New Issues in a Changing World, Les Presses de l'Université du Québec (2012), at 7.

⁹ Criminal Code, Article 197a.

¹⁰ See Submission to the CEDAW Committee for the 61st Session: Pre-Sessional Working Group Adoption of List of Issues, at 6, ¶14.

¹¹ Written Statement submitted by The Advocates and AZKZ to the 113th Session of the Human Rights Committee, 16 March 2015 to 2 April 2015; The Advocates for Human Rights, et al., *Implementation of Croatia's Domestic Violence Legislation* (2012).

¹² Interview with Ombudsperson for Gender Equality, June 3, 2014; Ombudsperson for Gender Equality, “Annual Report 2013,” Zagreb, March 2014, at 25.

¹³ Ombudsperson for Gender Equality, “Annual Report 2013,” Zagreb, March 2014, at 25.

¹⁴ Interview with Police, June 3, 2014.

¹⁵ Human Rights Committee, Concluding observations on the third periodic report of Croatia, CCPR/C/HRV/CO/3, 30 April 2015.

¹⁶ Available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fAIS%2fCRO%2f19934&Lang=en

¹⁷ Interview with Police, June 3, 2014; see also Interview with Ministry of the Interior, June 2, 2014 (explaining that it is not up to the police to determine who is the violent party but must bring both in to the court to decide).

¹⁸ The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012) at 25.

¹⁹ Interview with Lawyer, June 9, 2014.

²⁰ “The police do not report or arrest persons who use passive or active resistance during the act of violence by physically trying to stop the perpetrator’s attack, shouting or crying for help, but only those persons who insult or attack other persons, regardless of whether if they were attacked themselves. During their inquiries, the police determine the primary aggressor, i.e. the perpetrator of domestic violence, i.e. they distinguish between violent behavior and self-defence. In cases when the victim of violence reacts violently to committed violence, he/she also becomes a perpetrator and the judicial bodies will decide on the degree of guilt and responsibility.” “Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure, Third periodic reports of States parties due in October 2013: Croatia,” CCPR/C/HRV/3, 25 February 2014, ¶123.

²¹ Interview with Police, June 3, 2014.

²² Interview with Misdemeanor Judges, June 4, 2014.

²³ Interview with ER Doctor, June 4, 2014.

²⁴ See, for example, Criminal Code Articles 110-121.

²⁵ Interview with NGO, June 2, 2014; Interview with Lawyer, June 4, 2014; *see also* Interview with Prosecutor, June 10, 2014.

²⁶ Interview with ER Surgeon, June 4, 2014.

²⁷ Interview with ER Surgeon, June 4, 2014.

²⁸ Email from Valentina Andrasek to Rosalyn Park, Oct. 2, 2014.

²⁹ Misdemeanor Law, Articles 191(1), (3).

³⁰ Interview with High Misdemeanor Court, June 5, 2014; Personal Communication from Valentina Andrasek to Rosalyn Park, via email, Oct. 2, 2014 (on file with authors). Although a precaution measure under the Misdemeanor Law could be used (Articles 130), they are not typically used to protect victims. The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 49. Interview with High Misdemeanor Court, June 5, 2014.

³¹ Interview with Misdemeanor Judges, June 4, 2014.

³² Interview with High Misdemeanor Court, June 5, 2014.

³³ Interview with Gender Equality Ombudsperson, June 3, 2014.

³⁴ *See* The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 33.

³⁵ Criminal Code, Art. 73.

³⁶ Criminal Code, Art. 74.

³⁷ Interview with Lawyer, June 4, 2014.

³⁸ Misdemeanor Act, Art. 130(2).

³⁹ Interview with Judges, City B, February 16, 2011.

⁴⁰ *See* The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012) at fn 98.

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- ⁴¹ UN Women, “Overview and protection orders,” <http://www.endvawnow.org/en/articles/600-generalites-et-ordonnances-de-protection.html>.
- ⁴² LPDV, Art. 22.
- ⁴³ Email from AZKZ to The Advocates, July 1, 2014 (on file with The Advocates).
- ⁴⁴ Email from AZKZ to The Advocates, July 1, 2014 (on file with The Advocates).
- ⁴⁵ Family Law, Art. 332(1).
- ⁴⁶ The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 78.
- ⁴⁷ Family Law, Art. 417(3).
- ⁴⁸ The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 83.
- ⁴⁹ Ibid.
- ⁵⁰ Email from AZKZ to The Advocates, Sept. 21, 2013 (on file with authors).
- ⁵¹ Interview with NGO, June 2, 2014; The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 44-45.
- ⁵² The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 44-45.
- ⁵³ Women Against Violence Europe 2014 Report, Croatia, available at <http://www.wave-network.org/sites/default/files/CROATIA%202014.pdf>.
- ⁵⁴ Interview with NGO, City K, October 13, 2010; Interview with State Home, City K, February 11, 2011; Susanne Risser and Filip R.V. Tanay, “Overview of the Domestic Violence Legal and Policy Framework in Croatia,” United Nations Development Programme, Resident Representative Office in Croatia: Zagreb, 2010 (“Risser and Tanay”), 36. While some interviewees reported empty beds in shelters, funding criteria and the referral system may restrict victim eligibility to these spaces.
- ⁵⁵ Interview with NGO, City K, October 12, 2010; Interview with NGO, City C, February 10, 2011; Interview with NGO, City F, February 9, 2011.
- ⁵⁶ Risser and Tanay, 3.
- ⁵⁷ Interview with NGO, City B, February 15, 2011; interview with NGO, City J, February 8, 2011.
- ⁵⁸ Email from AZKZ to The Advocates, Feb. 13, 2013 (on file with authors).
- ⁵⁹ Personal Communication from Valentina Andrasek to Rosalyn Park, via email, Feb. 18, 2015 (on file with authors).
- ⁶⁰ Interview with Misdemeanor Judges, June 4, 2013 (police are the ones issuing and filing for the measure in 90% of cases).
- ⁶¹ Country Reports on Human Rights Practices: Croatia, U.S. Dep’t of State (2013), 17.
- ⁶² Interview with Misdemeanor Judges, June 4, 2014; interview with NGO, June 2, 2014.
- ⁶³ The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012) at 4.
- ⁶⁴ The Advocates for Human Rights, et al., *Implementation of Croatia’s Domestic Violence Legislation* (2012), at 54-57.
- ⁶⁵ Interview with NGO, City K, February 16, 2011; Interview with NGO, City K, February 11, 2011.
- ⁶⁶ Interview with Judges, City K, October 13, 2010; Interview with Judges, City B, February 16, 2011; See also Interview with NGO, City K, February 11, 2011.
- ⁶⁷ Interview with Judges, City F, February 7, 2011.
- ⁶⁸ Interview with NGO, June 2, 2014.