

Violence against Women: Challenges in Fulfilling the 2030
Agenda for Sustainable Development and the
Implementation of the 2011 Istanbul Convention in the
Republic of Croatia

Sandra Fabijanić Gagro*
Marissabell Škorić **

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ABSTRACT

Year 2024 marks the tenth anniversary of the entry into force of the Istanbul Convention on preventing and combating violence against women and domestic violence. At the same time, the world has just passed the halfway point in the implementation of the Sustainable Development Goals (SDGs), which are enshrined in the 2030 Agenda for Sustainable Development. By comparing the re-

sults of both instruments, this paper aims to highlight current trends in universal and national efforts to combat violence against women. Based on the premise that violence against women, is unfortunately, still pervasive and can occur anytime and anywhere, this paper addresses three main topics: 1) the fundamental challenges for strengthening gender equality and women's empowerment in combating violence against women globally and the current results of the implementation of SDG 5; 2) the contribution of key international documents; and 3) the assessment of the implementation of the 2011 Istanbul Convention in the Republic of Croatia through the comments of the recent GREVIO report.

Keywords: gender-based violence against women, 2011 Istanbul Convention, GREVIO, Croatia, 2030 Agenda for Sustainable Development, SDG 5

I. INTRODUCTION

In September 2015, the United Nations adopted the document entitled *Transforming our World: The 2030 Agenda for Sustainable Development* (Agenda or 2030 Agenda).¹ As a blueprint for a better and more sustainable future, it addresses the most important challenges of mankind. Throughout the 17 Sustainable Development Goals (SDGs) and the 169 related targets, the Agenda is committed to a safe, healthy, and sustainable world capable of overcoming climate change, pollution, security and economic challenges, ineffective institutions, poverty, hunger, discrimination, gender inequalities, etc.

Gender equality and the empowerment of women are explicitly mentioned in Goal 5, which covers a wide range of topics that aim to a) end all forms of discrimination against women and girls (Goal 5.1.); b) eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (Goal 5.2.); c) eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation (Goal 5.3.); d) recognise and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate (Goal 5.4.); e) ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life (Goal 5.5.); and f) ensure

* Sandra Fabijanić Gagro, Ph. D., Professor, University of Rijeka, Faculty of Law, Department of International Law, Hahlić 6, 51000 Rijeka; sandrafg@pravri.uniri.hr; ORCID ID: <https://orcid.org/my-orcid?orcid=0000-0003-3992-8618>.

** Marissabell Škorić, Ph. D., Professor, University of Rijeka, Faculty of Law, Department of Criminal Law, Hahlić 6, 51000 Rijeka; marissabell.skoric@pravri.uniri.hr; ORCID ID: <https://orcid.org/0000-0003-0627-3651>.

¹ GA Res. 70/1, 25 September 2015. (2030 Agenda).

universal access to sexual and reproductive health and reproductive rights (Goal 5.6.).

Given that gender equality and women's empowerment lie at the heart of all the commitments enshrined in the Agenda, the conclusion that the international community recognises them not as stand-alone aspirations but as cross-cutting goals of sustainable development in general,² is not surprising. Therefore, bridging the gender gap by systematically integrating a gender perspective into the implementation of the Agenda, combating discrimination and violence against women, and increasing support for institutions for gender equality and women's empowerment (at all levels) is essential.³

Violence against women is considered as part of the concept of gender-based violence. It refers to "violence directed against a person because of that person's gender, or violence that affects persons of a particular gender disproportionately."⁴ It is an expression of historically unequal power relations between men and women, deeply rooted in gender-related factors, such as the societal norms of masculinity, the need to exert male control or power, discourage or punish female behaviour deemed unacceptable, etc.⁵ In most cases, violence against women takes place in the domestic (family) environment in the form of physical, psychological, economic or sexual abuse by male (current or former) intimate partners, as its "the most challenging dimension."⁶ As perceptions and behaviours are shaped from an early age and interpersonal relationships within the family, domestic violence and the perception of women as inferior or subordinate to men have devastating and long-lasting consequences for the society in general.

Despite the differences between societies and although the extent and forms of discrimination vary from one part of the world to another, its challenges and

² Input by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) to the 2022 High-Level Political Forum on Sustainable Development (HLPF), 6 April 2022. (CEDAW Committee Input 2022). para. 2.

³ 2030 Agenda, para. 20.

⁴ 'What is gender-based violence' (*European Commission*) <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en> accessed 5 April 2024. (European Commission, 'What is gender-based violence').

⁵ 'CEDAW General Recommendation No. 35: Gender-Based Violence Against Women, Updating General Recommendation No. 19' (*CEDAW*, 2017) para. 19. (CEDAW General Recommendation No. 35).

⁶ 'SIGI 2023 Global Report: Gender Equality in Times of Crisis: Discrimination is the Highest within the Family Sphere at the Global Level' (*OECD*) <https://www.oecd-ilibrary.org/sites/4607b7c7-en/1/3/2/index.html?itemId=/content/publication/4607b7c7-en&_csp_=a6be4df33c99961512705b97977ea566&itemIGO=oecd&itemContentType=book#section-d1e4393-1e810585d2> accessed 5 April 2024 (SIGI 2023 Global Report).

roots are similar or even the same. Apart from deeply rooted traditional, religious or social norms, harmful practices against women can also be the result of discriminatory laws or the lack of comprehensive laws and effective institutions to protect women and punish perpetrators. Discriminatory laws affect women's lives, their position in the household, right to marry or apply for divorce, right to inherit on an equal basis with men, etc.⁷ An astonishing 55% of countries lack laws that explicitly prohibit direct and indirect discrimination against women.⁸ As it stands, it will take an estimated 286 years to eliminate gender gaps in legal protection and abolish discriminatory laws.⁹ An estimated 40% of women and girls live in countries where the level of discrimination in social institutions is classified as high or very high.¹⁰ The absence or inadequacy of services to which victims can turn (*e.g.* women's shelters or rehabilitation services, legal, psychosocial and economic support, etc.)¹¹ or significant cuts in public spending as part of 'austerity measures' during financial or other crises,¹² can weaken existing public policies. A lack of knowledge about protection laws and measures can pose an additional challenge.¹³ All of these factors contribute to the prevalence of gender-based violence against women and consequently lead to a culture of impunity. The fact that certain crimes and assaults go unreported (and perpetrators unpunished) creates a major problem for the long-term healing and rehabilitation of women. Therefore, violence against women can be seen as one of the most important social mechanisms of discrimination.¹⁴ At the same time, its social 'acceptance' is a major obstacle to achieving SDGs.

This article is divided into three main parts. The first part explains the fundamental challenges for strengthening gender equality and women's empowerment in combating violence against women worldwide in line with the commitments of the 2030 Agenda. Based on the premise that violence against women requires a strong and effective legal framework at both national and international levels, the second part elaborates on the contribution of the most important international documents. The third part deals with the specific aspects of the implementation

⁷ European Commission, 'What is gender-based violence'.

⁸ Therefore, one of the priority actions for 2025 is the adoption of laws and emergency plans to prevent and eliminate violence against women and girls. 'The Sustainable Development Goals Report 2023: Special edition Towards a Rescue Plan for People and Planet' (*DESA*, 2023) 23, 51 (The Sustainable Development Goals Report 2023).

⁹ Report of the Secretary-General 78/80, 27 April 2023. para. 4. (Report of the Secretary-General 2023).

¹⁰ SIGI 2023 Global Report.

¹¹ 'Manual on Human Rights Monitoring: Monitoring and Protecting the Human Rights of Women' (*OHCHR*, 2011) 4, 5. (OHCHR Manual 2011).

¹² CEDAW General Recommendation No. 35, para. 7.

¹³ OHCHR Manual 2011, 4, 5.

¹⁴ GA Res. 48/104, 20 December 1993.

of SDG 5.2 at the national level, taking into account the international document referring exclusively to violence against women and the efforts and challenges of the state concerned to fulfil the demands contained therein. Therefore, the evaluation of the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)¹⁵ in the Republic of Croatia and the resulting GREVIO report¹⁶ are the focus of the third part of this paper.

II. JUST HOW SUCCESSFUL IS THE IMPLEMENTATION OF SDG 5?—REVEALING FIGURES

Given past and current challenges, support for Goal 5 could be seen as crucial for the remaining time in implementing SDGs. Unfortunately, on the halfway point in their implementation most of the indicators of Goal 5 are unlikely to be fulfilled; numbers reveal quite disturbing facts. Only 15.4% of the Goal 5 indicators for which data is available are ‘on track’; 61.5% are moderately far away, and 23.1% are far or very far off from the targets.¹⁷ Crises of various kinds, humanitarian emergencies caused by armed conflicts, natural disasters or the destruction of natural resources always exacerbate the existing situation on the ground. As it stands, one in 10 women live in extreme poverty (10.3%). It is estimated that by 2030, 8% of the world’s female population—342.4 million women and girls—will still be living on less than 2.15 USD per day.¹⁸ Global hunger is at

¹⁵ 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, CETS No 210. The Convention was adopted in Istanbul on 11 May 2011, and entered into force on 1 August 2014. By April 2024, 39 states ratified the Convention, including 22 EU member states (out of 27, whereby in Latvia, the Convention will enter into force in May 2024) and the European Union itself. On the issue of whether the European Union can ratify a Convention that all its members have not previously ratified and what the effects of such ratification are, the Court of Justice of the European Union expressed its view in the opinion from October 2021. For details, see Case Avis 1/19 Opinion of the Court. Within the European Union, a political agreement between the European Parliament and the Council of the European Union on the Directive on combating violence against women and domestic violence was reached in February 2024. The Directive will be the EU’s first comprehensive legal instrument to combat violence against women. It will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union (art. 51). For more see ‘Commission welcomes political agreement on new rules to combat violence against women and domestic violence’ (*European Commission Press Release*, 6 February 2024) <https://ec.europa.eu/commission/presscorner/detail/en/ip_24_649> accessed 5 April 2024.

¹⁶ ‘GREVIO’s (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Croatia (2023)’ (*GREVIO*, 6 September 2023).

¹⁷ The Sustainable Development Goals Report 2023, 22.

¹⁸ Ginette Azcona and others, ‘Progress on the Sustainable Development Goals – The Gender Snapshot 2023’ (*UN Women and United Nations Department of Economic and Social Affairs*, 2023) 8.

its highest since 2005;¹⁹ if current trends continue, one in four women will be at risk of moderate or severe food insecurity by 2030.²⁰ By 2050, in the worst-case scenario, the consequences of climate change could lead to up to 158.3 million more women worldwide being pushed into poverty.²¹

Violence against women is omnipresent—it can happen anytime and anywhere. Data on violence against women are often disturbing and there is a real concern that the figures presented do not reflect the reality on the ground. The difficulties associated with measuring violence against women (*e.g.* the fear of retribution and the lack of resources to escape) mean that the prevalence of violence against women is likely to be underreported.²² Data on the prevalence of sexual violence against women are particularly worrying. At the global level, reports on sustainable development indicate that the number of cases of this form of violence is not decreasing; in recent decades, an average of one in three women have been affected by some form of violence from an intimate partner. In 2000, 35% of women between the ages of 15 and 49 worldwide who had ever had a partner were subjected to physical and/or sexual violence. By 2018, these figures had fallen to 31%. Nevertheless, an estimated 245 million women are victims of physical or sexual violence by an intimate partner every year.²³ In absolute terms, this means that, at some point in their lives, more than half a billion girls and women have experienced some sort of violence perpetrated by their partners.²⁴ Around 88,900 cases of female homicide were registered in 2022; approximately 48,800 women were killed by an intimate partner or other family members.²⁵

Gender-based violence against women is the result of deeply rooted historical and traditional differences in the social, religious, economic or other status of women and men. Data collected in 2022 from 119 countries reveal inequalities in marriage and divorce in almost a quarter of countries. Despite some progress, the marriage of girls under the age of 18 is far from being eradicated. In three-quarters of countries, the minimum age for marriage is below 18 years. One in five women (19%) is married off before age 18. Although some progress

(Progress on the Sustainable Development Goals 2023).

¹⁹ Report of the Secretary-General 2023, para. 5.

²⁰ The Sustainable Development Goals Report 2023, 9.

²¹ Progress on the Sustainable Development Goals – The Gender Snapshot 2023, 22.

²² SIGI 2023 Global Report.

²³ The Sustainable Development Goals Report 2023, 14, 23.

²⁴ SIGI 2023 Global Report.

²⁵ Angela Me and others, 'Gender-related Killings of Women and Girls (Femicide/Feminicide): Global estimates of female intimate partner/family-related homicides in 2022' (*United Nations Office on Drugs and Crime and UN Women*, 2023) 8.

has been made,²⁶ it is not efficient enough. As it stands, it will take an estimated 300 years to abolish child marriage. According to data collected in 68 countries for the period 2007-2022, only 56% of women between the ages of 15 and 49 have been able to make decisions about their sexual and reproductive health and rights.²⁷ Around 12 million women have been affected by contraceptive dysfunction during the COVID-19 pandemic, the result of which is 1.4 million unwanted pregnancies. Harmful practices such as female genital mutilation also increased during the pandemic.²⁸ Female genital mutilation affects more than 200 million women, including at least 44 million girls under the age of 15. Around 600,000 women affected by female genital mutilation live in Europe.²⁹ It is estimated that the disruption of services during the COVID-19 pandemic could lead to 2 million more cases of female genital mutilation over the next ten years worldwide.³⁰

The level of gender-based violence has unfortunately increased and intensified during COVID-19, triggering a ‘shadow pandemic’.³¹ Mandatory lockdowns kept victims of domestic violence trapped in their homes with their abusers, isolating them from resources that could help them.³² Tensions raised by confinement, poor housing conditions, homeschooling, and changes in daily routines have undoubtedly affected the full and long-term implementation of relevant SDGs, including those connected with Goal 5. In 2020, women with children spent an average of 31 hours per week on childcare—five hours more than be-

²⁶ 25 years ago, one in four women (25%) was married off under the age of 18. Between 2019 and 2023, 21 countries enacted legislative reforms to combat child marriage. As a result, six countries have raised the minimum age of marriage for girls to 18, 13 countries have abolished the legal exceptions, and two countries have done both simultaneously. ‘Is an End to Child Marriage within Reach?’ (*UNICEF*, 5 May 2023) 3. See also SIGI 2023 Global Report.

²⁷ The Sustainable Development Goals Report 2023, 22-3.

²⁸ ‘Global Sustainable Development Report 2023: Times of Crisis, Times of Change: Science for Accelerating Transformations to Sustainable Development’ (*UN*, 2023) 12. (Times of Crisis, Times of Change 2023).

²⁹ ‘International Day of Zero Tolerance for Female Genital Mutilation: Commission calls to end this crime, which violates human rights’ (*European Commission*, 3 February 2023) <https://ec.europa.eu/commission/presscorner/detail/en/statement_23_563> accessed 21 April 2024.

³⁰ Times of Crisis, Times of Change 2023, 12.

³¹ ‘Measuring the Shadow Pandemic: Violence against Women during COVID-19’ (*UN Woman*, 2021).

³² As the rise of the pandemic had put pressure on healthcare systems worldwide, resources had been diverted from other services (*e.g.* shelters for victims of violence against women or telephone helplines). At the same time, there were significantly more registered calls to emergency services about violence against women in 2020. ‘Women as Leading Forces for the Achievement of the Sustainable Development Goals in the post-COVID-19 World’ (*CEDAW*, 2021) 2. (CEDAW Women as Leading Force); Times of Crisis, Times of Change 2023, 12.

fore the pandemic.³³ When schools and preschools closed during COVID-19, women took on the majority of childcare, and nearly 60 % of countries took no steps to compensate for this increase in unpaid work. As a consequence of the pandemic, by the end of 2020, 1.7 times as many women as men were excluded from the labour market (321 million women compared to 182 million men).³⁴ It is estimated that, in 2022, due to the increasing pressure of unpaid care work, more than 2 million women left the workplace.³⁵

The inequality between women and men is particularly evident in leadership positions and political representation. While women made up almost 40% of employees, they were only represented in 28.2% of managerial positions in 2021. That is particularly visible in the healthcare sector, where they comprise 70% of the workforce. Progress in increasing the proportion of women in managerial positions has been slow, with only a 1% since 2015. At the current rate, it would take more than 140 years to achieve gender parity in management positions.³⁶ Similarly, the overall share of women in the lower and single chambers of national parliaments reached 26.5%, which makes a slight improvement of 4.2% since 2015 but an average annual increase of only 0.5%. If these figures are compared over the last three decades, progress is slow but visible (*e.g.* in 1995, only 11.3% of all national parliamentarians were women). In 2023, women held 35.5% of local government seats, compared to 33.9% in 2020. If current trends continue, it will take more than almost five decades (47 years) to close the gender gap in national parliaments and three decades to achieve the same at the local level.³⁷

In part, these figures can be seen as the result of the educational structure of societies. Even though overall access to education is increasing, in some parts of the world, women's right to education and life-long learning continue to be undermined by legal, social, security, religious, financial and other barriers. The disturbing situation of women in Afghanistan, who are deprived of education and are not allowed to receive any education beyond elementary school, is at the centre of worldwide attention. An estimated 80% (2.5 million) of Afghan girls and young women do not attend school. Around 100,000 female students are affected by the subsequent suspension of higher education for women.³⁸ In

³³ Even before the pandemic, women spent around three times as many hours on unpaid domestic and care work as men in the course of an average day. 'Whose Time to Care: Unpaid Care and Domestic Work during COVID-19' (*UN Women*, 2020) 1.

³⁴ *ibid* 8.

³⁵ Times of Crisis, Times of Change 2023, 12.

³⁶ CEDAW Women as Leading Force, 1-2.

³⁷ Times of Crisis, Times of Change 2023, 12.

³⁸ 'Women in Afghanistan: From almost everywhere to almost nowhere' (*UN Women*, 2023).

2022, 32.1% of young women aged 15 to 24 worldwide were not in education, employment or training, compared to 15.4% of young men.³⁹ It is estimated that between 84⁴⁰ and 110⁴¹ million girls around the world will be out of school by 2030.

The statement that there is no progress and no development without the realisation of women's rights⁴² can be readily agreed with. Women—equal to men in their rights—could be seen as “the driving force of sustainable development,”⁴³ as envisioned in the 2030 Agenda. Equal access to quality education, economic resources, political participation, and equal opportunities for women in employment, leadership and decision-making should become a reality. Unfortunately, as it seems now, the 2030 Agenda could “become an epitaph for a world that might have been.”⁴⁴ However, despite disturbing figures, the Agenda remains the overarching roadmap for achieving sustainable development and overcoming the current global crisis. Several UN assessments and academic studies have shown that SDGs remain financially and technically feasible.⁴⁵ Strengthening effective national policies, successful political leadership, comprehensive policy reforms, enforceable legislation and, where appropriate, international support remain prerequisites for achieving these goals.

III. INTERNATIONAL LEGAL FRAMEWORK FOR VIOLENCE AGAINST WOMEN

The concept of ‘violence against women,’ as defined in several international documents, emphasises the fact that this type of violence is gender-based. Gender-based violence against women is a form of discrimination that seriously prevents women from enjoying rights and freedoms based on equality with men.⁴⁶ The term discrimination against women was introduced in the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as “any distinction, exclusion or restriction made based on sex which has the

³⁹ Progress on the Sustainable Development Goals – The Gender Snapshot 2023, 11.

⁴⁰ Report of the Secretary-General 2023, para 4.

⁴¹ Progress on the Sustainable Development Goals – The Gender Snapshot 2023, 11.

⁴² ‘Contribution to the 2030 Sustainable Development Goals in response to a call for inputs by the High-Level Political Forum on Sustainable Development (HLPF)’ (UN, 27 April 2018) 1.

⁴³ CEDAW Committee Input 2022, para 2.

⁴⁴ Paraphrasing words from UN Secretary-General António Guterres: “Unless we act now, the 2030 Agenda could become an epitaph for a world that could have been.” The Sustainable Development Goals Report 2023, 2.

⁴⁵ Guillaume Lafortune and others, ‘European Elections, Europe’s Future and the SDGs: Europe Sustainable Development Report 2023/24’ (Dublin University Press, 2024) 2.

⁴⁶ ‘CEDAW General Recommendation No. 19: Violence against women’ (CEDAW, 1992) para. 1. (CEDAW General Recommendation No. 19).

effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, based on equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”⁴⁷

It is worth noting that CEDAW does not specifically refer to the terms ‘gender-based violence’ or ‘violence against women.’ However, according to the CEDAW Committee’s General Recommendation No. 19 (1992), the definition of discrimination within CEDAW includes gender-based violence, *i.e.* violence that is directed against a woman because she is a woman or that disproportionately affects women.⁴⁸ In July 2017, the CEDAW Committee adopted Recommendation No. 35, marking the twenty-fifth Anniversary of General Recommendation No. 19’s adoption.⁴⁹ The reason for its adoption was the ubiquity of gender-based violence as a continuum of transborder, multiple, interconnected and recurring forms in various situations all over the world. Recommendation No. 35 emphasises the term gender-based violence against women as a more precise term that highlights the gender-specific causes and effects of violence. It strengthens the understanding of violence as a societal rather than an individual problem, which requires comprehensive responses that go beyond specific events, individual victims and individual perpetrators. The prohibition of gender-based violence against women now represents customary international law.⁵⁰

Traditional attitudes in which women are perceived as subordinate to men or as performing stereotypical roles perpetuate widespread practices associated with violence or coercion committed in different degrees or in different ways (*i.e.* domestic violence and abuse, forced marriage, female circumcision, etc.). The impact of this violence on the physical and/or mental integrity of women results in the denial of their equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.⁵¹ The 1993 Vienna Declaration and Programme of Action⁵² recognised violence against women as a human rights violation and called for the appointment of a Special Rapporteur on violence against wom-

⁴⁷ CEDAW, art. 1.

⁴⁸ CEDAW General Recommendation No. 19, para. 6. The same definition of gender-based violence will later be introduced in the Istanbul convention, art. 3d). It is also accepted within the UN. See, *e.g.* Report of the Secretary-General 61/122, 6 July 2006.

⁴⁹ For the source of CEDAW General Recommendation No. 35 see (n 5).

⁵⁰ General Recommendation No. 35, paras. 2, 6, 9, 15.

⁵¹ General Recommendation No. 19, para. 11.

⁵² Vienna Declaration and Programme of Action was adopted at the 1993 World Conference on Human Rights.

en.⁵³ The rapporteur was appointed a year later⁵⁴ by the United Nations Human Rights Council (HRC).⁵⁵ Its task is to cooperate in accordance with procedures and human rights mechanisms of HRC and treaty bodies to gather information from the field⁵⁶ and respond effectively by proposing measures to identify roots and eliminate all sorts of challenges in combating violence against women. In the context of this paper, given that violence against women is inextricably linked to the violation of various human rights, it is seen as a major obstacle to the effective realisation of SDGs.⁵⁷

The first international document that contains the definition of violence against women is the Declaration on the Elimination of Violence against Women (1993).⁵⁸ It defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”⁵⁹ It encompasses, but is not limited to:

“a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”⁶⁰

The same definition has been accepted by the Beijing Declaration and the Plat-

⁵³ *ibid* para. 40.

⁵⁴ UN Doc. E/CN.4/RES/1994/45, 4 March 1994. Current Special Rapporteur is Reem Alsalem.

⁵⁵ Until 2006: Commission on Human Rights.

⁵⁶ The Special Rapporteur receives information and relies on cooperation with national governments, governmental and non-governmental organisations, specialised agencies, and human rights organisations, especially those engaged in women’s rights. See OHCHR resolution 1994/45, para 7.

⁵⁷ Over the past eight years (since 2016), the CEDAW Committee has regularly submitted contributions to the 2030 SDGs.

⁵⁸ GA Res. 48/104, 20 December 1993.

⁵⁹ *ibid* art. 1.

⁶⁰ *ibid* art. 2.

form of Action (1995)⁶¹ as well as by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (1994).⁶² A similar definition was also introduced in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).⁶³ It defines violence against women as: "all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or war."⁶⁴ The Istanbul Convention, the implementation of which in Croatia is the subject of Chapter IV of this article, defines violence against women as "a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life."⁶⁵

The Istanbul Convention is the first European legally binding document that provides a comprehensive legal framework to combat violence against women and domestic violence. It is particularly significant that this Convention, like the previously mentioned ones,⁶⁶ also establishes a mechanism for monitoring its implementation,⁶⁷ which is carried out by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).⁶⁸

⁶¹ UN Doc. A/CONF.177/20/Add.1, 15 September 1995. para. 113. Even though it was adopted almost three decades ago, it still represents one of the most comprehensive frameworks and inspiration for empowering women worldwide. The Platform for Action covers 12 critical issues that are as relevant today as they were 29 years ago (*e.g.* poverty, education, health, armed conflict, etc.), including violence against women.

⁶² 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, 33 ILM 1534. It is also known as the Belém do Para Convention.

⁶³ 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. It was adopted in Maputo, Mozambique, and is widely known as the Maputo Protocol.

⁶⁴ *ibid* art. 1(f).

⁶⁵ Istanbul Convention, art. 3a. A similar definition is contained in the proposal of the Directive of the European Parliament and of the Council of the European Union on combating violence against women and domestic violence as "gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (art. 4a).

⁶⁶ See *e.g.* Belém do Para Convention, ch. IV; Maputo Protocol, art. XXVI in accordance with art. 62 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

⁶⁷ See Istanbul Convention, ch. IX.

⁶⁸ GREVIO is an independent body consisting of 15 experts in the field of human rights, gender

The Istanbul Convention is also the first human rights document that defines 'gender.' Gender means "the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men."⁶⁹ The definition of 'gender-based violence against women' is taken from General Recommendation No. 19 as "violence that is directed against a woman because she is a woman or that affects women disproportionately."⁷⁰ It is evident from these definitions that the creators of the Istanbul Convention underscored the role that society imposes on women as the main cause of domestic violence.⁷¹ Gender roles are learned, stereotyped, socially conditioned and shaped norms of behaviour that are considered appropriate for people belonging to a certain sex, female or male. It is a variable category that can differ significantly from one country to another, between cultures, and is the source of numerous debates. On the other hand, sex as a biological characteristic that defines and differentiates women and men is not controversial, and its definition does not cause controversy among countries. The creators of the Convention do not deny sex as a biological characteristic that defines women and men, nor do they ascribe the cause of violence to sex differences, but rather to the submissive, subordinate role that society imposes on women in relation to men. To prevent violence against women, including domestic violence, it is therefore necessary to address the root causes and change social patterns of behaviour based on the idea of women's inferiority.⁷² It is indisputable, and this follows from the definition of

equality, violence against women and/or assistance to victims and their protection. From June 2015 to December 2022, GREVIO conducted evaluation visits to the following state parties: Austria, Monaco, Albania, Denmark, Turkey, Montenegro, Portugal, Sweden, Finland, France, Serbia, the Netherlands, Italy, Spain, Belgium, Slovenia, Andorra, Malta, Poland and San Marino, Bosnia and Herzegovina, Georgia, Germany, Norway, and Romania, Croatia, Cyprus, Estonia, Iceland, Luxembourg, North Macedonia and Switzerland. See 'General Reports on GREVIO's activities' (*Council of Europe*) <<https://www.coe.int/en/web/istanbul-convention/grevio-annual-reports>> accessed 5 April 2024.

⁶⁹ Istanbul Convention, art. 3c.

⁷⁰ Istanbul Convention, art. 3d.

⁷¹ It is important to point out that the Istanbul Convention deals with the issue of gender roles and not gender identity. These are terms that are not synonymous and whose meaning is fundamentally different. For more on gender identity, see Albert Joseph and others, 'Gender identity and the management of the transgender patient: a guide for non-specialists' (2017) 110 *Journal of the Royal Society of Medicine* 144, 145-52.

⁷² In this context, it is necessary to observe the statements of those who strongly criticise the gender-neutral approach to solving the problem of domestic violence, considering that such a concept ignores reality and leads to the wrong conclusion that violence against men is also systematic violence that arose as a result of inequality and discrimination, that both men and women are potential victims of domestic violence to an equal extent and that these are vulnerable groups that seek the same type of protection. See 'Statement by Prof Rashida Manjoo SVRI Conference, Violence against Women – a human rights violation, Cape Town 15 September 2015' <<https://www.svri.org/forums/forum2015/RashidaManjoo.pdf>> accessed 5 April 2024.

domestic violence contained in art. 3b of the Istanbul Convention, that men can be and are victims, but numerous studies confirm that women are the most frequent victims of domestic violence.⁷³ In view of the increasing number of murders of women who had previously been victims of domestic violence, it becomes clear that the intention behind the title of the Convention is to emphasise that violence against women in particular is systematic and most widespread.⁷⁴

It is noticeable that the creators of the Istanbul Convention paid special attention to considering the causes of violence against women, and this particular segment proved to be a central problem and caused heated discussions in a number of European Union member states, including the Republic of Croatia.⁷⁵ Namely, emphasising gender stereotypes, traditions harmful to women and general manifestations of inequality between the sexes as the fundamental causes of violence against women, has proven unacceptable for certain countries. Emphasising the concept of 'gender' and distinguishing it from 'sex' is considered particularly controversial. According to the critics of the Convention, this introduces a gender theory that lacks scientific foundations and seeks to create the belief that an individual is born as a neutral being who can later choose whether to be a woman, a man or something else. In accordance with such attitudes, all this leads to the negation of tradition and family values as the foundation of society.⁷⁶ The issues of the application of the Istanbul Convention and even the

⁷³ See UN Doc. A/HRC/26/38, 28 May 2014. para. 61; 'Violence against women: an EU-wide survey, Main results' (*Publications Office of the European Union*, 2015).

⁷⁴ According to the Report of the Ombudsperson for Gender Equality in Croatia in 2022, out of a total of 13 women killed, as many as 12 were killed by close family members, of which six were by husbands, common-law husbands, and current or former intimate partners. On the other hand, not a single man was killed by his intimate partner. Republic of Croatia Ombudsperson for Gender Equality 'Izvješće o radu za 2022' [2022 Annual Report] (2023) 78-9.

⁷⁵ Pressures aimed at preventing the ratification of the Istanbul Convention proved unsuccessful. However, Croatia, along with the ratification, also attached an interpretive statement in which it expressly states that it believes that the provisions of the Convention do not contain an obligation to introduce gender ideology into the Croatian legal and educational system, nor an obligation to change the constitutional definition of marriage. In addition to the fact that the content and meaning of this statement are unclear, its legal effect is extremely questionable, given that the Istanbul Convention does not recognise the concept of an interpretive statement. It can be observed that this is, first of all, a political message aimed at appeasing part of the electorate. In addition to Croatia, Latvia also gave an interpretative declaration of similar content in which 'gender' is explicitly mentioned. At the same time, Poland and Lithuania declared that they would apply the Convention in accordance with the principles and the provisions of their Constitutions. For more on the interpretive statement and controversies related to gender ideology, see Daria Željko, 'Procjena prvih deset godina Konvencije Vijeća Europe o sprječavanju i borbi protiv nasilja nad ženama i nasilja u obitelji' [Assessment of the first ten years of the Council of Europe Convention on preventing and combating violence against women and domestic violence] (2021) 28 *Croatian Annual of Criminal Sciences and Practice* 382, 385-86;

⁷⁶ See, for example, 'Istina o Istanbulskoj' [The Truth about the Istanbul Convention] <<http://>

announcement of its denunciation are still topical, especially in the pre-election rhetoric of certain political parties. Nevertheless, the Republic of Croatia, in accordance with the assumed obligations and despite the existing challenges, has been trying to direct its activities, legislative, and policy framework towards achieving the set goals of the Convention, which is also evident from the latest GREVIO report.⁷⁷

By ratifying the Istanbul Convention, the state parties undertook obligations to take appropriate measures that can be divided into four groups: preventive measures, victim protection measures and provision of support services, criminalisation of various forms of violence against women, and integrated policies at the state level as a necessary prerequisite for a complete and comprehensive response to violence against women. The Republic of Croatia's compliance with the Istanbul Convention, that is, the individual conclusions of GREVIO on the implementation of the Istanbul Convention in Croatia in relation to the measures taken, are explained in more detail below.⁷⁸

IV. GREVIO RECOMMENDATIONS FROM THE BASELINE EVALUATION REPORT ON THE IMPLEMENTATION OF THE ISTANBUL CONVENTION IN CROATIA

The purpose of this part of the paper is not to provide a complete analysis of the GREVIO Report on Croatia⁷⁹, but rather to present a review of certain important recommendations in the implementation of the four groups of measures mentioned above, as well as the comments of the Republic of Croatia on the recommendations contained in the said Report.⁸⁰ The additional importance of this Report is also reflected in the fact that the documents on monitoring the

istinaoistanbulskoj.info/neprihvatljivo-u-istanbulskoj-konvenciji> accessed 5 April 2024.

⁷⁷ GREVIO Report, paras 340-41.

⁷⁸ The Republic of Croatia signed the Istanbul Convention on 22 January 2013 and ratified it five and a half years later, in June 2018. This lengthy process of ratification was accompanied by numerous discussions, mostly related to the unjustified connection of the Istanbul Convention with the so-called gender ideology. For more, see Martina Bosak and Maja Munivrana Vajda, 'The reality behind the Istanbul convention: Shattering conservative delusions' (2019) 74 Women's Studies International Forum 77, 78-83.

⁷⁹ For the text of the GREVIO Report, see *supra* footnote (n 16). The Republic of Croatia submitted its first state report in February 2022. 'Report submitted by Croatia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)' (GREVIO, 24 February 2022) <<https://rm.coe.int/grevvio-inf-2022-2-eng-state-report-croatia/1680a5a0e4>> accessed 5 April 2024.

⁸⁰ 'Comments submitted by Croatia on GREVIO's final report on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report) (2023)' (Croatian Comments).

goals of sustainable development do not contain recent numerical data on certain forms of violence against women.⁸¹ Therefore, undertaking and monitoring the measures prescribed by the Istanbul Convention through the associated monitoring system can certainly contribute to changing patriarchal attitudes and strengthening the position of women in society, thus suppressing gender-based violence. The GREVIO report contains a comprehensive analysis of the implementation of the activities undertaken to harmonise with the Istanbul Convention but also points to areas where there have been oversights and shortcomings in the effective application of the Convention, based on which certain recommendations were put forward to Croatia.

1. Preventive measures

The goal of preventive measures is to prevent all forms of violence against women. Among them, measures aimed at changing the mentality and attitudes of the general population that contribute to the justification of violence against women and solving structural inequalities between women and men as the root cause of such violence particularly stand out; this is also pointed out in the GREVIO report. In this context, education and the adoption of curricula, programmes, and materials that do not contain negative stereotypes about women and promote gender equality are especially important.⁸² The correctness of these conclusions and the necessity of taking measures in this direction is also confirmed by the empirical research of young people in Croatia, which was conducted at the beginning of 2018 and whose goal was to establish and analyse some attitudes and behaviour patterns of young people in contemporary Croatian society. The survey included 1,500 participants aged 14 to 29 years from all over Croatia. The research results show that 40% of young people are undecided or do not agree that women and men should equally participate in household chores such as cooking, ironing and cleaning the house. The same percentage of young people agree with the statement that it is the man who should earn and support the family. In contrast, the same percentage (30%) are undecided on this issue or disagree with the stated statement. Economic independence is

⁸¹ See more at 'Progress Towards Achieving Sustainable Development Goals 2023 (Croatia)' (EUROSTAT, 22 March 2023) <https://novi-web.dzs.hr/media/5vzpw53/sdg-2023_eng.pdf> accessed 5 April 2024. The table (downloaded for the Eurostat database in March 2023) shows Croatia's progress in achieving the SDGs. The latest available values and the values at the beginning of the five-year period are given to assess the development over the five-year period. Some progress towards achieving Goal 5 is evident. Unfortunately, there are no reliable indicators of physical and sexual violence against women.

⁸² In this regard, it is necessary to point out the current topic pointed out by Professor Đurđević, PhD, who warns of severe discriminatory and misogynistic education of eighth-grade children about female genitalia. <https://www.facebook.com/profile.php?id=1035291315&fref=nf&ref=embed_post> accessed 5 April 2024.

extremely important in partner relationships, and these data show that, in Croatian society, a significant number of those still support the idea of a man as the family breadwinner. Significantly, 23% of young people think that it is not beneficial when the traditional family roles change and the woman earns more than the man. As many as 38% of young people accept the stereotype that women are biologically predetermined to be teachers and caregivers, not to perform technical and IT jobs. The percentage of those who believe that more women are not needed in positions of power in society since a woman's primary role is to take care of the family should also not be overlooked (17%).⁸³

GREVIO also urges the need for systematic and professional training of experts of various profiles to prevent and detect all forms of violence against women. This training should be based on the principles of non-discrimination and equality between men and women. In this context, GREVIO particularly emphasises the health sector, social workers and lawyers and the necessity of their cooperation with independent women's non-governmental organisations that provide support to women victims of violence. It follows from the reply of the Republic of Croatia that in the past period, a series of training sessions were held at different levels and for different stakeholders involved in the process of combating violence against women.⁸⁴

GREVIO paid special attention to the need to ensure the implementation of programmes for perpetrators of domestic violence and ensure their evaluation, which would include the analysis of information on the possible repetition of criminal offences. It should be noted that at the normative level, Croatia has introduced a series of solutions aimed at preventing future violent behaviour and protecting its victims. Among other things, a safety measure of mandatory psychosocial treatment was introduced into the domestic criminal legislation in 2011, which is intended for perpetrators, primarily of domestic violence.⁸⁵ Unfortunately, however, legal solutions were not accompanied by appropriate conditions for their implementation in practice, so that challenges in the implementation of psychosocial treatment for perpetrators of violent crimes have

⁸³ Anja Gvozdanović and others, *Istraživanje mladih u Hrvatskoj 2018./2019* [Research on young people in Croatia 2018/2019] (Zaklada Friedrich Ebert 2019) 16.

⁸⁴ More details can be found in the Croatian Comments 17-22.

⁸⁵ With the amendments to the Criminal Code from 2021, the imposition of this measure is no longer optional but rather mandatory in all cases when the court determines that the perpetrator has committed a criminal offence with features of violence and there is a risk that they will commit the same or similar offence again. For more on this security measure, see Petar Novoselec and Igor Martinović, *Komentar Kaznenog zakona, Opći dio* [Commentary on the Criminal Code, General Part] (Narodne novine 2019) 436-38, Marin Mrčela and Igor Vuletić, *Komentar Kaznenog zakona, Opći dio* [Commentary on the Criminal Code, General Part] (Libertin naklada 2021) 437-39.

been present for many years.⁸⁶ In this case, the main problems include an insufficient number of implementers of the measure, insufficient amount of compensation for them, the imposition of the measure on offenders who do not meet the criteria for inclusion in the treatment (*e.g.* they do not have sufficient intellectual capacity to follow the programme), offender's lack of participation in the treatment, for what in practice there is no adequate response,⁸⁷ and non-implementation of the measure in its entirety.⁸⁸ The lack of evaluation of psychosocial treatment is a problem already pointed out in domestic literature. Namely, the main indicator of the success of a treatment is that the participant has not repeated act of violence following the treatment. Therefore, information about the perpetrator's behaviour following the completed treatment is necessary in order to assess the expediency of imposing a security measure of mandatory psychosocial treatment.⁸⁹

2. Victim protection measures and provision of support services

In addition to the general obligation related to the establishment of institutionalised cooperation mechanisms between all relevant institutions and non-governmental organisations to support women who are victims of violence, the GREVIO Report specifically emphasises the necessity of a proactive approach in informing victims about available support services and legal measures, especially in relation to their specific needs. One of such extremely important needs is residential care. Although some progress has been made in this regard, and a special measure of long-term housing solutions for victims of domestic violence has been prescribed by law,⁹⁰ due to the necessity of proving domestic violence by a final court judgement and the length of criminal proceedings, a significant number of victims of domestic violence cannot fulfil this requirement. An additional problem is the lack of suitable state-owned properties to accommodate victims, as private landlords have been observed to be unwilling

⁸⁶ For more details, see Ljiljana Antolović, Martina Barić and Sanja Devčić, 'Sigurnosna mjera obveznog psihosocijalnog tretmana – izazovi u izvršavanju' [The security measure of compulsory psychosocial treatment: challenges in implementation] (2021) 28 Croatian Annual of Criminal Sciences and Practice 569, 570-601.

⁸⁷ In such cases, the court may give a negative opinion on the prisoner's proposal for conditional release or propose additional measures in addition to conditional release; however, the prisoner's refusal to participate in treatment does not exclude the possibility of granting conditional release (Croatian Comments 23).

⁸⁸ The deadline for implementing the security measure of mandatory psychosocial treatment is linked to the deadline for implementing the imposed criminal sanction, so in practice, there are cases where the measure is not completed in full due to the expiration of the imposed sentence.

⁸⁹ Although Croatia pointed out that an external evaluation of the two programmes was carried out in 2022 and 2023, the results are still not available. See Croatian Comments 24.

⁹⁰ Art. 45 of the Act on Housing Care in Assisted Areas, Official Gazette 106/18, 98/19, 82/23.

to rent their properties to the state for this purpose.⁹¹

In relation to shelters for victims of violence, GREVIO urges that their number and capacities be increased and that they be geographically distributed so that they are accessible to all women, including women with disabilities, women from minority backgrounds, migrant women with irregular status and other women exposed to the risk of multiple discrimination.⁹² From the Republic of Croatia's reply, it follows that the existing capacities correspond to the actual needs since the shelter's occupancy does not exceed 66% and that no conditions have been prescribed for user accommodation.⁹³

Some progress has also been made in relation to helplines for victims of violence since the National Call Centre for Victims of Crime has been made available to all victims 24 hours a day, 365 days a year, since November 2023. It is important to point out that this service is provided by highly qualified employees who are additionally trained for counselling work with victims of all forms of violence: it is also planned for this service to be available to victims in English.⁹⁴

In its report, GREVIO paid special attention to the obligation to report violence by professionals. For this purpose, GREVIO "strongly encourages the Croatian authorities to review the obligation for professionals, including those operating in NGOs, to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected."⁹⁵ It is further underscored that the aforementioned may require that the obligation to report depends on the prior consent of the victim unless the victim is a child or cannot protect themselves due to a disability.⁹⁶ A request for similar content is contained in relation to

⁹¹ In 2022, 20 positive decisions were received, of which 18 were implemented. One beneficiary withdrew her application, and one was in the process of securing an adequate housing community. A total of EUR 96,854.28 was spent from the state budget in 2022 to provide housing for victims of domestic violence. Croatian Comments 28-9.

⁹² GREVIO Report, para. 154.

⁹³ Currently, there are 25 shelters in Croatia with a capacity of 357 beds available in all counties of the Republic of Croatia. Croatian Comments 30-2.

⁹⁴ Croatian Comments 33-5. For more information on the National Call Centre's data on calls due to domestic violence and its role in providing support and assistance to victims in the era of the COVID-19 crisis, see Marissabell Škorić, Dalida Rittossa and Dejana Golenko, 'Obiteljsko nasilje u doba bolesti COVID-19 - Informacijski i kaznenopravni izazovi' [Family violence in the time of COVID-19 – Information and criminal law challenges] (2023) 14 Yearbook of the Croatian Academy of Legal Sciences 29, 40-6.

⁹⁵ GREVIO Report, para. 176.

⁹⁶ *ibid.*

victims of sexual violence.⁹⁷ Here, it is essential to note that competent judicial authorities can only decide on the severity of the violence and its qualification (as a misdemeanour or criminal offence). It is not clear how experts who work with victims could grade the severity of the committed offence and assess the danger of future violence and thus take responsibility for non-reporting, which can result in the most severe consequences for the victim.⁹⁸

3. Incrimination of various forms of violence against women

Since 2015, domestic violence has been regulated threefold in the national legislation: as a misdemeanour, as an independent criminal offence and as a qualified form of certain criminal offences when they are committed against a close person.⁹⁹ This (over)normalisation of domestic violence has caused a number of controversies in practice, primarily because of the unclear demarcation between domestic violence as a misdemeanour and as a criminal offence, which was also pointed out in the GREVIO Report.¹⁰⁰

In relation to psychological violence, GREVIO highlighted as a special problem that these cases are mostly treated as misdemeanours. It also emphasised shortcomings in the data collection system, which made it impossible to accurately assess the prevalence of different forms of domestic violence. In its Comments on the recommendations, Croatia pointed out that the current legislation allows even one-off cases of psychological violence to be prosecuted as a criminal offence of domestic violence (Article 179a of the Criminal Code), provided that it is a serious case of violation of regulations on protection against domestic violence and that the legally prescribed consequences were caused. As for the data, it was pointed out that they are collected from the competent misdemeanour courts and refer, among other things, to the perpetrator's age and sex and the prevalence of psychological violence that caused the victim's violation of dignity or distress.¹⁰¹

⁹⁷ GREVIO Report, para. 165.

⁹⁸ Croatian Comments 38–9.

⁹⁹ For the current legal regulations, see the Law on Protection Against Domestic Violence, Official Gazette 70/17, 126/19, 84/21, 114/22, 36/24 and Criminal Code, Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/2., 114/22, 114/23.

¹⁰⁰ For more on demarcation problems, see Velinka Grozdanić, Marissabell Škorić and Ileana Vinja, 'Nasilje u obitelji u svjetlu promjena Kaznenog zakona' [Domestic Violence in light of the amendments to the Criminal Code] (2010) 17 Croatian Annual of Criminal Law and Practice 669, 670-98.

¹⁰¹ In 2021, there were a total of 2,340 cases of psychological violence, with 82.7% of the perpetrators being men, while in 2022, there were 2,600 perpetrators, 81% of whom were men. Croatian Comments 45-6.

The GREVIO Report also warned of the prevalence of dual arrests in cases of domestic violence, when the police arrest and charge the victim as well as the perpetrator. Civil society organisations believe that the main reason for such practice is the interpretation according to which psychological and physical violence are equated so that a victim who acted in self-defence or verbally insulted the perpetrator is considered equally culpable and arrested together with him.¹⁰² Croatia did not comment on this GREVIO conclusion or pay any attention to this problem in its Comments.

With regard to physical violence, GREVIO welcomed, on the one hand, the fact that certain crimes committed to the detriment of a close person are considered a qualified form. It also welcomed the recognition of children who witness violence between partners as victims of domestic violence. However, at the same time, it emphasised the lack of information on whether appropriate analyses were carried out and deficiencies identified in the actions of domestic authorities in cases where the victim reported violence after which she was killed and whether any measures were introduced to address the identified deficiencies. GREVIO highlighted the alarming findings of the investigation of 18 cases of aggravated murder committed by a close person in the period from 2013 to 2020, in which, in 17 cases, the victim was a woman, with the fact that, in 78% of cases, the perpetrator was the victim's current or former partner. This finding confirms that domestic violence with a fatal outcome is a gender-based issue. The data that GREVIO specifically points to is that almost 70% of the perpetrators had been previously convicted of committing domestic violence against the victim, most of them for a criminal offence, and that, in many cases, no convictions had been passed despite years of violent behaviour and reports of violence.¹⁰³ All of this seriously calls into question the efficiency of the domestic justice system, and GREVIO strongly encourages the domestic authorities to investigate cases of domestic violence that led to the death of the victim and to identify any shortcomings in the institutions' response to violence.¹⁰⁴ In relation to these very significant and valuable observations of GREVIO, Croatia did not give a concrete answer; only brief information was provided that the entire

¹⁰² GREVIO Report, para. 201.

¹⁰³ GREVIO Report, para. 209-12.

¹⁰⁴ The European Court of Human Rights has already warned Croatia about these problems in cases against the Republic of Croatia related to domestic violence. See *Branko Tomašić and Others v Croatia* App no 46598/06 (ECtHR, 15 January 2009), *A v Croatia* App no 55164/08 (ECtHR, 14 October 2010), *M. and M. v Croatia* App no 10161/13 (ECtHR, 3 September 2015), *Ž.B. v Croatia* App no 47666/13 (ECtHR, 11 July 2017). For details, see Marissabell Škorić, 'Obiteljsko nasilje u praksi Europskog suda za ljudska prava s posebnim osvrtom na presude protiv Republike Hrvatske' [*Domestic violence in the case law of the European Court of Human Rights with special reference to judgments against the Republic of Croatia*] (2018) 25 Croatian Annual of Criminal Sciences and Practice 387, 388-415.

legislative framework would be analysed and possible changes to the regulations would be proposed.¹⁰⁵

Regarding sexual violence, the GREVIO Report highlights as a special problem that the crime of rape is insufficiently reported and prosecuted and that, in cases of sexual violence, courts often apply mitigating circumstances in favour of the perpetrator, whereby the victim's behaviour is stereotypically interpreted as contributing to the crime. The problems of lengthy criminal proceedings in cases of sexual violence in which the victims are repeatedly traumatised and of sentences that do not have a deterrent effect are additionally emphasised.¹⁰⁶ Even in relation to these comments, Croatia did not present any observations.

4. Integrated policies at the state level

One of the requirements of the Istanbul Convention is the undertaking of comprehensive and coordinated policies throughout the country and effective cooperation between all relevant actors in order to prevent and combat all forms of violence against women. What the Convention insists is that the victims' rights should be at the very centre of interest at all times¹⁰⁷ and that the specific needs of different groups of victims should be taken into account, especially those who may be exposed to multiple forms of discrimination.

Croatia has so far adopted four National strategies for protection against domestic violence. In the latest one, the one adopted for the period from 2017 to 2022, the cooperation of state bodies, local and regional self-government units and civil society organisations that provide support and assistance to victims of domestic violence is particularly emphasised. However, on the other hand, GREVIO highlights the concern over the lack of comprehensive policies to address other forms of violence against women, such as rape and sexual violence outside of intimate relationships, sexual harassment, stalking, female genital mutilation,

¹⁰⁵ In April 2024, amendments to the Criminal Code entered into force, introducing a definition of gender-based violence against women. This term denotes 'violence directed at a woman because she is a woman or which disproportionately affects women,' and it is prescribed that such treatment will be taken as an aggravating circumstance if the Criminal Code does not already expressly prescribe a more severe punishment (art. 87 para. 32). In addition, aggravated murder of a female person was introduced as an independent criminal offence (art. 111a) and the legal criminal law policy of punishing crimes against sexual freedom and sexual abuse and exploitation of a child has been stricter.

¹⁰⁶ GREVIO Report, paras. 213-17.

¹⁰⁷ In the case of *A. v. Croatia*, the European Court highlighted that the state could have provided more effective protection against violence if the competent authorities had been able to look at the situation as a whole.

forced marriage, forced sterilisation and abortion.¹⁰⁸

GREVIO paid special attention to the funding of non-governmental organisations that support victims. Although civil society organisations are today recognised as equal partners in the adoption and implementation of policies in the field of violence against women, a large number of them expressed their concern about inadequate financial support.¹⁰⁹ It is worth noting that such comments are fully in line with the demands of sustainable development and human rights documents. For example, the CEDAW Committee supports the efforts of States Parties to adopt comprehensive strategies in line with the 2030 Agenda and CEDAW and to accelerate the implementation of effective gender equality policies.¹¹⁰ The lack of necessary financial support or significant cuts in public spending, which are often part of the so-called ‘austerity measures’ following economic and financial crises, undoubtedly weaken the efficiency of government action, regardless of how well these measures were previously designed.

In its report, GREVIO rightly emphasised the necessity of taking appropriate measures that would ensure the collection of all relevant data related to cases of domestic violence, including the sex and age of the victim and the perpetrator, their relationship, geographical location and different forms of violence covered by the Istanbul Convention, as well as data about whether children witnessed the violence.¹¹¹ Although today, various bodies keep statistics on cases of domestic violence in Croatia, there is no doubt that we do not have reliable and complete data on its prevalence.¹¹² There are various reasons for this,¹¹³ and the GRE-

¹⁰⁸ GREVIO Report, paras. 29-33.

¹⁰⁹ Croatia has a long history of a strong movement for women’s rights, the beginnings of which go back to the 1970s. Women’s rights groups established the first helpline and shelter for women victims of violence in Eastern Europe in Zagreb in 1988 and 1990. GREVIO Report, paras. 38-43.

¹¹⁰ CEDAW Women as Leading Force, 8.

¹¹¹ GREVIO Report, para. 59.

¹¹² When discussing the prevalence of domestic violence, it must be taken into account that, in reality, there are certainly more cases of domestic violence than what appears from official data. On the dark figure of domestic violence, see Marta Dragičević Prtenjača, ‘Dihotomija pristupa u rješavanju nasilja u obitelji putem prekršajnogpravnog i kaznenopravnog regulative’ [The dichotomy of solving domestic violence through misdemeanour law and criminal law regulations] (2017) 24 Croatian Annual of Criminal Sciences and Practice 141, 162.

¹¹³ Other authors also pointed out these reasons, see Petra Šprem, *Normativna i empirijska analiza obiteljskog nasilja u Hrvatskoj: kaznenopravni koncepti, kriminološki fenomeni, praktični izazovi i moguća rješenja* [Normative and empirical analysis of domestic violence in Croatia: criminal law concepts, criminological phenomena, practical challenges and possible solutions, doctoral dissertation] (University of Zagreb 2003) 198-202; Anna-Maria Getoš Kalac and Petra Šprem, ‘Obiteljsko nasilje u doba pandemije – preliminarni rezultati kriminološke analize’ [Domestic violence during the pandemic – preliminary results of criminological analysis] (2022) 72 Collected Papers of Zagreb Law Faculty 1037, 1047.

VIO report rightly highlights the importance and necessity of collecting data, especially those that would enable the recording of the number of violations of emergency barring, restraining orders and protection orders, the number of sanctions imposed due to such violations, and the number of cases in which the violations led to repeated violence or the death of the victim. It is generally known that domestic violence is not an isolated event but a systematic repetition of violence that ranges from relatively mild forms to much more severe and, in some cases, fatal for the victim.¹¹⁴ Precisely because of this nature of domestic violence, monitoring the data indicated in the GREVIO report is a *conditio sine qua non* for the effective protection of victims, and it is necessary to immediately establish a system that will enable this.

V. CONCLUSION

When the CEDAW was adopted in 1979, the initiators of the Convention acknowledged in the preamble that “extensive discrimination against women continues to exist.” In recent years, the elimination of gender-based violence against women has been recognised as increasingly important on all levels—national, regional and international. However, challenges remain. Despite the initiatives that have led to greater awareness of the impact of gender-based violence against women and the efforts that have been already undertaken, the full and effective implementation of binding international documents and the effectiveness of national measures are still insufficient. Achievements in the legal field, both at the national and international levels and the knowledge of effective prevention strategies have not met the expectations for reducing violence against women. The statistical indicators for Goal 5 are relentless and not overly optimistic. As it stands now, countries will not achieve the expected goals without targeted investments in effective measures and comprehensive services to combat violence.

However, despite the current pessimism in various areas regarding the achievement of the SDGs, the issue of women’s empowerment remains of great importance. Vulnerability to gender-based violence against women fostered by traditions, social or religious norms based on discrimination and breach of human rights can occur in any culture at any time; no society is immune to violence against women. It is therefore necessary to support coordinated strategies that can contribute to strengthening the perception of women as equal to men, free from violence of any kind. The constitutional and legal framework for the protection of women, an effective judicial system, strong support for institutions that promote the idea of equality, compliance with international commitments and the subsequent monitoring and evaluation of the actions implemented with-

¹¹⁴ Research confirms that earlier violent behaviour increases the risk of death in cases of domestic violence. See ‘Statistical presentation of the results of research on the murder of women in Croatia in the period from 2016 to 2020’ (*Republic of Croatia Ministry of the Interior*, 2021).

in this framework are just some of the steps that should continue to be supported and implemented efficiently. It is impossible to eliminate violence against women without political will and commitment at both national and international levels; only integrated and coordinated action, as long as it is required, can contribute to changing societies and deeply rooted traditions and cultures.

At the normative level, the Republic of Croatia has adopted a number of measures to promote women's rights and combat discrimination and violence against them. However, despite this, violence against women is still a constant in society. The cause of such a situation should certainly be sought in the fact that normative changes are not followed by changes in social patterns of behaviour in which there are still a number of prejudices, customs and traditions based on the stereotypical roles of women and men, with men occupying the dominant position. Recognising the causes of violence is the first step in combating it, and there is still a lot of room for progress in this area. For a successful fight against violence against women, it is necessary to provide various forms of support to the victims within an appropriate period of time in order to empower them. Equally, it is necessary to provide adequate financial resources so that normative solutions for the fight against domestic violence and the protection of its victims, which are largely in line with the highest international standards, could be successfully implemented in practice. It is crucial to analyse in detail each of the cases that ended with the death of a victim who had previously reported violence. Particular attention should also be paid to the reassessment of the personal responsibility of the officials in charge of implementing the existing rules for the protection of victims of domestic violence. Taking further steps in this direction must be imperative, as identifying and eliminating the cause can prevent a fatal outcome for future victims of domestic violence.