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### NEWS REPORT

<b>Country:</b>	Croatia
<b>Title:</b>	Draft Act on Domestic Violence
<b>Date:</b>	10 August 2017
<b>Expert:</b>	Nada Bodiroga-Vukobrat
<b><u>Context</u></b>	
<b>Issue at stake:</b>	New Act on Protection against Domestic Violence in parliamentary procedure
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislation
<b>Field:</b>	Violence against women; domestic violence
<b>Applicable law:</b>	Act on Protection against Domestic Violence (Official Gazette <i>Narodne novine</i> No. 137/09, 14/10 and 60/10); Draft Act No. 67 on Protection against Domestic Violence

### Content

**Law development:** The Draft Act No. 67 on the Protection against Domestic Violence passed the first reading in the Croatian Parliament on 8 February 2017. The final draft now has to be submitted for the second reading.

**Key points of analysis:** The adoption of a completely new Act on the Protection against Domestic Violence, which is to replace the Act on Protection against Domestic Violence from 2009 (hereinafter: 2009 Act) is foreseen primarily to eliminate the current potential overlap between the categorisation of certain acts as criminal offences or as minor (misdemeanour) offences. It is also considered that the 2009 Act, which has been in force for more than six years, and which replaced the previous Act on the Protection against Domestic Violence from 2003 (Official Gazette *Narodne novine* No. 116/03), needs to be adapted to the current legal framework, especially after the new Criminal Code entered into force in 2013 (Official Gazette *Narodne novine* no. 125/11, 144/12, 56/15 and 61/15). The Criminal Code introduced a definition of family members and close persons, relevant for the application of that Code; as well as, after the amendments in 2015, re-introduced the criminal offence of family violence into the Criminal Code. In practice, this meant that some acts were prosecuted partly as minor and partly as criminal offences. The European Court of Human Rights has already found that Croatia has violated the principle *ne bis in idem* in such cases (e.g. case *Maresti v. Croatia*, no. 55759/09). Another reason for the adoption of a completely new Act, according to the initiator (the Government), is that the Act needs to be adapted to the international standards (more precisely, the Istanbul Convention which is awaiting ratification, and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315/57; hereinafter Directive 2012/29/EU).

**Internet link source:** Draft Act No. 67 on Protection against Domestic Violence;  
<http://www.sabor.hr/prijedlog-zakona-o-zastiti-od-nasilja-u-obitel0001>.