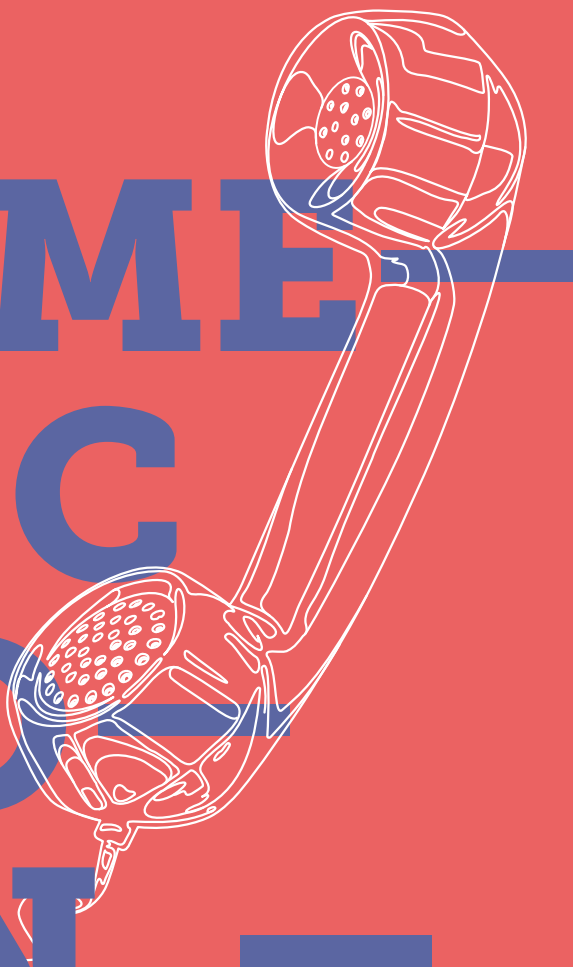


HELPLINE

DOMESTIC VIOLENCE



A handbook for
professionals

BaBe!



This project is funded by the
European Union's Rights, Equality
and Citizenship Program
(2014–2020).

CONTENT

ABOUT THE PROJECT	4
INTRODUCTION	6
ACTIONS OF THE COMPETENT AUTHORITIES WHEN RECEIVING REPORTS OF VIOLENCE	8
ACTIONS OF THE COMPETENT AUTHORITIES DURING COURT PROCEEDINGS	16
ACTIONS OF THE COMPETENT AUTHORITIES AFTER THE COURT PROCEEDINGS ARE CONCLUDED	24
CIVIL SOCIETY ORGANISATIONS	26
BASIC LEGAL INFORMATION ON HOW PARENTAL CARE AND SUPPORT OF UNDERAGE CHILDREN IS REGULATED	28

ABOUT— THE PRO— JECT

The How Expertise Leads to Prevention, Learning, Identification, Networking and Ending Gender Based Violence (HELPLINE) project is financed within the Rights, Equality and Citizenship programme of the EU.

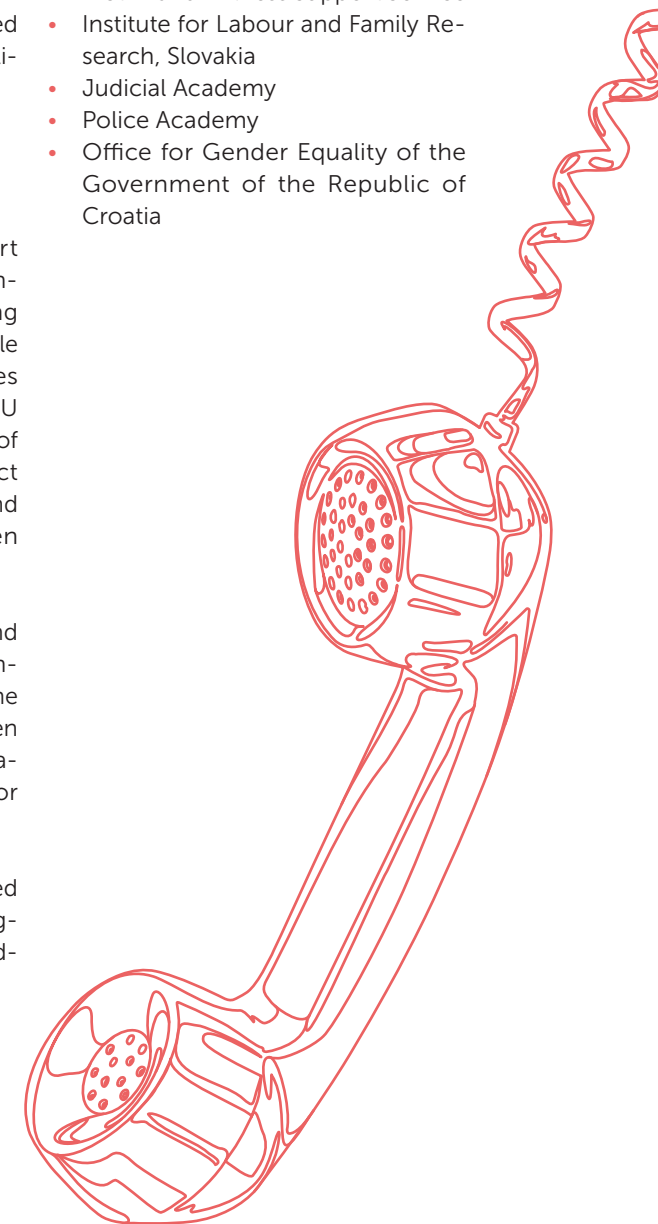
The main objective of the project is to provide protection and support to women who were victims of gender-based violence by promoting a multidisciplinary approach to the problem.

Specific objectives of the project

- Improving the existing support system for women victims of gender-based violence by promoting good practices, ensuring sustainable solutions with regards to policies in accordance with the relevant EU directives, increasing the number of volunteers and experts in contact with women victims of violence and promoting cooperation between them
- Improving effective protection and support for women victims of gender-based violence by improving the existing support services for women victims and establishing the foundations for a national SOS hotline for women victims of violence
- Raising awareness of gender-based violence and contributing to changing attitudes and behaviours regarding this problem.

Project partners

- Victim and Witness Support Service
- Institute for Labour and Family Research, Slovakia
- Judicial Academy
- Police Academy
- Office for Gender Equality of the Government of the Republic of Croatia



INTRO— DUC— TION

Although the existing legislative framework in the Republic of Croatia and the accompanying subordinate legislation, protocols and strategies are mostly in accordance with relevant international regulations, difficulties in their implementation in each individual case, mismanagement by the competent authorities in their implementation, uneven rules of procedure and different interpretations still exist in practice. As a result, certain rights are often provided only as a declarative protection, thus losing their purpose and meaning.

The purpose of this Handbook is to draw attention to the needs of victims of domestic violence which we have identified as the most common, based on practical experience, and to provide specific and effective advice to professionals who are often the primary contact of victims with the system so they can adequately respond to their needs within the framework of the existing legislation, provide them with useful, practical and complete information in life-crisis situations and thus making it as easy and simple as possible for them to receive legal protection and exercise their rights.

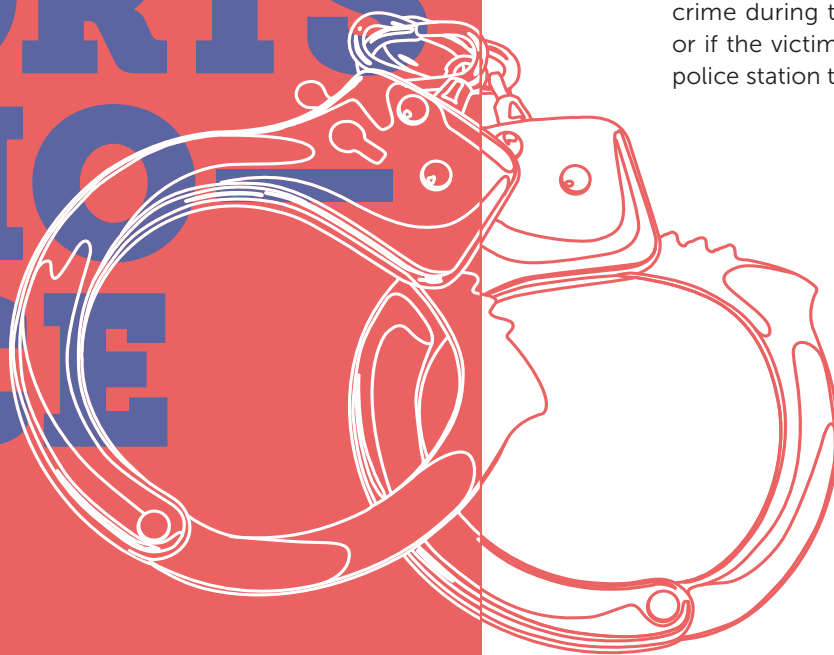
Instructions, advice and observations on existing negative practices that present an obstacle to effective legal prosecution and sanctions for domestic violence are listed in three main phases that victims go through, in the form of recommendations to the relevant authorities in direct contact with victims in each phase.

As the publisher of this Handbook and an association that has established itself, due to its many years of action, as an organisation for the protection of human rights with special emphasis on the promotion of gender equality and combating gender-based violence, we would like to use this opportunity to invite and encourage all victims to report violence

and to reach out to the B.a.B.e. association with confidence because we can provide them with professional, timely and effective legal assistance and psychological support, as well as existential protection, and, in recent times, the services of a person of trust who will be there for the victim during court proceedings.

If you would like to contribute to the strategic operations of B.a.B.e., which would present a special honour for us, we invite you to share your experiences with us and express your trust by allowing us to record your public or anonymous testimony and publish it on the platform for the protection of victims of violence.

ACTIONS OF THE COMPETENT AUTHORITIES WHEN RECEIVING REPORTS OF VIOLENCE



THE POLICE

In the initial phase, which is set in motion by the victim reporting the violence, police officers play a key role, as in many cases victims first turn to them by reporting the violence immediately after it occurred or while it is in progress. This is followed by the intervention of police officers at the scene or the reporting of violence by directly visiting the police station, which often happens in cases when victims decide to report violence after the fact.

Therefore, since police officers are often the victim's first point of contact with persons from the system, it is necessary for police officers to display particular sensitivity when receiving a report, regardless of whether the report is filed directly at the scene of the crime during the police intervention or if the victim comes directly to the police station to report the violence.

In this context, it is important that police officers create a safe environment for the victim by separating the perpetrator and the victim when the reporting takes place during intervention at the scene. In other words, they have to remove the perpetrator from the scene, thus sending a clear message to the victim that she will be protected. In addition, it is important that they talk to the victim without the perpetrator present, write down her allegations in detail, provide her with access to the record/note, clearly inform the victim of her rights and explain the further course of action. In any case, it is unacceptable, regardless of the personal assessment of the police officers that a particular case may not be a "serious" event, to influence the victim to drop the report in any way. In this sense, police officers should avoid negative patterns of behaviour with regards to expressing personal views that contribute to the secondary victimisation of the victim.

It is therefore necessary for police officers to take into account the broader context of events in each individual case and consider the possible history of domestic violence and the entire chronology of family relations. They should not view the reported event as an isolated incident. They have to identify the primary aggressor and the victim in order to avoid unjustified double charges and respect the victim's right to self-defence.

Police officers should therefore especially avoid negative practices of equating the victim's potentially violent actions against the attacker during defence, which usually manifest as verbal violence to stop the assault and to defend herself from violence, with the violent behaviour of the perpetrator which was the cause for this kind of action from the victim.

There is no doubt that police officers are in an unenviable position in such situations because sometimes they cannot immediately assess who is the victim and who is the perpetrator right at the scene. This is why they often opt for strict and formal treatment, which leads to apprehending the victim and the perpetrator and filing charges against both. However, it is necessary to make an effort and act accordingly in order to clarify the situation and clearly determine the situation in each specific case, while also bearing in mind the obligation of gender-sensitive processing of domestic violence.

In cases where the actions of the victim and the perpetrator are clearly disproportionate, especially when it is apparent that the victim has suffered physical violence while the perpetrator is accusing the victim of verbal violence at the same time, it should be taken into account that these are not offences that carry the same weight. The level of criminality, i.e. the severity of the

offence, is not equal in such cases. Police officers should bear this in mind in further proceedings. They should take into account all the circumstances of the case and avoid implementing the law in a mechanical manner.

When both persons involved in the incident have to be apprehended, and especially in cases where underage children are present in the family, it would be useful if the police officers explain to the primary victim that they are obliged to contact the social welfare centre and at the same time allow the primary victim to contact family members or a third party to provide childcare in agreement with the social welfare centre. The primary victim should be clearly and specifically informed that this event will not automatically mean that the children will be sent to a group home or other institution and that her parental rights will be terminated, because victims give up on filing a report due to not being properly informed and due to their concern for underage children. It is essential that the police keep the primary victim and the perpetrator separate at all times while conducting their work in order to prevent visual or voice contact between the primary victim and the perpetrator (especially during transport and at the police station).

Police officers should also refrain from insisting that the victim state whether they wish to file a report and insist on

further prosecution of the perpetrator, i.e. they should avoid actions and procedures that make the victim decide whether the perpetrator should be prosecuted. Instead, each event should be processed in accordance with regulations requiring ex officio prosecution. If the victim is hesitant about pursuing further proceedings, she should be encouraged to file a report.

In cases when victims have suffered violence for a long time, often for years, without reporting it, questioning the victims why are they reporting the violence only at that moment should be avoided. Officers should not (un) consciously suggest that they are not trusted because a lot of time has passed, that their report is not credible/authentic, the victims should not be reproached that they made a mistake, that they will not succeed in the proceedings due to this, that it is too late, and officers should not consciously or unconsciously discourage them from reporting violence.

Particular efforts should be made to educate police officers so they can recognise economic violence, especially as an equally devastating form of domestic violence, and not interpret it as unresolved property-legal disputes between partners which leads to advising victims to initiate civil proceedings based on the belief that the police are not competent or authorised to act on such reports.

The victim should be listened to carefully. Time and attention should be devoted to her. The victim should not be rushed when stating facts nor should the police comment that certain events are irrelevant. Instead, a personalised approach should be taken and the police should show understanding in order to create a safe environment and establish a relationship of trust with the victim who can then have the courage to report violence and to further prosecute the perpetrator. Any form of ridicule, obvious or subdued, commenting on the victim's family situation, her behaviour, trivialising and downplaying the seriousness of her life situation and expressing doubts about the credibility of her report or the successful outcome of the proceedings is unacceptable.

After receiving the report, police officers should inform the victim of her rights in an understandable way. This includes, in addition to the formal duty to provide the victim with a written notice of her rights, an effective explanation of the rights that the victim can exercise during the police action, i.e. the victim should be referred to support services for practical information on how to exercise her rights in further proceedings.

In addition, police officers should explain the further course of the proceedings to the victim and how the police will proceed when they receive the report. They should explain that they will initiate

misdeemeanour proceedings by filing charges with the relevant misdemeanour court or that they will send the report to the municipal state attorney office which will make a decision on initiating criminal proceedings. Once again, the crucial duty of the police is to take into account the causes, context and chronology of violence in each specific case when deciding how to further process violence within the misdemeanour or criminal sphere and to clearly distinguish behaviours that can be qualified as misdemeanours from behaviours considered criminal offences.

If the police consider that there is no reason to initiate criminal or misdemeanour proceedings, they should share this with the victim and instruct her that she can file charges with the misdemeanour court to initiate misdemeanour proceedings or file a criminal charge in person at the competent state attorney's office.

The victim should be informed in an understandable way that she has the right to participate in misdemeanour or criminal proceedings and that she has the right to hire an attorney to represent her in these proceedings. In addition, the victim should be informed in which cases she has the right to free legal aid and how she can exercise this right. The victim should also be provided with information on the protective measures/precautions that can be imposed on the

perpetrator and how these measures/precautions are implemented.

The victim should also be provided with a contact number of a police officer who will be available to the victim for all information regarding the further course of police proceedings and for any questions she may have after filing the report, taking her statement and informing the victim of her rights.

And in cases where the victim for any reason decides not to file a report against the perpetrator, the obligation to prosecute ex officio should be taken into account and the victim should be encouraged to file a report.

In situations when the victim nevertheless decides to not file a report and when the police officers assess that there are no conditions for ex officio prosecution, the victim should be informed of her rights and that the violence can be reported at a later date, asked if they need accommodation in a women's shelter etc.

STATE ATTORNEY'S OFFICE

In a small number of cases, victims file a report directly to the municipal state attorney's office, especially in situations where she has been explicitly informed about the option of filing a report with the municipal state attorney's office and

often in situations where, for example, she has had previous negative experiences, or for any other reason, does not want to contact the police.

In such situations, just as when a police officer handles the report, it is necessary to treat the victim with particular sensitivity. Time and attention should be devoted to her. The victim should not be rushed to report the facts nor should the situations and events she reports be trivialised. A relationship of trust with the victim should be established by all means necessary, and a safe environment should be created in which the victim will be able to present all relevant circumstances concerning the reported events without fear.

After receiving the report, the victim should be clearly and specifically informed about her rights in an understandable way, i.e. the victim should be provided with practical information on how she can exercise her rights. The further course of the procedure after filing the report and the next actions of the state attorney's office have to be explained to the victim.

The state attorney's office should urgently take measures within its competence to protect the victim. This implies, in particular, the implementation of appropriate precautionary measures, i.e. the initiation of proceedings which results in investigative detention for

the perpetrator in order to protect the victim from further violence.

It is necessary to maintain communication with the victim throughout the proceedings, regularly inform her about the measures taken, especially about the completion of the investigation and the indictment.

SOCIAL WELFARE CENTRE

In many cases, victims mention violence to social welfare centre staff only after they decide to get a divorce or terminate an extramarital partnership in proceedings conducted at the centre prior to initiating divorce proceedings and deciding on parental care. In such cases, it is not enough to only formally record such information, and experience has shown that the centre's staff should take such allegations seriously, obtain all the relevant information and not refer the victim to other bodies, but to report the matter to the police or inform the state attorney's office themselves.

It is also important that the centre's staff do not challenge or question such allegations by the victim just because the violence has not been reported before, and do not inform the victim that the late reporting diminishes its credibility. The staff should treat the victim with understanding and respect,

and make it clear that they will provide the necessary support in protecting the interests and welfare of any underage children.

In these cases, the social welfare centre staff should conduct interviews with the victim without the presence of the perpetrator, establish a relationship of trust with the victim, provide support, and create a safe environment in which the victim will be encouraged to report the perpetrator.

During the proceedings in the social welfare centre, it is necessary to refrain from any form of belittling the victims of violence or downplaying the severity of the violence they have experienced. The staff should also refrain from inappropriate comments which insinuate that the reported violence is exaggerated, and from discouraging or deterring the victims from reporting violence.

It should be noted that the role of social welfare centres in practice is particularly important for achieving comprehensive legal protection of victims of domestic violence, which does not end with criminal or misdemeanour prosecution and sanctioning of perpetrators, but also includes civil protection of victims with regards to regulating parental care of underage children.

Specifically, when it comes to cases involving underage children, victims

of domestic violence primarily focus on the protection of children from the perpetrators of violence, and the mechanisms within the criminal and misdemeanour proceedings are not adequate for this purpose. Consequently, the issue falls under civil proceedings in which the victims are largely left to their own devices and are often forced to lead long-term court proceedings for the purpose of regulating parental care and reaching decisions regulating child support.

In practice, it has been noticed that victims of domestic violence in social care centres sometimes do not receive all the relevant legal information because the actions of the social welfare centre put emphasis on the social aspect of protection and the victims are on their own when it comes to taking further legal action regarding the regulation of parental care. In order for the victims to get all the necessary information when first coming into contact with the social welfare centre without any additional burden for the staff, experience has shown that a good course of action is to provide victims with a written notice containing clear, concise and specific information on the further course of action regarding the manner of regulating parental care, which is available in chapter *The most important questions about parental care – a short guide of this Protocol*.

**HEALTHCARE AND
EDUCATIONAL
INSTITUTIONS**

Healthcare and educational institutions have also proved to be important stakeholders when it comes to protecting victims of domestic violence, especially in the context of timely recognition and reporting of violence, because given the nature of their work and their contacts with victims, workers from healthcare and education institutions have the opportunity to detect violence in situations when it is not visible to other services and when the victims themselves are often not yet aware of their situation.

When it comes to employees in healthcare institutions, they should take appropriate measures and procedures to determine the circumstances of how injuries occurred and who is the perpetrator when violence is determined to have taken place. They should also establish a relationship of trust with the victim, devote time and attention to her, listen to the victim, write down the victim's allegations in detail, inform the victim of her rights, encourage her to report the violence, and provide the victim with accommodation in the healthcare facility until the police arrive.

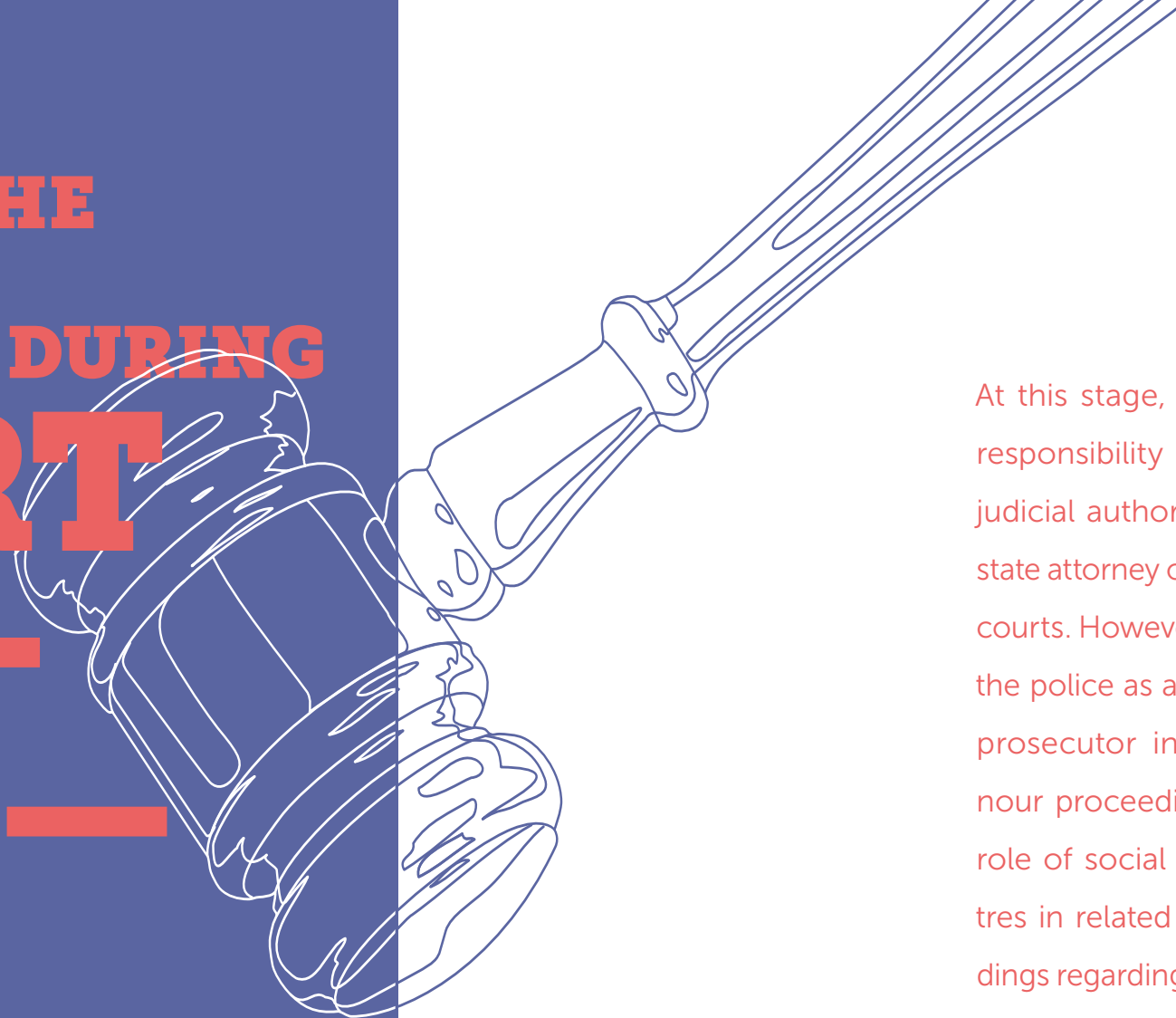
It is therefore clear that, in accordance with the Protocol on the Procedure in Cases of Domestic Violence, healthcare

workers have an obligation to report the violence to the police or the state attorney's office and the social welfare centre if they have information regarding the violence. Thus, healthcare professionals are required to report violence when they find out about it, so they must not give in to the victim's pleas or persuasions not to report the violence.

In cases where it is not possible to determine with certainty whether violence has taken place, which is often the case in practice because victims in many cases do not want to reveal how they sustained injuries or identify the perpetrator to healthcare workers, but often invent various excuses to avoid filing a report, healthcare professionals should try to adequately encourage the victim to share what happened and to report the violence. If the victim refuses to provide any information, experience has shown that the healthcare worker should nevertheless inform the victim of her rights and to make it clear to that she can report the violence after the fact and that she can always seek help from a healthcare institution.

When it comes to employees of educational institutions, in case of suspicion of violence they should act urgently in order to determine important facts and circumstances and immediately inform the social welfare centre and police and provide the victim with psychological help and support.

ACTIONS OF THE COMPETENT AUTHORITIES DURING COURT PRO— CEED— INGS



At this stage, the greatest responsibility lies with the judicial authorities, i.e. the state attorney office and the courts. However, the role of the police as an authorised prosecutor in misdemeanour proceedings and the role of social welfare centres in related civil proceedings regarding divorce and decisions on parental care, which are often conducted in parallel with criminal or misdemeanour proceedings, also proved to be important.

THE POLICE

After receiving the report, the important role of the police is manifested in their procedural position of the authorised prosecutor in misdemeanour proceedings for domestic violence.

Specifically, in a large number of cases, after the reported event, the police file an indictment with the competent misdemeanour court, i.e. they initiate misdemeanour proceedings against the perpetrator. It is therefore necessary for police officers to start avoiding negative practices where the role of the police ends with the formal filing of charges, after which the matter is left to the court and the victim, who is often forced to take on the role of prosecutor.

Therefore, it is necessary for the police as an authorised prosecutor to actively participate as misdemeanour proceedings continue by responding to court summons to hearings, proposing evidence and sanctions, participating in the questioning of defendants and possibly other witnesses, and to actively and effectively represent the prosecution during the hearings, as well as initiate legal remedies in the event of an unfavourable outcome of the proceedings.

THE COURTS AND THE STATE ATTORNEY'S OFFICE

In order to effectively prosecute the perpetrator and protect the victim, the court and the state attorney's office should take into account the causes and context of the violence during its prosecution. They must not deal with violence as an isolated event or "incident". The courts should consider the chronology of violence in each case when sentencing.

The policy of extremely mild punishments is one of the biggest problems of the entire system of protection of victims of domestic violence, as the punishments imposed in misdemeanour and criminal proceedings do not achieve the purpose of general and specific prevention of violence. This actually encourages continuous and repeated violence on part of the perpetrators who do not feel threatened due to this fact, while the deterrent effect is entirely absent.

When it comes to the actions of the courts themselves, major problems in misdemeanour proceedings have been noted in practice, which in many cases are reduced to proceedings conducted by following an established pattern, without determining the circumstances of each specific case as judges seek to end the proceedings as quickly as possible. This leads to the relativisation of domestic violence as a misdemeanour.

Misdemeanour proceedings often end with bringing the perpetrator before the misdemeanour judge, who then informally suggests to the perpetrator that it would be best for them to admit the misdemeanour, which will be taken as a mitigating circumstance when imposing a measure. The perpetrators usually do so. They are then fined or issued a suspended sentence in a majority of cases without any protective/security measures. Therefore, the perpetrators return to the household which they share with the victim on the same day. In such cases, victims do not even have the opportunity to be heard in court and to give their testimony, propose evidence, sanctions, etc. Instead, the court issues a conviction which implies a declarative finding of guilt without real effects in terms of punishing the perpetrator and preventing them from committing new criminal offences against the victim.

In misdemeanour proceedings, it was also noticed that judges often trivialise violence, persuade the defendant and the victim to reconcile, interpret violence as an isolated incident, and do not review the necessity of imposing psychosocial treatment measures on the perpetrator. The power to impose measures is usually reduced to imposing measures which prohibit the perpetrator from approaching the victim and remove the perpetrator from the shared household for a certain period of time without any resocialisation effect.

Also, due to the specificity of domestic violence as violence that most often takes place in the intimacy of the family home, there is often no personal evidence in the form of persons who could possibly testify about the violence, and the burden of proving violence is shifted to the victim and often depends on whether the courts find her statement to be authentic. In this context, the generally accepted practice of presenting evidence by confronting the victim and the perpetrator in misdemeanour proceedings should be noted. The victim is forced to directly confront the perpetrator, to look them in the eye, and consistently describe the perpetrator's actions without any professional assistance or support. Furthermore, the fact that courts base their subjective observations on the probative value of this confrontation is also inappropriate; again, no support is provided by professionals who could possibly assess the authenticity of the statements from the victim and perpetrator based on their behaviour. Thus, courts often conclude that the statement is not credible because the victim did not look the perpetrator in the eye. It was also noted that the courts consciously or unconsciously developed a stereotype of the victim who has to be frightened, crying, physically and mentally exhausted, so in some cases the victims were reproached for not showing fear, or for coming to court wearing make-up. Their credibility is

also often called into question if the violence is reported after a certain period of time has elapsed since the act, which almost automatically diminishes the credibility of the charge.

Also, due to the mentioned lack of evidence, acquittals often occur. And the only evidence which the victims can obtain, given that domestic violence manifests within the family where others cannot witness this violence, such as video and audio recordings, misdemeanour courts do not accept as valid evidence because it is regarded as illegal evidence obtained by unauthorised recording despite the legal exception which allows recording if it is done in the public interest, i.e. an interest that outweighs the interest of protecting the privacy of the person being recorded, which in this case would be the interest of the victims.

Another problem area is the fact that judicial authorities still do not distinguish violence from the victim's right to self-defence in a certain number of cases, i.e. they fail to identify the aggressor and the victim. Furthermore, they do not even consider these matters. Therefore, in cases with double charges, the victim and the perpetrator often receive almost identical punishments.

The negative practices described above have unfortunately become deeply ingrained, so they need to be urgent-

ly corrected as they greatly diminish the possibility of effective prosecution of domestic violence. This sends the wrong message to victims and the public, and the purpose of the misdemeanour system of protection of domestic violence victims is lost. This only serves to deter victims, not perpetrators.

In criminal proceedings, the state attorney's office and the courts should also take a clear zero tolerance attitude towards violence at the outset of the proceedings and use their powers of issuing precautionary measures, in particular investigative detention. Therefore, cooperation between the police, which is responsible for the implementation of precautionary measures, and the state attorney's office is necessary. The state attorney's office and the courts should act with great urgency if the police or the victim report that perpetrators have violated certain measures in order to urgently review the imposed measures and replace them with stricter measures, such as investigative detention. That is why it is important that the state attorney's office, as an authorised prosecutor, actively participates in court proceedings, obtains and proposes evidence and sanctions, participates in hearings, proposes extensions or replacements of precautionary measures in case of violation and thus encourages appropriate court proceedings.

The victim should be able to testify via video link during court proceedings as a rule so the victim does not come in the immediate vicinity of the perpetrator in the courtroom. This is necessary to avoid re-victimisation of the victim.

It is crucial, however, that courts change the established practice of imposing sanctions within or even below the legal minimum, and that they begin to impose the most severe sanctions on perpetrators in order to achieve the purpose of general and specific prevention of violence, encourage victims to report violence and to prevent the escalation of violence.

SOCIAL WELFARE CENTRE

Social welfare centres play an important role in civil proceedings related to divorce and decisions on parental care, which are often conducted at the same time as criminal or misdemeanour proceedings for violence. Their role includes processing parents and providing suggestions and opinions to the court on which parent the child should live with and determining the best interests of the child.

As part of these actions, it is necessary to avoid negative practices that consist of expressing views on the role of men and women in the family and eliminate negative practices that are often

present, which consist of the staff of social welfare centres insisting on strict separation of partnerships and parental relationships. Consequently, in cases where violence is committed against one of the parents, but not against underage children, social welfare centres do not take the violent behaviour into account as an important circumstance when assessing parental abilities with an explanation that it only concerns the relationship between the partners.

The victim should be clearly informed that she will not be punished nor in any way disadvantaged if, for the protection of the children, and without the consent of the abusive parent, she decides to leave the family home with underage children. The victim should be instructed on how she can formally regulate her parental status in such situations.

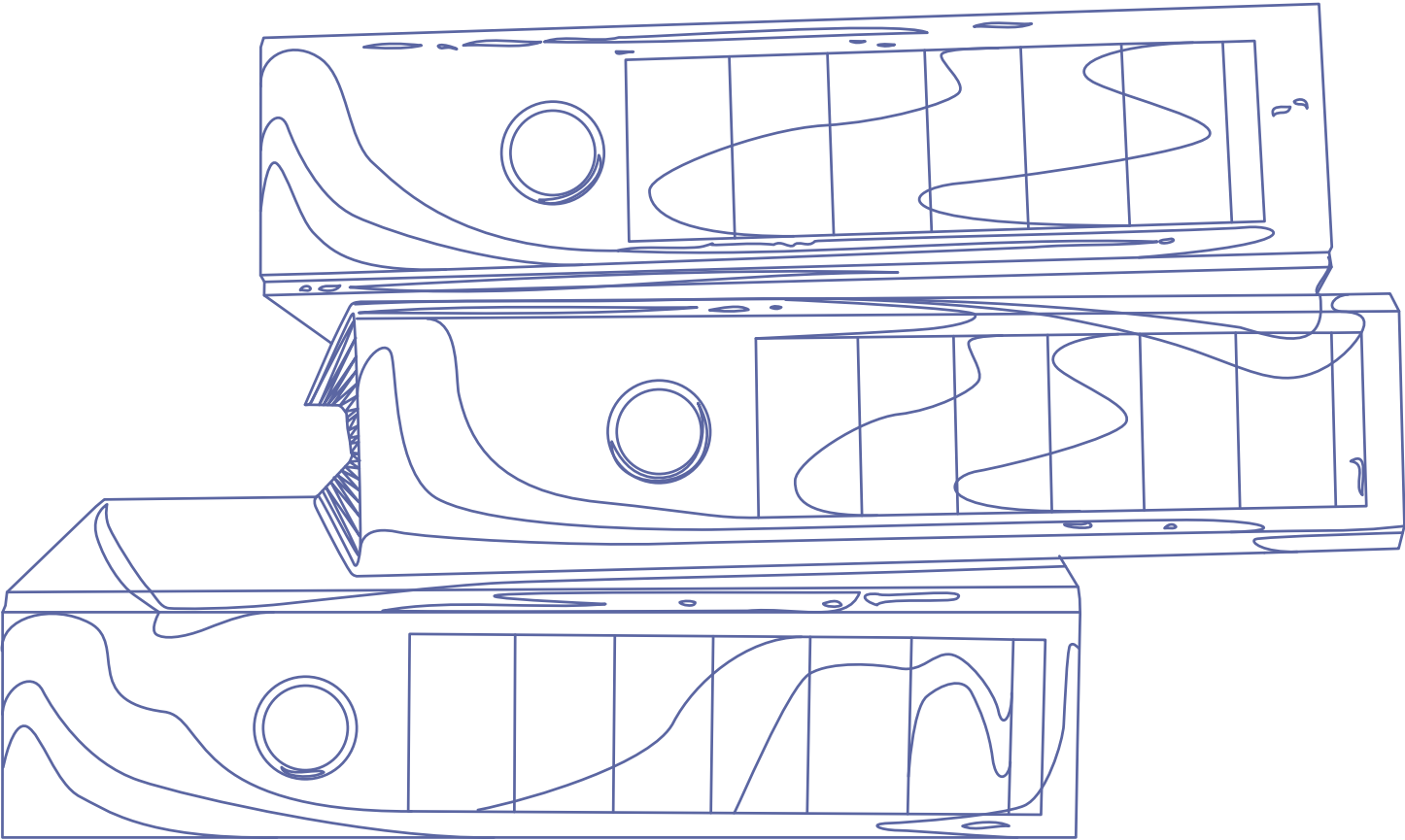
The presence of violence should also be considered in cases where the violence has not been formally prosecuted or proven for any reason, and especially in cases where the existence of violence is almost certain, even though the perpetrator has not yet been convicted. For instance, in situations where misdemeanour or criminal proceedings are still pending.

Therefore, the staff of social welfare centres should primarily focus on protecting the interests of underage children and the protection of the victim.

They should not be guided by the presumption of innocence of the perpetrator and ignore allegations of violence only because it was not formally proven at that time, which is an undesirable practice of some social welfare centres pointed out by the victims recently.

The staff should refrain from consciously or unconsciously forcing the victim to allow the violent parent to meet and spend time with underage children at all costs. Instead, social welfare centres should propose constructive solutions regarding mediation and ensuring a safe environment within the centre itself for such meetings if they are deemed necessary until the matter is regulated by a court decision.

The victim should not be pressured to reach an agreement on parental care, i.e. the victim should not be informed directly or indirectly that she must cooperate with the abusive parent and that any other treatment will adversely affect the victim in the further course of the proceedings. During the proceedings, the staff should refrain from any form of belittling the victims of violence or downplaying the seriousness of the violence suffered, insinuating with inappropriate comments that the claims are exaggerated, discouraging or deterring of the victim from reporting violence.



ACTIONS OF THE COMPETENT AUTHO— RITIES AFTER THE COURT PROCE— EDINGS ARE CON— CLUDED

THE POLICE

After the court proceedings are concluded in cases where security or protective measures have been imposed on the perpetrator, the police again take on an important role as they have to check whether the perpetrator is complying with the measures. In this context, the police should focus on investigating the actions of the perpetrator, without unnecessary and frequent contact with the victim and harassment of the victim. Also, victims should be informed on how the measures are controlled, so they should be provided with the contact information of a police officer who will be familiar with the specific case and who the victims can contact directly in case of a violation of measures. This seems particularly appropriate if the perpetrator violates the measure of prohibition from approaching the victim, so the victim can contact a police officer in a timely manner.

The victim should also be informed about the possible conditional or unconditional release of the perpetrator from serving a prison sentence, their escape and about the measures taken to protect the victim.

SOCIAL WELFARE CENTRE

After the court proceedings are concluded, regardless of their outcome, victims should be provided with appro-

priate psychological or psychiatric assistance, existential support, or some other type of assistance, depending on the individual needs of each victim, within the framework of the social welfare system.

In addition, appropriate programs for the rehabilitation of perpetrators should be developed and implemented in order to reintegrate them into society and eliminate violent behaviour in the future.

Also, after the completion of misdemeanour, criminal and civil proceedings, social welfare centres should regularly continue to monitor the family situation and remain in contact with the victim so a timely response and intervention can be ensured in case of suspected recurrence of violence, that is, to prevent it in cases related to domestic violence.

EDUCATIONAL INSTITUTIONS

Given that this is the environment in which the victim will still reside after the end of the court proceedings, how the victim functions and behaves in the educational process should be discreetly monitored out of respect for her privacy and so stigmatisation of the victim can be avoided. The victim should also be provided with continuous psychological assistance and support, and her further educational process should be adapted to her needs.

CIVIL SOCIETY ORGANISATIONS—

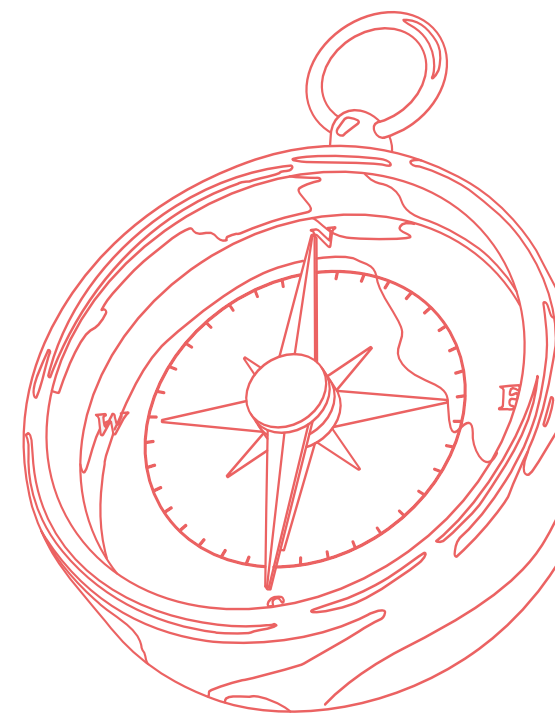
In addition to all the mentioned stakeholders within the system of protection of victims of domestic violence, special attention should be paid to civil society organisations that play an important role in all these phases because they provide support to victims before any violence is reported, during court proceedings, and after they are concluded.

For many years, civil society organisations have been uncompromisingly working on the prevention and suppression of domestic violence and effective legal prosecution and sanctioning of domestic violence, but on the appropriate solution of this problem in society as well. In doing so, they devise specific mechanisms and ways to help victims in each individual case, most often by providing legal and psychological assistance to victims, and providing accommodation and other services tailored to the individual needs of each victim.

Thus, civil society organisations have become an unavoidable actor and fundamental determinant of the system of protection of victims of domestic violence established at the national level. The functioning of the system would not be possible without civil society organisations that are still an active factor in this area and who continually contribute to improving the safety of victims, promoting their rights and adopting pos-

itive practices in dealing with cases of domestic violence at all levels.

Today, a wide network of civil society organisations that seek to protect victims of violence exists in the Republic of Croatia. Therefore, the mentioned bodies directly or indirectly involved in the system of protection of victims of violence should adopt the practice of informing victims about civil society organisations that provide services to victims of violence (which some of them already do).



THE MOST IMPORTANT QUESTIONS ABOUT PARENTAL CARE

A SHORT GUIDE—

Basic legal information
on how parental care
and support of underage
children is regulated

A. MANDATORY COUNSELLING PROCEDURE AT THE SOCIAL WELFARE CENTRE

- Before initiating court proceedings for divorce/regulating parental care at the social welfare centre, it is necessary to go through a mandatory counselling procedure aimed at determining whether a possibility of reaching an agreement between parents on parental care exists by concluding a Joint Parental Care Plan at the social welfare centre.
- After the completion of the compulsory counselling procedure at the social welfare centre, the centre issues a report to the parties on the mandatory counselling procedure, the content of which depends on whether the parties have reached an agreement on the Joint Parental Care Plan.
- If an agreement on the Joint Parental Care Plan is reached, it is necessary to submit a joint proposal to the municipal (civil) court to approve the Joint Parental Care Plan, which should be accompanied by the signed Plan in at least five copies and a report on the mandatory counselling procedure.
- After receiving the proposal, the court determines the hearing date and makes a decision on approving

the Joint Parental Care Plan, which then receives the legal force of a final, effective and enforceable court decision.

- If an agreement on the Joint Parental Care Plan cannot be reached, it is necessary to initiate court proceedings in order to make a decision on parental care and support for underage children.

B. COURT PROCEEDINGS FOR THE ADOPTION OF AN INTER- IM MEASURE ON PARENTAL CARE AND SUPPORT

- At any time, even before the initiation of mandatory counselling in the social welfare centre, a court procedure may be initiated for the purpose of adopting a temporary measure on the manner of performing parental care for an underage child.
- This procedure is initiated by submitting a proposal to the municipal (civil) court.
- The proposal should clearly and concisely describe the family circumstances and the reasons for which the adoption of an interim measure is requested, and make a proposal on the manner of performing parental care.

- During the proceedings, the court submits the proposal to the opposing party, obtains the proposal and opinion of the social welfare centre, and holds a hearing for the parties.
- A special guardian for the child is appointed in the proceedings.
- These proceedings are an urgent extra-contentious procedure.
- A decision regarding the proposal has to be made within 30 days, and this deadline may be exceeded only for justified reasons.

C. COURT PROCEEDINGS FOR THE ADOPTION OF A FINAL MEASURE ON PARENTAL CARE AND SUPPORT

- The final decision on the manner of performing parental care is made by the municipal (civil) court.
- Judicial proceedings for making a final decision on parental care may be initiated within six months from the issuance of a report on the mandatory counselling procedure conducted at the social welfare centre.
- The procedure is initiated by filing a claim with the municipal court, which must be accompanied by a

report on the completed mandatory counselling procedure.

- The lawsuit should clearly and concisely describe the specific family circumstances and propose the manner of performing parental care.
- After it is filed, the claim is delivered to the other party for response. The court then sets a date and begins the hearing process. During the proceedings, the court obtains the proposal and opinion of the social welfare centre, which processes the parents, presents other evidence and holds a hearing for the parties.
- A special guardian for the child is appointed in the proceedings. The guardian's role is to represent the child's rights and interests. Depending on the child's age, the guardian should talk to the child and submit their opinion to the court.

D. CHILD SUPPORT

- The parent who does not live with the child has to pay child support.
- The minimum amounts of child support are prescribed by the decision on the minimum amounts of money required for the monthly support of a child, which is issued every year by the ministry responsible for social welfare.

- The amount of support depends on the resources available to the person who is under the obligation to pay support and the needs of the underage child as a dependent.
- The parent who does not live with the child cannot be released from the obligation to pay support, and the parent who lives with the child cannot waive the right to receive the support.
- The parent who does not live with the child has to pay child support from the moment they stop living with the child.
- Support for an underaged child is always paid with money. The obligation can be fulfilled in a different way only in the case of an explicit agreement of both parents.
- Support is due on the last day of the month for the current month. If the child support obligation is not settled in time, the person liable to pay the support is also obliged to pay the statutory default interest that applies on each individual amount from maturity to payment.
- The decision on child support is an integral part of the final court decision on the manner of performing parental care.
- Child support can also be requested as a temporary measure by submitting a proposal to the municipal (civil) court.
- During the proceedings, the court obtains data on the income and financial situation of the parent who does not live with the child, while the parent who lives with the child must prove the regular monthly needs of the child.
- As a rule, the financial standing and resources of the parent living with the child are not important when deciding on the amount of child support and they are usually not discussed in court because according to the law, the daily intangible care provided to the child by the parent with whom the child lives is equal to the material care the parent who does not live with the child is obliged to provide.
- Child support can be collected by force based on a temporary measure or a final, effective and enforceable court decision on parental care and support by submitting a request to the financial agency (FINA) for direct payment from the accounts of the parent liable for child support, or by initiating distraint proceedings in court for other property of the parent who is obliged to pay child support.

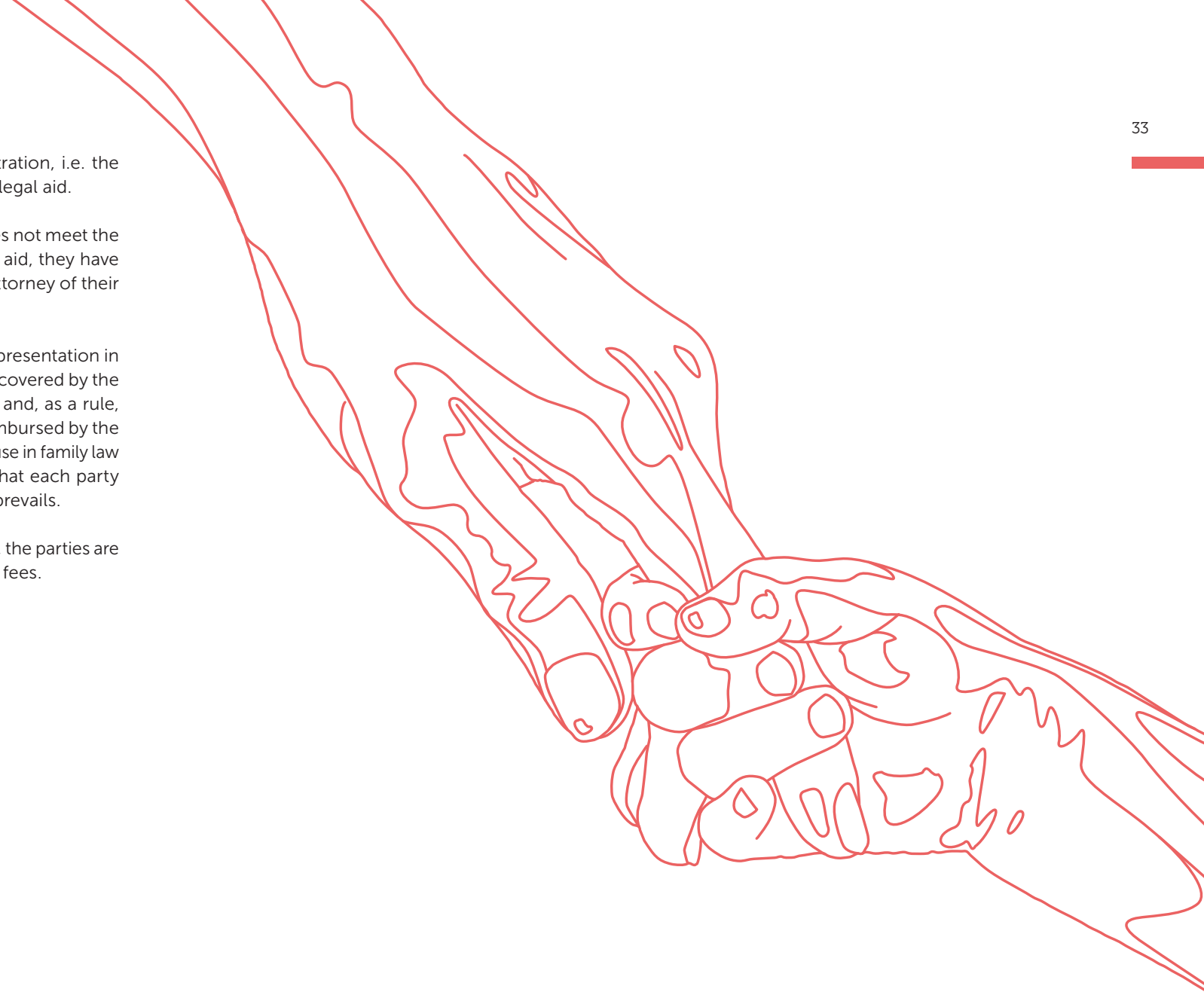
- If the forced payment cannot be completed, the parent who lives with the child has the right to claim child support from the grandparents on the side of the parent who is obliged to pay child support, or to submit a request to the relevant social welfare centre to obtain temporary support paid by the state.
- Non-payment of support is a criminal offence and it is possible to file a criminal complaint with the police or the municipal state attorney's office if an interim measure or a final court decision imposing an obligation of support on the parent who fails to fulfil the obligation exists.

E. FREE LEGAL AID AND COSTS OF PROCEEDINGS

- A party in the dispute may initiate these proceedings on their own or with the assistance of an attorney.
- The parties are entitled to free legal aid in proceedings for divorce and decision-making on parental care and support in the form of free representation if they meet the prescribed social criteria based on financial standing.
- The application for free legal aid is submitted to the relevant city office

for general administration, i.e. the department for free legal aid.

- In case the party does not meet the criteria for free legal aid, they have the right to hire an attorney of their own choice.
- The costs of legal representation in the proceedings are covered by the party independently and, as a rule, the costs are not reimbursed by the opposing party because in family law cases the principle that each party bears its own costs prevails.
- In court proceedings, the parties are obliged to pay court fees.



B.a.B.e..
Be active. Be emancipated.
01 4663 666
SOS line 0800 200 144

B.a.B.e.
Safe House Vukovar-Srijem County
098 9824 641

**National Call Center for victims
of crime and misdemeanors**
116 006



This handbook is funded by the European Union's Rights, Equality and Citizenship Program (2014-2020). The contents of this publication are the sole responsibility of B.a.B.e. Be active. Be emancipated. and do not necessarily reflect the opinion of the European Union.



This handbook was created with the financial support of the Office for Cooperation with NGOs of the Government of the Republic of Croatia. The contents of this publication are the sole responsibility of B.a.B.e. Be active. Be emancipated. and do not necessarily reflect the opinion of the Office for Cooperation with NGOs of the Government of the Republic of Croatia.



This handbook was created with the financial support of the City of Zagreb. The contents of this publication are the sole responsibility of B.a.B.e. Be active. Be emancipated. and do not necessarily reflect the opinion of the City of Zagreb.

BaBe!

B.a.B.e. Be active. Be emancipated.
Selska cesta 112a, 10 000 Zagreb
T 01 4663 666
T 0800 200 144
W www.babe.hr
E babe@babe.hr



Institut za istraživanje
pola i roditelj

