

SEXUAL VIOLENCE IN CROATIA 2000 - 2010

Editor
Maja Mamula



women's room

Zagreb, 2011

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FOREWORD

This report is the result of the Women's Room's efforts to systematize the greatest possible amount of relevant information on sexual violence in Croatia for the period from 2000 and 2010.

It analyses the data on sexual violence reported to the police, basic information on victims and perpetrators of sexual violence, published professional literature and research conducted in Croatia. We also mention positive changes that took place in this period and at the same time draw attention to necessary measures, which are yet to be introduced in order to suppress sexual violence and provide necessary assistance and support to the victims.

We would like to thank the Ministry of the Internal Affairs, the Secretariat of the Ministry and the Analytics Service for their help and readiness to provide us with all requested data. Without their openness and readiness for cooperation, this report would not have been possible.

We would also like to thank the Embassy of Switzerland in Croatia and Global Fund for Women for their support in development and publishing of this report.

Editor
Maja Mamula

1. DEFINITION, FORMS AND CONSEQUENCES OF SEXUAL VIOLENCE

Sexual violence is an extremely important social problem. It is one of the most severe forms of crime that violates basic human rights. It is present in all countries around the world and is characterized by silence and a low number of reported cases, which is the consequence of accusation of victims. Sexual violence is one of the worst forms of discrimination against women and a powerful tool for the oppression of women that upholds inequality of sexes and consequently prevents the development of society (Radačić, 2007).

World Health Organization defines it as »any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances directed against a person or person's sexuality by any person regardless of their relationship to the victim or setting they are in. It includes the use of force, threat or blackmail threatening for well-being and/ or life of the person or persons close to them« (WHO, 2002). It is committed against the will of the other person, either because the victim did not consent to it or the perpetrator could not/ was not able to get it because the victim is a child or a helpless person. By any standard, one must always have in mind that sexual violence is VIOLENCE and not a sexual act.

Research about its prevalence and consequences does not exist in a lot of countries precisely because of its specific qualities and a number of differences in comparison to other crimes (Kelly, 2001). First and foremost, it is violence that does not involve only physical assault, but also violation of personal intimate and psychological boundaries. It is surrounded by numerous myths and stereotypes whose aim is to present it less seriously, accuse victims, find mitigating circumstances for perpetrators and at the heart of all of them is deeply rooted gender inequality. Sexual violence brings with itself a large number of additional, most often negative connotations, primarily the ones which discredit and accuse victims for the experienced violence. It is also one of prevailing forms of gender-based violence, or forms of violence where, in majority of cases, women are victims and men perpetrators. Sexual violence is characterized by the highest proportion of hidden numbers, or by the fact that according to most of research done in Croatia and around the world for each reported case of rape there are 15 to 20 unreported ones. In most cases of sexual violence the perpetrator is someone the victim knows and trusts.

There are numerous forms of sexual violence, the most recognized ones being sexual abuse and harassment, rape in marriage or relationships, rape committed by an unknown

person, systematic rape in war conflicts, sexual abuse of persons with special needs, sexual abuse of children, forced prostitution and trafficking in women and children for the purpose of sexual exploitation.

One of the questions associated with sexual violence pertains to its causes. Amnesty International (2005) reports it is rooted in the culture of discrimination that denies women equal rights with men and therefore legitimizes and sexualizes violent appropriation of women's bodies for individual gratification as well as political ends. It is precisely cultural norms present in most societies, according to which men are dominant power holders and women subordinate to them, which are the basis that makes women more vulnerable to sexual violence. Moreover, discrimination and sexist practices are not only visible in the perpetrators of violence, but in the work of relevant institutions that report and process it.

Sexual violence is one of the least reported crimes precisely because of its legacy of shame. Data on its prevalence come mainly from three sources: cases reported to the police, cases registered through various research and available data of specialized organizations – services that provide assistance and support for the victims of sexual violence. There are systematic discrepancies between these three sources which are the result of a number of reasons, including the differences related to definition of what sexual violence entails. However, data obtained from research and direct work with victims indicate that it occurs more frequently than assumed and than can be deduced from the number of reported cases. Approximately every fourth woman experiences sexual violence by her partner in her lifetime and one third of girls are forced into their first sexual intercourse (WHO, 2002). Every year, hundreds of thousands of women are forced into prostitution, thousands of girls undergo genital mutilation and countless women and girls that live in the war-ravaged countries are brutally raped, sexually abused, some even killed (Amnesty International, 2005).

A perpetrator of sexual violence can be anybody – present or former partner, family member, a person the victim trusts or is in the position of power in regard to the victim, friend, acquaintance or unknown person. Unfortunately, perpetrators are seldom punished for committed violence, partly because a small percentage of victims decide to report sexual violence, partly because the process of reporting and processing of violence systematically aggravates the position of victim, accusing her, not believing her/ him or labeling her/ him, which in some cases, especially in some cultures, has as a consequence of rejection of victim by her/ his family and larger society.

Consequences of sexual violence are numerous and in many cases long-lasting. They include **physical** consequences related to physical injuries, injuries of reproductive organs, damaged reproductive health and possibility of contraction of sexually transmitted diseases, including HIV and unwanted pregnancy. Frequent **social** consequences are stigmatization, labeling and rejection of the victim. **Psychological** consequences include damaged mental and sexual health, lower self-confidence and self-esteem and traumatic reactions and disorders. According to the statistics of the World Health Organization (2002) the probability of the onset of post-traumatic stress disorder is the highest in the case of rape – 49%. Furthermore, one cannot disregard the possibility of the death of victim, whether as the consequence of injuries suffered during rape, infection with HIV, murder by perpetrator or close persons (the so-called murders of honor).

The factors that increase probability of someone committing sexual violence can be divided in three categories. **Personal** factors include sex, drug abuse, negative and hostile attitudes toward women, violent sexual fantasies, beliefs that support sexual violence, impulsive and anti-social characteristics. **Family** factors include patriarchal upbringing with clear gender division and rigid gender roles, presence of various forms of domestic violence, absence of support and warmth. **Social** factors include social norms which uphold gender inequality and violence against women as well as male dominance over women, then poverty, crisis situations (primarily war), inadequate system of reporting and sanctioning violence, high level of violence in society and absence of clear policies and procedures in sanctioning sexual violence and providing assistance to victims.

2. PREVALENCE OF SEXUAL VIOLENCE

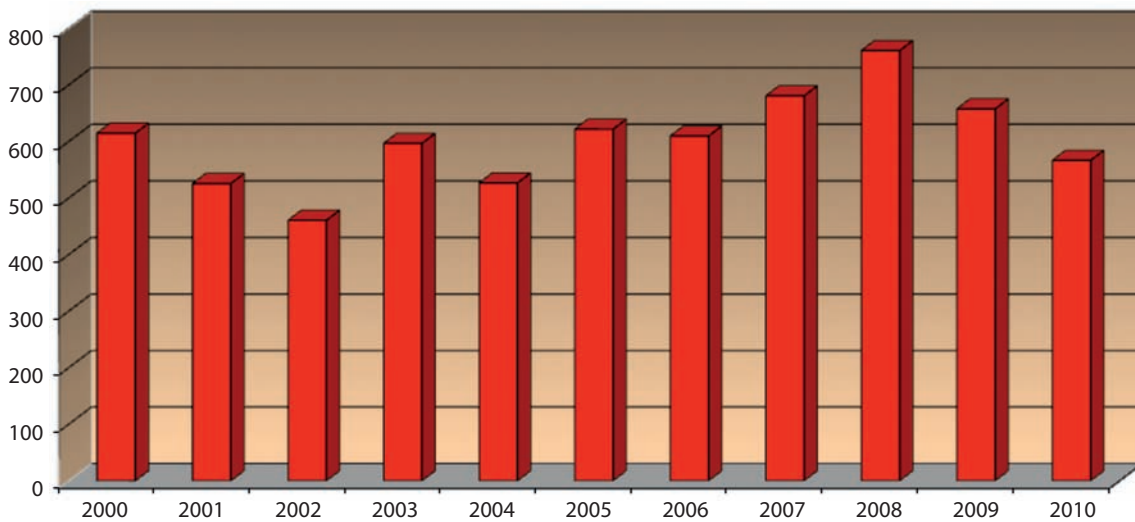
Sexual violence is one of the least reported crimes with the highest proportion of hidden numbers. Literature introduces the concept of »pyramid« or »iceberg« according to which the very top of the pyramid represents the cases reported to the police and present in official statistics. The middle part represents forms of violence revealed in research while the pyramid base represents the cases that have never been reported, such as forced marital sex, sexual exploitation as result of vulnerability, unwanted sex after long persuasion, pressures and threats (Jewkes and Abrahams, 2002).

2.1. FIGURES OF THE MINISTRY OF THE INTERNAL AFFAIRS OF THE REPUBLIC OF CROATIA

As already mentioned, the number of cases reported to the police makes only the tip of »iceberg« and can be treated as trend indicator according to a large body of research done in Croatia and around the world, as well as from data obtained from direct work with victims (Lievore, 2003; Kelly and Regan, 2003; Mamula and Komarić, 2005; Mamula, 2008). Due to existing myths of sexual violence examples of false reports are constantly mentioned but the fact is that the majority of victims do not talk about their experience, not even to persons who are close to them, much less decide to report it. The number of cases reported to the police depends on a large number of factors: the methods used when taking statements, success and probability for further proceedings but also on deeply rooted attitudes on sexual violence that exist in society and have direct and indirect influence on the way victims think and at the same time the way the police react (Mamula, 2009). Furthermore, police statistics do not contain all relevant information about the act, such as relationship between victim and perpetrator, use of weapons etc. However, it cannot be denied that the police is the only institution in Croatia that regularly provide data on sexual violence, which is not the case with other institutions, for example General Attorney's Office, district attorney's offices and courts.

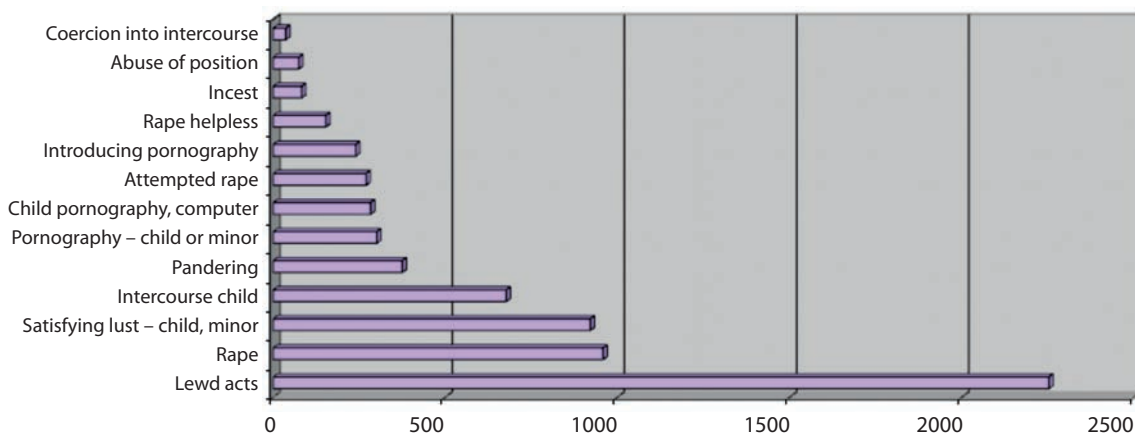
Number of reported offences against freedom and morality 2000 – 2010

According to the official figures of the Ministry of Internal Affairs, it has been noticed that over the years there has not been either significant increase or decrease in the number of reported criminal offences against sexual freedom and morality (Croatian Criminal Code, Chapter 14). The numbers vary from 461 to 761 reported cases (Picture 1).



Picture 1. Number of reported criminal offences against sexual freedom and morality in Croatia from 2000 to 2010

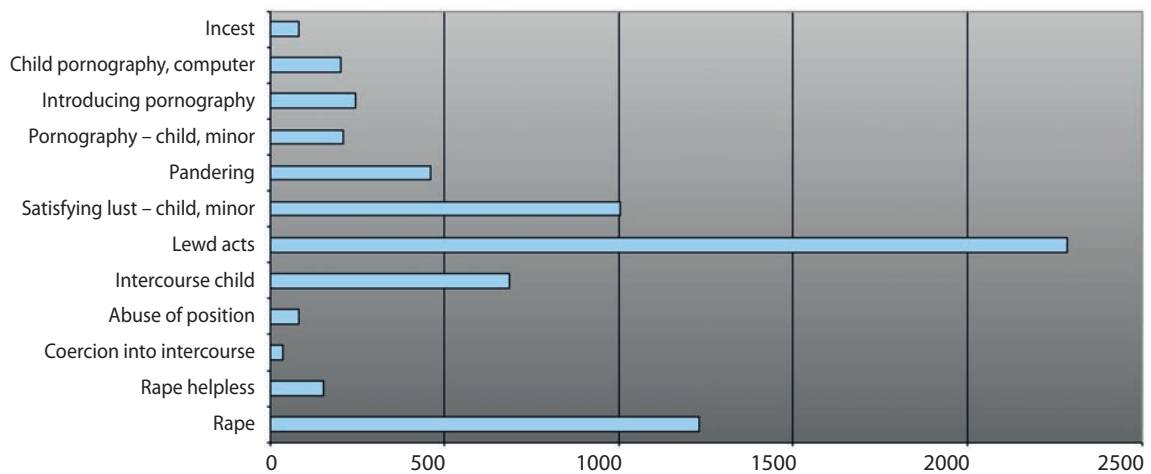
In the period from 2000 – 2010 there was a total of 6,625 reported criminal offences related to sexual violence, the most frequent being sexual assault 34% (2,252 criminal offences), rape 15% (958), satisfying lust in front of child or minor 14% (921), sexual activity with child 10% (677). Other criminal offences are present with less than 10% (Picture 2).



Picture 2. Frequency of criminal offences against sexual freedom and morality

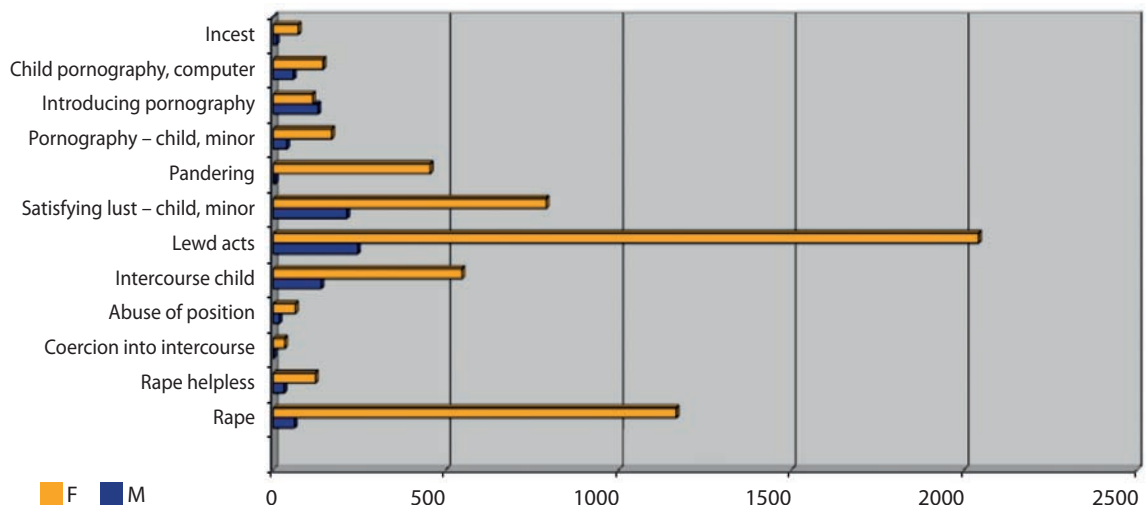
Victims of criminal offences against sexual freedom and morality 2000 – 2010

In the period between 2000 and 2010 there was a total of 6,685 victims, the largest number being victims of criminal offence of lewd conduct (34%), rape (18%), satisfying lust in front of child or minor (15%) and sexual intercourse with child (10%). Other criminal offences are represented with less than 10% (Picture 3).



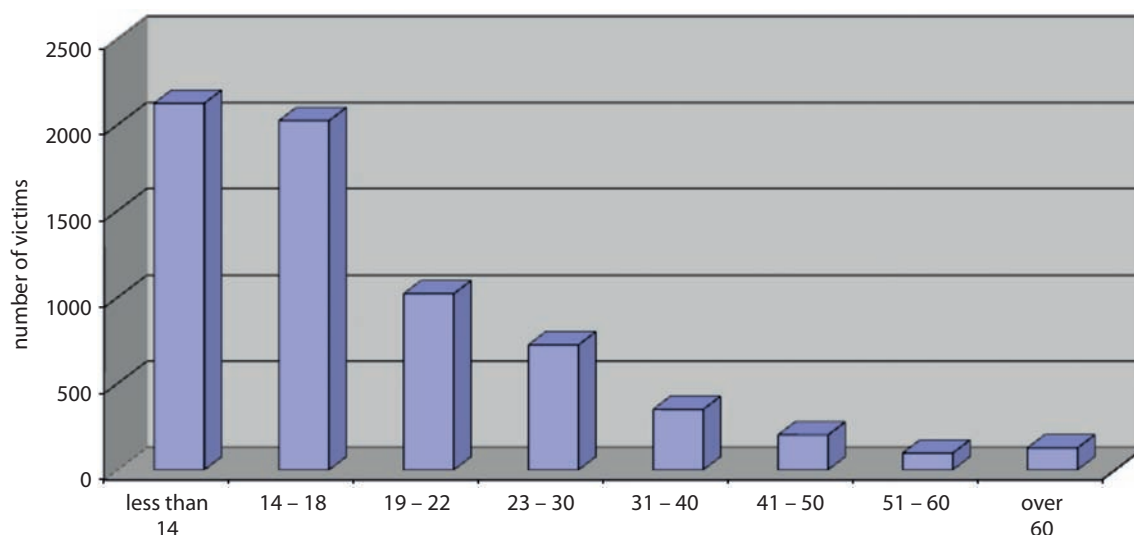
Picture 3. Number of criminal offences against sexual freedom and morality

Regarding the **sex** of victims of sexual violence they were mostly women (86%) (Picture 4). The proportion of the number of women victims varies in regard to criminal offence, from 99% for pandering, 95% for rape, 94% for coercion to sexual activity to 71% for child pornography on computer system or network. The only exception is introducing pornography to children where boys represent the majority of victims (53%).



Picture 4. Sex of victims of criminal offences against sexual freedom and morality

Regarding the **age** of victims the most frequent victims are children (32%), then minors 14 – 18 years of age (30%), younger adults between the age of 19 and 22 (15%) and persons between the age of 23 and 30 (11%). Persons above the age of 30 are victims in 12% of cases (Picture 5).

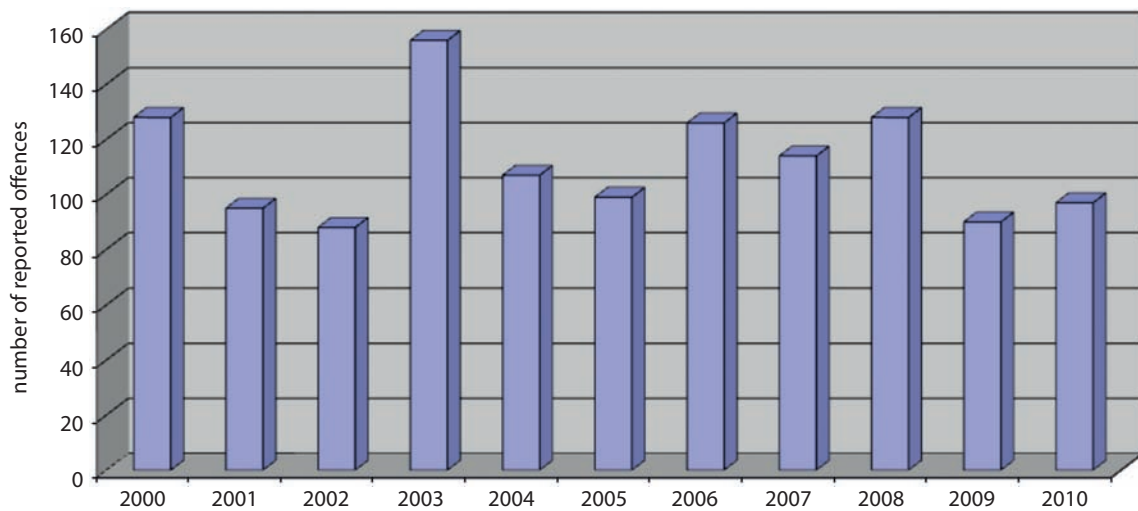


Picture 5. Age of victims of criminal offences against sexual freedom and morality

The age of victims is related to the form of experienced violence and the grouping of criminal offences according to the age of the victim is therefore clearly noticeable. Consequently, children are the most frequent victims of lewd conduct (38%), satisfying lust in front of child (28%) and sexual activity with child (16%). Minors are the most frequent victims of lewd conduct (35%), satisfying lust in front of child or minor (16%), sexual activity with child (14%) and rape (13%). Young adults aged 19 – 22 are most frequently victims of rape (34%) and pandering (12%). Persons aged 23 – 30 are most often victims of rape (28%), lewd conduct (29%) and pandering (25%). Persons aged 31 – 40 are most often victims of rape (41%), lewd conduct (29%) and pandering (22%). Persons above the age of 40 are most often victims of rape and lewd conduct.

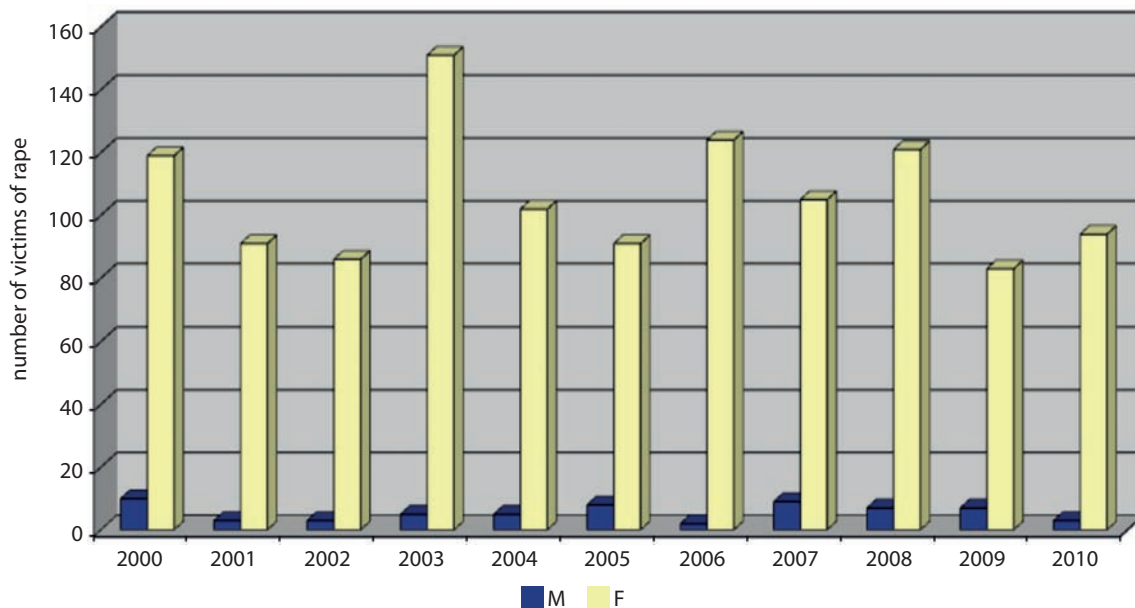
Data for the criminal offence of rape between 2000 – 2010

Between 2000 – 2010 there were 1,228 reported criminal offences of rape, 958 committed and 270 attempted. On average there are 90 to 150 reported criminal offences of rape a year. As with the data about all criminal offences against sexual freedom and morality, no trend of increase or decrease in the number of reported cases has been registered (picture 6).



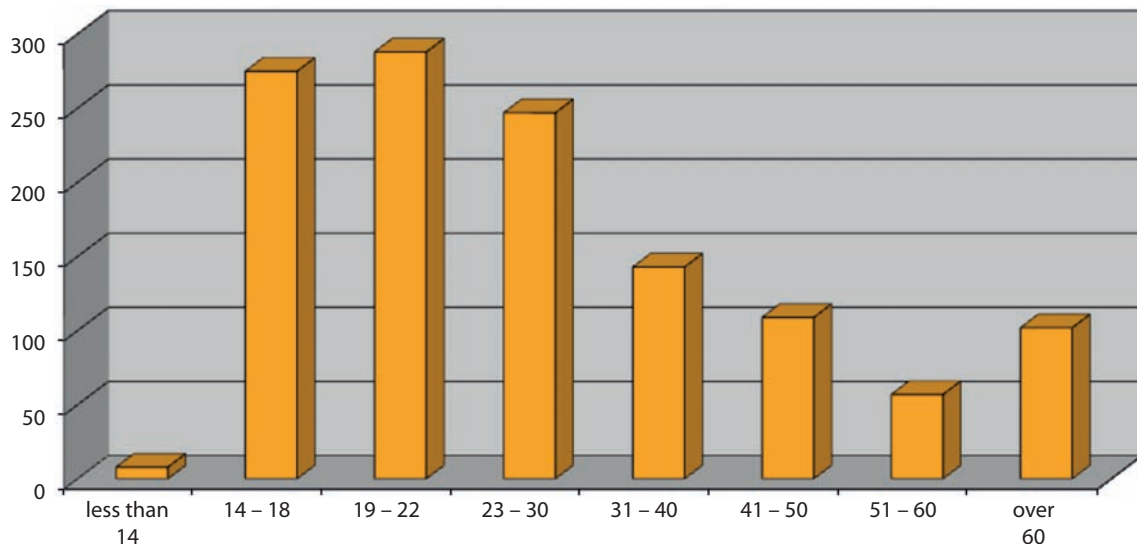
Picture 6. Number of reported criminal offences of rape in Croatia from 2000 – 2010

It is noticeable that in regards to **sex of the victims of rape**, most often victims are women, between 92% and 98%, depending on the year (Picture 7).



Picture 7. Sex of victims of rape in Croatia in the period 2000 – 2010

In regards to the **age of rape victims** they are most frequently young adults aged 19 to 30 (43%) and minors (22%) (Picture 8).



Picture 8. Age of rape victims in Croatia between 2000 – 2010

Perpetrators are usually aged 19 to 29 (35%), 30 to 39 (25%) and 40 to 49 (20%).

Reasons why sexual violence is not reported

The question pertaining to why only a minimal number of victims report sexual violence leads to numerous debates and research into the reasons of non reporting. Part of the reason is determined by broader social context contaminated with typical myths and prejudices related to sexual violence. Some of the reasons are closely related to the work of institutions, while the others are exclusively of personal nature, related to the victim (Mamula, 2005). A small number of reported cases of sexual violence is the result of victims' fear of perpetrators, re-victimization by the relevant institutions, including judiciary, fear they will not be believed and that they will be accused for violence, but also because of the feelings of guilt and responsibility and because they often do not define their experience as rape/ sexual violence.

Already mentioned fear of responsible institutions is often present and shown to be partly justified. In her research with the students of Higher Police School Ljubin (2004) showed that male students significantly more often accuse victims than female students. While on the subject of believing victims, there were no differences based on sex as both male and female students did not believe victims. Results of the research carried out by B.a.B.e. (2007) indicate that police employees with secondary education and without additional education for work with victims display the most negative attitudes to rape victims. The most positive attitudes to rape victims are shown by the employees with college or university education who attended additional education on some form of gender-based violence.

The small number of cases of sexual violence reported to the police affects the work of judicial and penal system in case processing, sentencing and penalizing perpetrators, as well as insufficient number of services that provide assistance to victims of sexual violence and therapy programmes for perpetrators. Moreover, the small number of reported cases of sexual violence creates the false impression that sexual violence is exceptionally rare and therefore does not need to be in the focus of social interest (Mamula, 2006).

2.2. RESEARCH RESULTS

According to the available data between 2000 and 2010, more than 60 books, brochures and research results were published in Croatia, which are a significant increase compared to the previous period. However, it is still apparent that research about prevalence of sexual violence is not very common. In tables 1 and 2 the overview of some research about the prevalence of sexual harassment and sexual abuse/ rape is presented.

Sexual harassment

Of the 8 mentioned studies, it is visible that 40 to 55% of women experienced unwanted sexual remarks, 18 to 51% experienced unwanted touching and 6% experienced blackmail (Table 1). Data vary in regards to population.

Table 1. Data from the studies about prevalence of sexual harassment in Croatia

Research	Population	Data
Sexual harassment and abuse at the Faculty of Humanities and Social Sciences, University of Zagreb. Roemer, Z. J., Tadinac Babić, M. and Štulhofer, A. (2002)	employees of the Faculty of Humanities and Social Sciences, University of Zagreb	40% of women experienced jokes that show women exclusively as sexual objects 18% women experienced unwanted touching 12% women experienced open sexual offers to some female colleagues 5% women experienced at least once conditioning of keeping job or promotion in exchange for sexual favours
No means no – study on sexual harassment at Croatian universities and examples of prevention of the problem from European and American universities. Leinert-Novosel, S. and Štingl, A. (2001). Democratic Youth Initiative	female students	6% female students experienced more severe forms of sexual harassment (e.g. threat regarding grade) and 35% less severe forms
Status of Women's Sexual Rights in Croatia. Mamula, M. (2006). Women's Room – Center for Sexual Rights	adult women	55% women experienced unwanted sexual remarks and advances 43% women experienced unwanted and coerced touching
Protection of Students from Unwanted Behaviours at the University (2006). Ombudswoman for Gender Equality and Center for Women's Studies	female and male students	38% female and male students witnessed unwanted behavior, harassment and abuse based on their sex 26% were exposed to unwanted behaviour, harassment and abuse based on their sex by their colleagues, teachers and other University employees

Research	Population	Data
Protection of Women from Unwanted behavior at the Workplace (2006). Ombudswoman for Gender Equality and Women's Section of the Union Of Autonomous Trade Unions (SSSH)	adult women	37% women witnessed some forms of sexual harassment in the workplace 38% women experienced sexual harassment in the workplace
Gender-based Violence in the Adolescent Relationships. Hodžić, A. (2007). CESI	adolescents	7% adolescents (8% girls and 4% boys) experienced persuasion by their partner into sexual activity they were not prepared for 4% adolescents (3% girls and 5% boys) experienced blackmail that the relationship is over if they do not agree to sexual intercourse
Gender Prism of Sexual Rights Among Youth. Mamula, M. and Dijanić Plašč, I. (2007). Women's Room – Center for Sexual Rights	students	40% students experienced unwanted sexual remarks and advances 40% female students and 14% male students experienced such behaviour more than once 26% students experienced unwanted touching
Protection of Rights and Providing Support to the Victims / Witnesses of Domestic Violence. Mamula, M., Dijanić Plašč, I., Ručević, S., Ergović Kuzmanović, A. and Vukmanić, M. (2010). Office for Gender Equality of the Government of the Republic of Croatia and Women's Room	victims who reported domestic violence	52.4% women experienced unwanted sexual remarks, 47.7% of which more than once 50.7% experienced unwanted or coerced touching

Sexual abuse/ rape

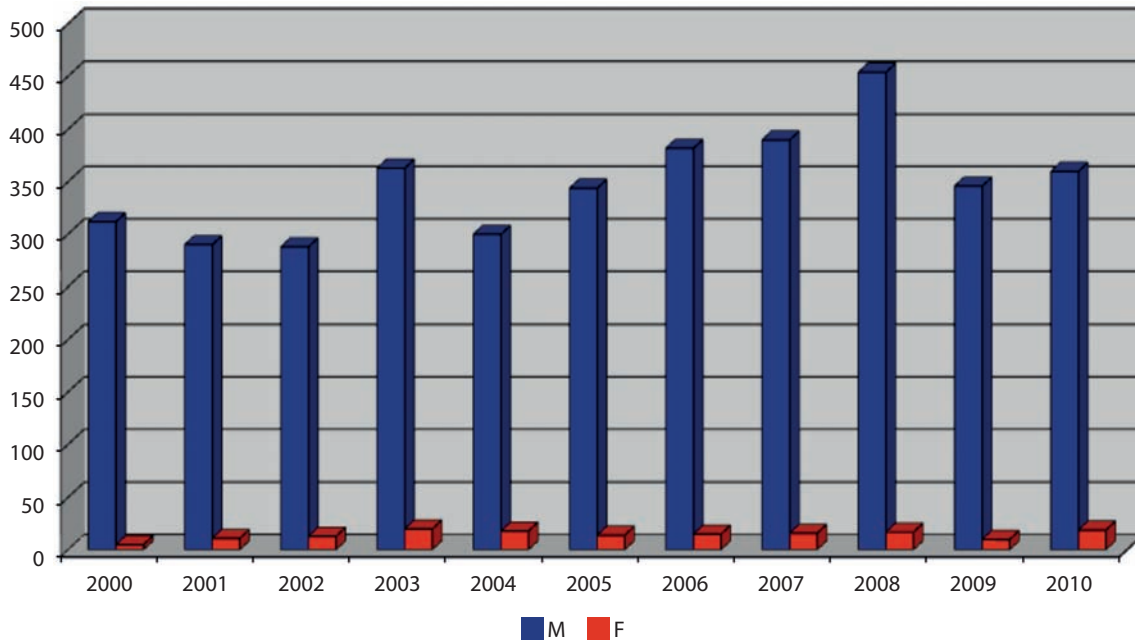
From the available data of the above mentioned studies it is evident that almost 14% of adolescents experienced sexual violence in childhood that around 5% of adolescents (of both sexes) experienced sexual victimization (rape/ attempted rape). In women population in Croatia 17% experienced rape and/ or attempted rape, while in the cases of domestic violence that number increases to almost 50% (Table 2). It is noticeable that no research was conducted on the prevalence of sexual violence towards male adults.

Table 2. Research data on prevalence of more severe forms of sexual violence in Croatia

Research	Population	Data
Longitudinal Monitoring of Adolescent's Sexual Knowledge, Sexual Behaviour and Relevant Attitudes, 1998 – 2003 Štulhofer, S., Jureša, V. and Mamula, M. (2003)	students of both sexes	4% female students and 1.2% male students experienced sexual victimization
The Reality of Women's Sexual Rights in Croatia. Mamula, M. (2006). Women's Room – Center for Sexual Rights	adult women	9% women experienced sexual activity coerced by lies and blackmail 17% women experienced rape or / and attempted rape
Prevalence of Abuse and Neglect of Children in Croatia. (2006). Child Protection Center of Zagreb and Brave Phone	adolescents	13.7% adolescents experienced sexual abuse in childhood
Gender-based Violence in Adolescent's Relationships in Croatia. Hodžić, A. (2007). CESI	adolescents	3% adolescents (2% girls and 5% boys) experienced coercion into sexual activity
Gender Prism of Sexual Rights Among Youth. Mamula, M. and Dijanić Plašč, I. (2007). Women's Room – Center for Sexual Rights	students	3% students of both sexes experienced sexual activity coerced by lies or blackmail 5.7% female students and 2.3% male students experienced rape and / or attempted rape
Protection of Rights and Providing Support to the Victims / Witnesses of Domestic Violence. Mamula, M., Dijanić Plašč, I., Ručević, S., Ergović Kuzmanović, A. and Vukmanić, M. (2010). Office for Gender Equality of the Government of the Republic of Croatia and Women's Room	victims who reported domestic violence	48.5% women experienced attempted rape or rape, 32.1% of which more than once

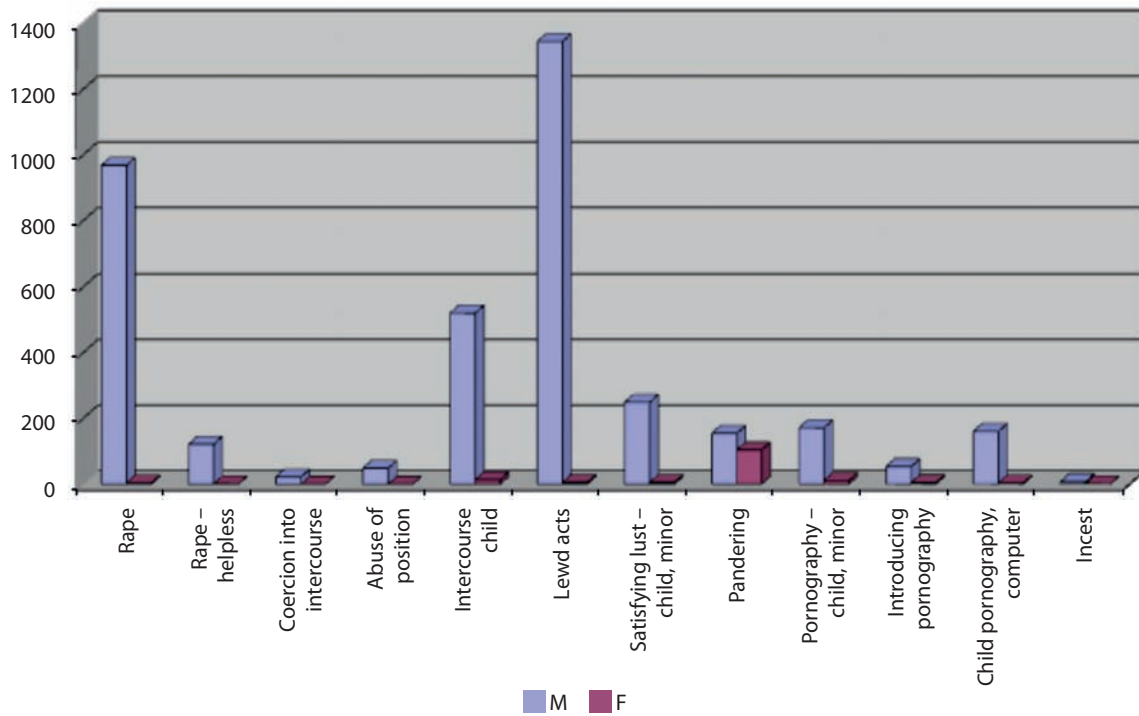
3. PERPETRATORS OF SEXUAL VIOLENCE

According to the official police figures for the period 2000 – 2010 the total of 3,987 perpetrators of the criminal offences against sexual freedom and morality were registered, 96% men and 4% women (Picture 9).



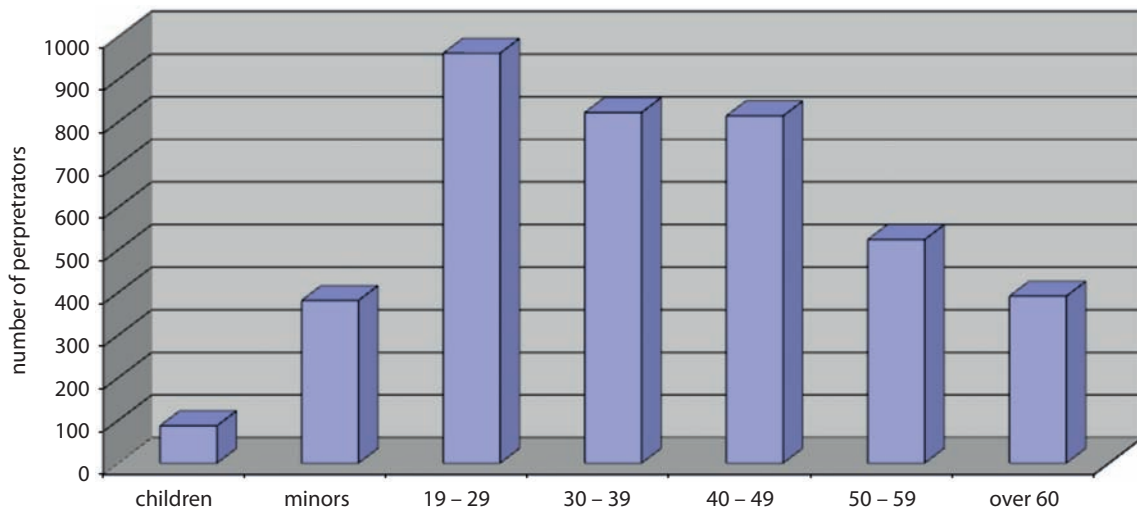
Picture 9. Sex of the perpetrators of criminal offences against sexual freedom and morality

Of the 12 mentioned criminal offences against sexual freedom and morality, men are the perpetrators in 100% of cases of abuse of position and coercion to sexual activity. Furthermore, in more than 97% of cases, they are perpetrators of criminal offences of rape (99.6%), lewd conduct (99.6%), sexual activity with helpless person (99.2%), satisfying lust in front of child or minor (97.7%), child pornography on computer system or network and sexual activity with child (97.4%). In more than 90% of cases they are co-perpetrators of criminal acts of abuse of children or juveniles in pornography (93.5%) and introducing children to pornography (91.5%). In 88.9% of cases they are perpetrators of criminal act of incest. The only criminal act where men and women are perpetrators in equal numbers is pandering (59.6%) (Picture 10).



Picture 10. Sex of perpetrators in regards to criminal offence against sexual freedom and morality

Relative to age, children under 14 are perpetrators in 2.2% of cases, mostly of criminal acts of sexual activity with child (31%) and lewd conduct (45%). Minors are perpetrators in 9.6% of cases, mostly of criminal acts of lewd conduct (33%), sexual activity with child (32%) and rape (17%). The most frequent age group among perpetrators is 19 – 20 (24.1%), 30 – 39 (20.6%), 40 – 49 (20.4%), 50 – 59 (13.2%) and 60 plus (9.8%) (Picture 11).



Picture 11. Age of perpetrators of criminal offences against sexual freedom and morality

Several studies on perpetrators of criminal offences against sexual freedom and morality have been conducted in Croatia. Thus Goreta and collaborators (2004; from Goreta et al., 2010) indicated that perpetrators are men aged 17 – 63, especially those aged 26 – 30. 26% of them experienced some form of abuse in childhood. Almost 92% consider their sex life normal. 16% of them had previously been given an expert evaluation due to the same or similar criminal offence. Majority had not received psychiatric care (64%).

Mužinić and collaborators (2010) conducted a study on 99 male perpetrators of criminal offences against juvenile (61%) and adult (39%) victims showed that in relation to their attitude to criminal offence 63% of perpetrators completely deny it, 16% minimize guilt and 5% rationalize. Most of perpetrators were aged between 30 and 49, with elementary education (61%) and secondary education (32%), married (51%) and 52% were previously convicted, 39% of which for sexual offences. Their victims were in most cases their girlfriends and wives (94%), while the remaining 6% of victims were adolescent boys.

According to the above mentioned studies, it is noticeable that the more severe the form of violence, the more often the perpetrator is a close or known person, compared to sexual harassment, for example, where perpetrator is in most cases an unknown person (Mamula et al., 2010).

4. OTHER FORMS OF SEXUAL VIOLENCE

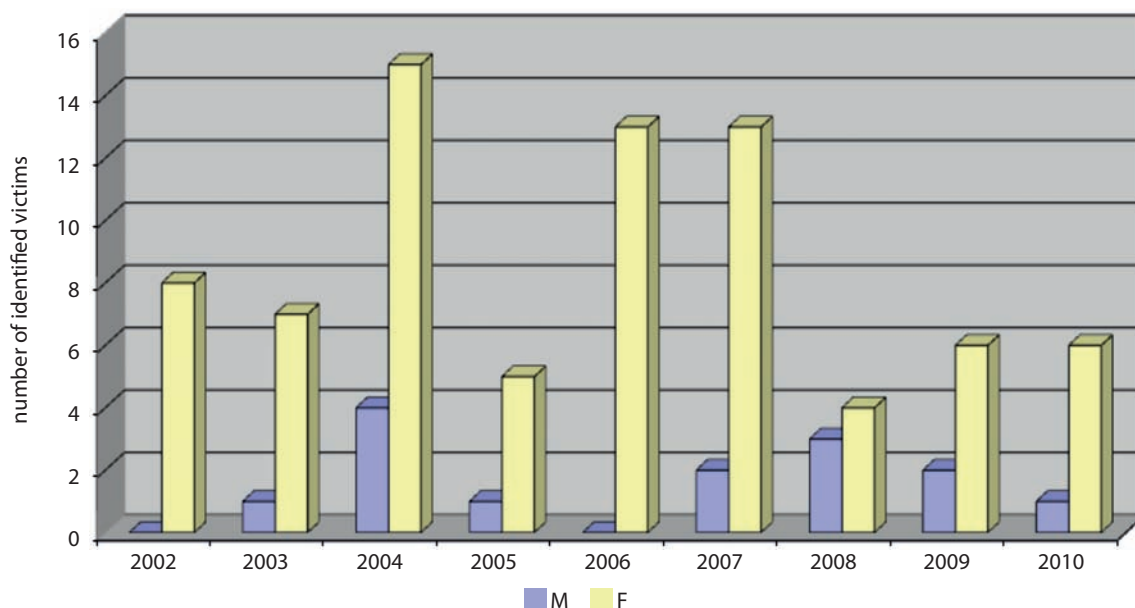
4.1. TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION

Trafficking in human beings is one of the most severe crimes and gravest forms of violation of human rights. As a form of organized crime, trafficking in human beings is a world phenomenon that every year brings huge financial profits to traffickers, for unlike weapons or drugs a human being can be used and sold repeatedly.

The Republic of Croatia has made major progress in the field of suppression of trafficking in human beings since 2002 when the Government of the Republic of Croatia established the National Committee for the Suppression of Trafficking in Persons. It also adopted a number of necessary strategic documents: the National Plan for the Suppression of Trafficking in Persons, National Programmes for Suppression of Trafficking in Persons, Action Plan for the Suppression of Trafficking in Persons and National Plan for Suppression in Trafficking in Children. All the above mentioned documents elaborate measures, activities and responsible authorities relative to the suppression of trafficking in persons. The Office for Human Rights of the Government of the Republic of Croatia as the National Coordinator for Suppression in Trafficking in Persons systematically and exceptionally contributes to the raising of social awareness about this problem through different activities. The Office also actively cooperates with the non-governmental organizations that work in the field of suppression of trafficking in people and provision of assistance and support for victims.

Trafficking in human beings is defined by the Criminal Code of the Republic of Croatia, article 175: activity in which somebody »by use of force or threats to use force or fraud, kidnapping, abuse of position or authority solicits purchases, sells, hands over, transports, transfers, encourages or mediates in the buying, selling or handing over of another person or conceals or receives a person to establish slavery or a similar relationship, forced labour or servitude, sexual abuse or illegal transplantation of parts of a human body or keeps a person in slavery or in a similar relationship.«

Since 2002 when the identification of the victims of trafficking in persons was introduced, the total of 91 victims has been registered in Croatia (Picture 12). From the analysis of the available data, it is evident that it is a form of gender-based violence for in 85% of cases (77 persons) victims are women and girls. When analyzing forms of exploitation, only 17 victims or 19% were not trafficked for the purpose of sexual exploitation but for the purpose of labour exploitation, coercion into committing criminal offences, false adoption and begging. With regard to the



Picture 12. Number of identified victims of trafficking in human beings in Croatia from 2002 to 2010 in relation to sex

country of origin, 36 persons (40%) were Croatian citizens. As for the age of victims, it is noticeable that in the majority of cases, they are persons under 30 (80%).

Although at the beginning of the 2000s Croatia was primarily seen as a transit country (country through which victims were transported on their way to the final destination), today it is also a destination country and a country of victims' origin. Croatia was a very important transit route for trafficking as well as for smuggling human beings, but that trend is nowadays in decline. Namely, after the accession of several countries in the region (Bulgaria, Romania) to EU and through systematic education of the police in that field, development of preventive measures and better work of the relevant institutions, noticeable progress has been made, evident in the fact that transit through Croatia is in decline.

Within the activity for suppression of trafficking in persons in Croatia, it is important to mention the work of non-governmental organizations, primarily those connected in the PETRA network, made of 11 organizations that work on the prevention and suppression of trafficking through numerous activities, including the provision of direct assistance and support for victims, keeping SOS line, organizing public campaigns, education, and lobbying for legal changes.

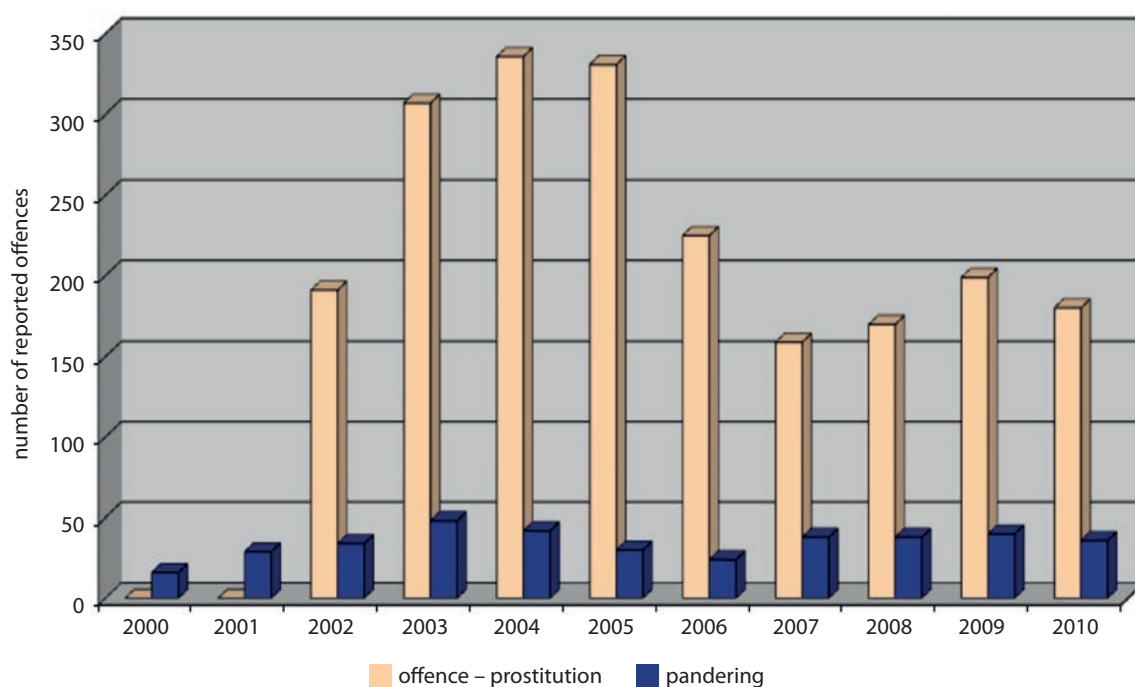
Due to the establishment of exceptionally good cooperation between different organizations in Croatia, significant progress has been made in the suppression in trafficking in persons in spite of the fact that many important steps are still to be taken, including the improvement of the identification of victims of trafficking and the sensitization of the public.

4.2. PROSTITUTION

Prostitution is also one of the forms of gender-based violence, or male violence against women. According to legal definitions, prostitution is the practice of providing sexual services for payment, but as they do not take into account context and causes of prostitution, such definitions are incomplete. Namely, important prerequisite for prostitution and trafficking in women are sexual appetites aimed at women, young girls and children, and if men did not consider sexual exploitation of women as their right, prostitution and trafficking with the purpose of sexual exploitation would not exist (Kolarec and Pamuković, 2005). The sex industry, whose part is prostitution, profits from political, economic, social and legal inequality of women, »pushing« them to seek solutions for the basic existential needs in prostitution. Traditional representation of woman as sexual object facilitates perception of prostitution as a typically female profession.

According to existing legislature in Croatia, persons who engage in prostitution are punished under the Law on Offences Against Public Law and Order, while the persons who engage in pandering (panderers/ pimps) are punished under the Criminal Code. Preparations of the amendments of the Criminal Code are under way as well as proposal for the new Law that contains provisions on the punishment of clients/ users of prostitution. However, if prostitution stops being punished as a misdemeanor and becomes a criminal offence, there is reasonable fear that prostitutes will be criminally prosecuted which will additionally worsen their position, and could consequently prevent them from reporting violence suffered from panders or clients. It is from this reason that PETRA network lobbies for the introduction of the Scandinavian model according to which clients are the only ones who are criminally prosecuted, and not the persons who engage in it. Such legal solution is at the moment practiced in three European countries: Norway, Sweden and Iceland.

Unfortunately in Croatia there are no studies that focus exclusively on prostitution and therefore there is no data of its prevalence. Nevertheless, with research on the risk of HIV virus among women who engage in prostitution, Štulhofer and collaborators (2010) provided some valuable data on violence these persons experience, the age when they engaged in prostitution, etc. Data on violence is especially alarming: 40% of interviewees said they experienced violence by a customer in a previous year, and 18% sexual violence.



Picture 13. Data on number of reported offences of indulging in prostitution and pandering from 2000 to 2010 in Croatia

As for the data for the last 11 years provided by the Ministry of Internal Affairs (Ministry of Internal Affairs, 2009 and 2011), it is noticeable that according to the Law on Offences Against Public Law and Order between 159 and 336 cases were reported. As for the criminal offence of pandering, 16 to 48 cases were reported (Picture 13).

As it is seen from the above mentioned, there is neither special interest in Croatia for these problems, or systematic research and therefore it can be concluded that the problem of prostitution was not recognized as one of the basic forms of human rights violations. It is for this reason that women who want to exit prostitution do not receive support or assistance but are left to themselves which makes that process more difficult. It is necessary to urgently create programmes that would provide assistance and support for women who want to exit prostitution, and shelter is a priority. It would also be important to tackle this topic with the creators of public policies, as well as the public with the purpose of raising awareness for the problem.

5. SIGNIFICANT CHANGES IN CROATIA BETWEEN 2000 – 2010

In the last ten years, several important steps have been made in Croatia towards the improvement of the protection of victims of sexual violence. Changes are noticeable in legislature, incentives for creation of new policies and strategies, carrying out of relevant research, implementation of education programmes for representatives of relevant institutions and non-governmental organizations, networking, preventive measures and the provision of support and assistance to victims of sexual violence.

In **legislature** chapter 14 of the Criminal Code has been amended in relation to the prison sentence which was increased to at least 3 and a maximum of 10 years. In 2005, a new criminal offence was introduced »Child pornography on computer system or network« (article 197a). Significant changes to chapter 14 of the Criminal Code are proposed and some of them represent significant improvement, such as the punishment of the users of sexual services and the introduction of sexual harassment as a criminal offence. Equally important was the establishment of the Witness and Victim Support Office (now Witness and Victim Support Department) in 2008 that operates within County and Municipal Courts in Zagreb, Vukovar, Rijeka, Split, Sisak, Osijek and Zadar.

In 2007 within the Office for Gender Equality and in accordance with the National Policy for Promotion of Gender Equality 2006 – 2010, a working group for drawing up the analysis and action plan for suppression of all forms of violence against women was established. One of the goals of the working group was the development of the *Protocol for the Conduct in Case of Sexual Violence* (in further text: Protocol). The Protocol is primarily the result of the need for the implementation of a standardized procedure for victims of sexual violence regardless of their age, the place where violence happened, sex or other personal characteristics. Its aim is to provide quality, efficient and victim-oriented assistance and support. The Protocol is finished, it passed relevant institutions and ministries and awaits the voting in Croatian Parliament in order to become not only obligatory, but a fundamental document for protection of victims of sexual violence.

Numerous **educations** of different experts are necessary in order to ensure successful cooperation and improve status of victims of sexual violence. Some institutions introduced systematic education of its professional staff, and one of the exemplary cases is the successful

cooperation of the Police Academy and Women's Room implemented through the organization of specialized lectures for the heads of departments on the whole Croatian territory. By 31 December, 2010, more than 250 employees of police stations in Croatia had attended lectures. Some non-governmental organizations¹, government bodies², institutions and public institutions³ organized specialized trainings for the representatives of institutions and organizations of civil society, not only about the problem of sexual violence, but also about the broader context of the protection of women's rights.

Although everything afore mentioned is of extraordinary importance for the area of sexual violence, without specialized education of relevant parties and cooperation between different organizations, further progress is questionable. With the aim of creating a **network** between state institutions and organizations of civil society and under the initiative of feminist activists for women's human rights, 13 years ago the *Network of Cooperation between Governmental Institutions and NGO's against Sexual Violence* (in further text: Network) was established. The main idea for the creation of the Network was additional professional education of all members of the Network on sexual violence, creation and development of connections between institutions and non-governmental organizations with the purpose of uniting all efforts in the development of prevention and suppression of sexual violence as well as the development of more efficient treatment and support for women who experienced sexual violence⁴. One more example of networks in the area of sexual violence is the first regional network of non-governmental organizations, which deals with sexual violence and which brings together 18 organizations from 4 countries (Croatia, Bosnia and Herzegovina, Serbia and Montenegro). Within the network a platform was established and two regional meetings were held in which Liz Kelly, world famous expert on sexual violence⁵ took part.

An integral part of specialized education programmes is the publishing of expert books and other materials about sexual violence. One of these books is Liz Kelly's *Surviving Sexual Violence*, translated to Croatian in 2008. The author came to Zagreb to take part in the book's

¹ e.g. Autonomous Women's House Zagreb, B.a.B.e., CESI, Delfin, SOS Virovitica, Women's Association Vukovar, Women's Room; PETRA Network

² e.g. Office for Human Rights of the Republic of Croatia

³ e.g. Judicial Academy

⁴ Since 2003 Women's Room has been Network's coordinator

⁵ Regional meetings were organized by Women's Room (Zagreb) and Autonomous Women's Center (Belgrade)

presentation. Given the limited expert literature in this field, which is a long-lasting problem in our region, we in Women's Room consider as an important contribution to additional expert education, the publishing of the book *Treatment of Sexual Delinquents and Public Protection* (edited by Mužinić and Vukota, 2010), which brings together works of many experts from the area of sexual violence. Since 2000, more than 30 reviewed, expert and scientific papers and works on sexual violence, a dozen master's and PhD thesis, around twenty books and three studies were published according to the available data from the National and University Library. Compared to years prior to 2000 there has been an increase of 300%⁶ of such materials.

One of the important elements of progress we especially emphasize is the implementation of **preventive programmes** on sexual violence with young people. Some non-governmental organizations have over the course of years dedicated a significant part of their work to youth, their education and sensitization. Prevention, as a branch of science, insufficiently acknowledged by government bodies and relevant ministries, is exceptionally important for the development of a society with zero tolerance to violence, as well as the creation of a more democratic society. As one of the examples of the prevention programmes, we emphasize the Women's Room programme *Implementation of Prevention Programmes Against Sexual Violence in Schools* that has been carried out since 2003 and includes education of students, teachers and experts in which more than 8,000 young people in all parts of Croatia have participated. As a positive example, we mention the Center for Research, Education and Counselling – CESI that for years has implemented excellent prevention programmes about violence in adolescent relationships.

The media is an exceptionally important area for spreading information and reaching the wider audience with the purpose of prevention and suppression of sexual violence. For that very reason, a number of non-governmental organizations cooperate closely with the media. One of the examples is Women's Room public campaign in 2009 *STOP Sexual Violence*. Renowned marketing companies participated in the campaign (Fingere, Imago, McCann Erickson, Reber, and Šesnić & Turković)⁷. The awards the campaign won confirm its creativity as well as the need for such campaigns. During the campaign (July – December 2009) there was a significant increase in the number of calls to the Center for the Victims of Sexual Violence. Vanja Blumeštajn from the advertising agency Imago received the Award for the Creative Person of

⁶ The list is available on the Women's Room website: www.zenskasoba.hr

⁷ Under the media sponsorship of Europapress Holding (EPH) and Večernji list

the Year at the Independent Communication Arts Festival »Judgment day« for the Women's Room campaign *Bring the issue to the light of day*.

One of the important changes regarding the provision of systematic assistance and support for the women victims of sexual violence was the opening of the Center for the Victims of Sexual Violence (in further text: Center), which despite its informal work within Women's Room since 2003, was formally opened in 2008 as the only referral center in Croatia. In the Center, victims can receive direct assistance and support including medical, legal and psychological counseling, treatment for traumatic experience, assistance in the process of reporting sexual violence, preparation for trial, and counseling of close persons and all necessary information. In the period from 2008 – 2010 assistance and support was provided to 312 victims through 734 counselling sessions.

Although significant changes have been made in the area of suppression of sexual violence and protection of rights of victims and their close persons, Croatia is still facing long and hard work in order to ensure successful implementation of policies and/ or strategies as well as other necessary changes that guarantee dignified procedure for victims of sexual violence and in the end, suppression of sexual violence.

6. NECESSARY MEASURES FOR THE SUPPRESSION OF SEXUAL VIOLENCE AND SUPPORT FOR VICTIMS

One of the most important problems regarding suppression of sexual violence is the insufficient number of places where victims can receive basic information and assistance. According to the recommendation of the Council of Europe (Rec (2002) 5 of the Committee of Ministers to member states on the Protection of Women Against Violence), there should be one center for victims of sexual violence for 200,000 women, whereas in Croatia there is only one for more than 1.8 mil adult women. It is therefore necessary to support the work of existing organizations as well as establish new specialized organizations for work with victims. Another problem is related to the procedure of reporting sexual violence to the relevant institutions which should be less traumatizing for the victim and at the same time respectful of her/ his rights. Accepting the Protocol on Conduct in the Case of Sexual Violence would make a significant contribution to these efforts. The next group of problems is related to court proceedings and the way the victim is treated. That refers primarily to the length of the process, not informing victims about the procedure and what is expected of her/ him, including the presence of perpetrator during victim's testimony and disclosure of personal information. It is hard to believe that the number of reported cases will not increase unless support for victims and protection from secondary victimization is ensured.

As the next important step, we emphasize compulsory specialized education for employees in relevant institutions who work in this area. Such an education should be a part of regular undergraduate education.

We think research on the problem of sexual violence should be supported, not only on its prevalence but also on its consequences, elements that make the victim report violence and efficient forms of assistance and support.

Launching public campaigns on the problem of sexual violence as well as organizing public lectures with the aim of sensitization and de-stigmatization of victims and introduction of compulsory prevention programmes against sexual violence in schools is also an important step.

In the end, we urge all relevant institutions, government bodies and the Croatian Parliament to adopt the Protocol on Conduct in Cases of Sexual Violence as the binding document.

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