

Domestic violence offenses in Croatia: The question of legal qualification and demarcation

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Family act 1998.

- an independent punishable offense
- a misdemeanor

Article 118.

Domestic violence

*„violent behavior of the spouse
or any other adult family member”*

Problems?

- It included only adult family members
- What does „violent behavior” mean?



Criminal code CC/97

It stipulated a new criminal offence in the group of criminal offences against family

Article 215a

Violent behavior within the family

which punishes any family member who, by **violence, abuse or insolent behavior** forces another family member into a humiliating position, by a prison sentence ranging **from three months to three years**

Family members:

spouse, common-law partner, former spouse and former common-law partner, a lineal relative, an adopter or an adoptee, a collateral relative up to the third degree inclusive, and an in-law relative up to the second degree inclusive.



How to define

Violence

Abuse

Or insolent conduct?

What does the „humiliating
position” mean?



Act on Protection against Domestic Violence 2003

Domestic violence

- *any use of physical force or psychological pressure against the integrity of a person;*
- *any other behavior of a family member which can cause or potentially cause physical or psychological pain;*
- *causing feelings of fear or being personally endangered or feeling of offended dignity;*
- *physical attack regardless of whether or not it results in physical injury, verbal assaults, insults, cursing, name-calling and other forms of severe disturbance;*
- *sexual harassment;*
- *stalking and all other forms of disturbance;*
- *illegal isolation or restriction of the freedom of movement or communication with third persons;*
- *damage or destruction of property or attempts to do so*

Has expanded the circle of persons who are considered family members



Where is
the line of demarcation
between domestic violence
as a criminal offense and as a
misdemeanor in Croatian
legislation?



MARESTI V. CROATIA

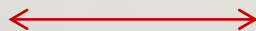


Crucial turnover for Croatian legislation



Act on Protection of
Domestic Violence
2009.

??



Criminal Code 2011.
(came into force in 213)
Art. 215a deleted



Act on Protection of Domestic violence 2009.

Article 4. Domestic violence

„any form of physical or psychological, sexual or economic violence”

Any type of violence is further defined in more detail:

Physical violence : a use of physical force regardless it resulted in physical injury or not, or a physical punishment or other degrading treatment of children in the educational purposes

Psychological violence: the application of psychological pressure that arouses feelings of fear, threat or may relate to verbal abuse, insult, abuse, stalking, etc.

Economic violence: covers damage to or destruction of personal and shared assets, prohibition or disable of the use of property or for example, a prohibition on disposition of personal income, forced economic dependency, etc.



Situation today?



SOURCES:

1. *Ajduković, A. & Pavleković, G. (2004): Domestic violence against woman, Zagreb*
2. Croatia bureau of statistics, (2012): Domestic Violence: Legal Framework and Forms of Appearance, 2007 – 2010, Zagreb
3. Decision on amendments to the Criminal Code, 2000.
4. *Grozđanić, V., Škorić, M. & Vinja, I. (2010.): Violence in the light of changes to the Criminal Code. Croatian Annual of Criminal Law and Practice 17/2, pp. 669 – 698*
5. *Kudrić, Ž. (2015): Return of domestic violence as an independent criminal offense. IUS-INFO, <http://www.iusinfo.hr/DailyContent/Topical.aspx?id=21954>*
6. *Martinović, I.: Criminal law aspects of the domestic violence, Academia.edu, pp. 1 – 25*
Decision on amendments to the Criminal Code, 2000.
7. Ministry of family, veterans' affairs and intergenerational solidarity, Republic of Croatia, (2011.): National strategy of protection against family violence for the period 2011. – 2016.
8. *Oset, S., (2014): The misdemeanor protection against domestic violence: Croatian Annual of Criminal Law and practice, 21/2, pp. 579 – 618*
9. *Radić, I. & Radina, A. (2014.): Protection against domestic violence: family law, misdemeanor law and criminal law aspect, Proceedings of the Faculty of Law in Split, 51/3, pp. 727. – 754*
10. Supreme Court of the Republic of Croatia, III Kr 149/08-3
11. Supreme Court of the Republic of Croatia, I KŽ-251/04
12. *Oset, S., (2014): The misdemeanor protection against domestic violence: Croatian Annual of Criminal Law and practice, 21/2, pp. 579 – 618*
13. *Zloković, J. (2009.): Domestic violence against parents – family secret?, Rijeka*
14. <http://www.libela.org/vijesti/3540-nasilnicko-ponasanje-u-obitelji-ne-moze-biti-preksaj>



Thank you!

... And be good to your own!

