Mutual recognition of protection measures in civil matters

Kroatija

Article 17 - Information made available to the public

Under the Domestic Violence (Protection) Act (*Zakon o zaštiti od nasilja u obitelji*), the perpetrator of domestic violence may be fined and sentenced to imprisonment; moreover, in addition to the protection measures provided for in the Misdemeanours Act (*Prekršajni zakon*), the following protection measures may be imposed on the perpetrator:

1. compulsory psychosocial treatment
2. an injunction prohibiting the offender from approaching, harassing, or stalking the victim of domestic violence
3. eviction from the shared home
4. compulsory treatment for substance abuse.

The court may impose protection measures at the request of the person exposed to domestic violence, the police or *ex officio*. The above protection measures may be imposed by the court, before initiating misdemeanour proceedings, at the request of the victim or another authorised applicant if there is a direct risk to the safety of the victim or their family members or a member of the joint household.

According to Article 65 of the Criminal Code (*Kazneni zakon*), the court may impose preventive measures on the offender: compulsory psychiatric treatment, compulsory treatment for substance abuse, compulsory psychosocial treatment, injunction prohibiting the offender from performing certain duties or activities, injunction prohibiting the offender from driving a motor vehicle, a ban on approaching, harassing or stalking, eviction from the shared home, prohibition of internet access and supervision after the custodial sentence has been served in full.

In accordance with Article 98 of the Code of Criminal Procedure (*Zakon o kaznenom postupku*) the court and the public prosecutor may also impose pre-trial supervision measures on the perpetrator of a violent crime: a ban on approaching a particular person, a ban on making or maintaining contact with a particular person, a ban on stalking or harassing the victim or another person, and/or eviction from the home.

In accordance with Article 130(6) of the Misdemeanours Act, police officers may, at the scene, issue a pre-trial supervision measure prohibiting the perpetrator of domestic violence from visiting a specific place or area, approaching a particular person or making or maintaining contact with a particular person. That measure may be imposed for up to 8 days.

Rules on how to implement protection measures prohibiting the offender from approaching, harassing, or stalking the victim of domestic violence and eviction from the shared home (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) No 28/19)

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

Protection measures are determined in accordance with the provisions of the Misdemeanours Act and the Domestic Violence (Protection) Act.

Municipal courts, which are competent to deal with misdemeanour cases, may impose protection measures at the request of the person exposed to domestic violence, the police or *ex officio*.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

The authorities before which a protection measure imposed in another Member State may be invoked in Croatia are:

Police directorates with jurisdiction over the place of permanent or temporary residence of the protected person on the territory of the Republic of Croatia.

The authorities which are competent to enforce such a measure in Croatia:

Police directorates with jurisdiction over the place of permanent or temporary residence of the protected person on the territory of the Republic of Croatia in accordance with Article 3 of the Act implementing Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (*Zakon o provedbi Uredbe (EU) br. 606/2013 Europskog parlamenta i Vijeća od 12. lipnja 2013. o uzajamnom priznavanju zaštitnih mjera u građanskim stvarima*).

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

Municipal courts, which are competent to deal with misdemeanour cases, are competent to effect the adjustment of protection measures on the basis of the place of permanent or temporary residence of the protected person on the territory of the Republic of Croatia, in accordance with Article 4 of the Act implementing Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

The courts to which the application for refusal of recognition is to be submitted are the municipal courts which are competent to deal with misdemeanour cases on the basis of the place of permanent or temporary residence of the protected person on the territory of the Republic of Croatia, in accordance with Article 5 of the Act implementing Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

The courts to which the application for refusal of enforcement is to be submitted:

This is not applicable in the Republic of Croatia, since a person posing a risk may also submit an application for refusal of recognition and enforcement of a protection measure to the municipal court which is competent to deal with misdemeanour cases. An application for refusal of the enforcement of a protection measure cannot be submitted as an independent remedy.

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

Croatian, in accordance with Article 6 of the Act implementing Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

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