

IMPACT OF COVID-19 PANDEMIC ON VIOLENCE AGAINST CLOSELY RELATED PERSONS IN CROATIA

Prof. dr. sc. Marissabell Škorić*

UDK 343.98::616.92(497.5)
<https://doi.org/10.30925/zpfsr.43.2.1>
Ur.: 24. travnja 2022.
Pr.: 10. lipnja 2022.
Izvorni znanstveni rad

Summary

For victims of domestic violence, obligatory lockdowns aimed at preventing the spread of COVID-19 have trapped them inside the home with their abusers 24 hours a day and isolated them from the people and resources that could help them. Due to the countrywide lockdown, the abusers are continuously present in the victims' lives and have a greater ability to terrify them and control their lives. Home has become a double-edged sword for the victims of domestic violence – the safest place from the Coronavirus and the most dangerous place because they are isolated with their abusers. This research aims to explore how COVID-19 social restrictions have affected the occurrence of violence against closely related persons in Croatia. To this end, police data will be compared and analysed on the number of reported cases of violence committed to the detriment of a closely related person during the lockdown period and immediately before and after it. Special attention will be paid to the qualification of criminal offences committed against a closely related person and to the socio-demographic characteristics of perpetrators and victims of that violence. Based on the interpretation of the data, we assess whether significant discrepancies in the cases of family violence committed during lockdown can be detected. The conclusion points to certain shortcomings in the manner of monitoring the trend of violence among closely related persons in Croatia and the need to address this phenomenon systematically and comprehensively.

Keywords: *violence against closely related persons; criminal offense; misdemeanour; COVID-19 pandemic; lockdown; Croatia.*

* Marissabell Škorić, Ph.D., Full Professor, University of Rijeka, Faculty of Law; marissabell.skoric@pravri.uniri.hr. ORCID: <https://orcid.org/0000-0003-0627-3651>.
This work has been supported in part by Croatian Science Foundation under the project IP-CORONA-04-2086.

1 INTRODUCTION

The World Health Organization declared COVID-19 a pandemic in March 2020, after which Croatia, as well as many other countries, began implementing restrictive policies of social distancing in order to reduce the spread of the virus. The new circumstances dramatically affected economic, social, and working conditions and wholly changed the way people live and work around the world. All other negative effects of the new crisis came to the fore very quickly, and it has been warned that the COVID-19 pandemic presents “the perfect storm” (i.e., an event where a set of rare circumstances combine) for domestic violence, resulting in a significant aggravation of the resulting event.¹ Namely, the increase in the time families spend in isolation to curb the spread of the COVID-19 disease epidemic has increased the risk of domestic violence. Furthermore, as additional triggers for domestic violence, the stress of being isolated, the fear of losing employment, new working conditions, financial insecurity, and anxiety as a consequence of such conditions should be added. All these factors have significantly increased the risk of domestic violence worldwide, as confirmed by numerous studies.² Indeed, when we consider the combination of pre-existing gender inequalities, economic and wellbeing insecurity caused by the pandemic, and counter-pandemic measures such as restrictions on movement and social isolation measures, the exponential increase in domestic violence is unsurprising. In April 2020, the UN Secretary-General António Guterres agreed that *over the past weeks, as economic and social pressures and fear have grown, we have seen a horrifying surge in domestic violence.*³

This research aims to explore how the COVID-19 pandemic has affected the occurrence of violence against closely related persons in Croatia.⁴ On March 11, 2020, the Minister of Health declared the outbreak of the COVID-19 disease caused by the SARS-CoV-2 virus. Since then, a number of very strict epidemiological measures

- 1 Kim Usher *et al.*, “COVID-19 and Family Violence: Is This a Perfect Storm?”, *International Journal of Mental Health Nursing* 30, (2021): 1022.
- 2 Julia Brink *et al.*, “Intimate Partner Violence During the COVID-19 Pandemic in Western and Southern European Countries”, *European Journal of Public Health* 31, no. 5 (2021): 1058-1063; Elishabeth Mahase, “COVID-19: EU States Report 60% Rise in Emergency Calls About Domestic Violence”, *BMJ* (2020), 10.1136/bmj.m1872; Deniz Ertan *et al.*, “COVID-19: Urgency for Distancing from Domestic Violence”, *European Journal of Psychotraumatology* 11, no. 1 (2020): 1-6.
- 3 Part of the statement made by the United Nations Secretary-General António Guterres at a virtual news briefing at United Nations headquarters in New York, 6th April, 2020.
- 4 Pursuant to Art. 87, Para. 8 and 9 of the Criminal Code, closely related persons are family members: the spouse or cohabitant, life partner or informal life partner, their children and children of either of them, lineal blood relative, collateral blood relatives up to the third degree of kinship, relatives by marriage up to the second degree as well as adopter and adoptee. In addition to family members, closely related persons include former spouse or cohabitant, former life partner or informal life partner, current or former partner in an intimate relationship, persons having a child together, and persons living in a common household. When referring to victims of domestic violence in this paper, this term includes all persons listed in paragraphs 8 and 9 of the Criminal Code, Official Gazette, no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21 (hereinafter: the Criminal Code or CC/11).

have been adopted in Croatia aimed at the prevention of the spread of COVID-19 and its suppression, such as the closing of schools and universities and switching to online teaching; banning public gatherings and sports events; closing restaurants and non-essential shops, and border closing. Restriction of movement within the country was also introduced. This period during which the strict measures were in place (hereinafter: lockdown) lasted until May, when the easing of complete lockdown measures began.⁵ COVID-19 lockdowns have significantly disrupted the daily lives of individuals with increased time at home. This paper aims to analyse the impact of the COVID-19 lockdown on violence against closely related persons in Croatia and compare it with trends before and after this period. Based on the interpretation of the data analysis, we will conclude about the effect of the lockdown on the number of police reports of violence against closely related persons. Special attention will be paid to the qualification of criminal offences committed against a closely related person during the lockdown period and to the socio-demographic characteristics of perpetrators and victims of that violence. We will compare them with previous trends and assess whether significant changes in those characteristics in the cases of violence committed during the lockdown can be detected.

2 COVID-19 PANDEMIC AND DOMESTIC VIOLENCE TRENDS

A number of scientific studies have been conducted on the effects of the pandemic and lockdown on domestic violence. Numerous authors have discussed the impact of the pandemic caused by the COVID-19 virus on the rise of domestic violence. Leslie and Wilson state that the pandemic and consequent measures taken to prevent the health crisis have led to an increase in calls to the police due to domestic violence by 10.2%.⁶ According to the United Nations Development Program, one of the UN's development agencies in France, domestic violence cases have increased by 30% since the lockdown on March 17. The helpline in Cyprus has registered an increase in calls by 30%. Singapore has registered an increase of 33%. In Argentina, emergency calls for domestic violence cases have increased by 25% since the beginning of the lockdown. Increased cases of domestic violence and the demand for emergency shelter have also been reported in many other countries, such as Canada, Germany, Spain, the United Kingdom, and the United States.⁷ According to the Regional Director of the World Health Organization for Europe, Hans Kluge, member states reported up to a 60% increase in emergency calls by women subjected to violence by their intimate partners in April 2020 compared to the previous year.⁸ Although the situation generated by

5 For details on the course of introducing disease control measures in Croatia, see Nika Lazić, Vanja Lazić, and Branko Kolarić, "First Three Months of COVID-19 in Croatia, Slovenia, Serbia and Federation of Bosnia and Herzegovina - Comparative Assessment of Disease Control Measures", *Infektološki glasnik* 40, no. 2 (2020): 44-45.

6 Emily Leslie, and Riley Wilson, "Sheltering in Place and Domestic Violence: Evidence from Calls for Service During COVID-19", *Journal of Public Economics* 189, (2020), <https://doi.org/10.1016/j.jpube.2020.104241>.

7 *United Nations Development Program, Gender-Based Violence and COVID 19*, 4.

8 Statement to the press by Hans Henri P. Kluge, World Health Organization Regional Director for

COVID-19 has no precedent, those studies are in line with previous studies that have shown an increase in violence after natural disasters (e.g., earthquakes, hurricanes, or floods). In those circumstances, perpetrators take advantage of extraordinary measures which significantly increase the risk of violence.⁹ The previously mentioned data show that the effects of this pandemic are no different and that there has been an increase in violence in a number of countries.¹⁰

During the COVID-19 disease pandemic, it is especially emphasised that domestic violence is gender-based violence. The UN Special Rapporteur on violence against women, Dubravka Šimonović, warned that *the home can be a place of fear and abuse for too many women and children. That situation worsens considerably in isolation cases, such as the lockdowns imposed during the COVID-19 pandemic.*¹¹ One of the main goals of gender-based violence is to control the victim and isolate her from those who can support her in an attempt to hide the violence. Restrictions on movement and the “*stay-at-home and stay safe*” orders proclaimed during the pandemic can be considered counterproductive to gender-based violence, bearing in mind that the most dangerous place for many women is their own home, even in ordinary times. Executive Director of UN Women, Phumzile Mlambo-Ngcuka, claimed that the world was experiencing a “shadow pandemic” of violence against women and girls.¹² Detaining victims in a home together with a violent person has the direct consequence of increasing control over the victims and increasing the risk of their exposure to violence. At the same time, the possibility is reduced for the victim to avoid violence, as well as the possibility for violence to be detected and the perpetrator punished. The COVID-19 pandemic has led to the fact that we have conditions that, on the one hand, favour the escalation of domestic violence. On the other hand, they significantly reduce access to various forms of assistance and support to victims. Namely, the implementation of COVID-19 measures has created challenges for the criminal justice system in responding to gender-based violence.

-
- Europe, 7th May 2020, entitled “During COVID-19 Pandemic, Violence Remains Preventable, not Inevitable”, <https://www.euro.who.int/en/media-centre/sections/statements/2020/statement-during-covid-19-pandemic,-violence-remains-preventable,-not-inevitable>.
- 9 Debra Parkinson, “Investigating the Increase in Domestic Violence Post Disaster: An Australian Case Study”, *Journal of Interpersonal Violence* 34, no. 11 (2019): 2333-2362; Sera Gearhart *et al.*, “The Impact of Natural Disasters on Domestic Violence: An Analysis of Reports of Simple Assault in Florida (1999–2007)”, *Violence and Gender* 5, no. 2 (2018): 87-92; Andrew M. Campbell, “Improving Prevention of Family Violence During (and After) Disaster: Lessons Learned from the COVID-19 Pandemic”, *Forensic Science International: Reports* 3, (2021), <https://doi.org/10.1016/j.fsir.2021.100179>.
 - 10 Amber Peterman *et al.*, “Pandemics and Violence Against Women and Children”, *Center for Global Development. Working paper* 528, (2020); Andrew M. Campbell, “An Increasing Risk of Family Violence During the COVID-19 Pandemic: Strengthening Community Collaborations to Save Lives”, *Forensic Science International: Reports* 2, (2020): 1-3.
 - 11 The Office of the High Commissioner for Human Rights, “States Must Combat Domestic Violence in The Context Of COVID-19 Lockdowns - UN Rights Expert”, 27th March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25749&LangID=E>.
 - 12 Statement by Phumzile Mlambo-Ngcuka, Executive Director of UN Women, “Violence Against Women and Girls: The Shadow Pandemic”, 6th April 2020, <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>.

Police and other law enforcement agencies have less time and human resources to respond to incidents of gender-based violence and are likely to shift priorities towards enforcing quarantine, monitoring social distancing, and other related measures.¹³ During the COVID-19 disease pandemic, access to certain services and mechanisms for protection against domestic violence was largely limited, which means that many victims were left without adequate and timely protection.

Although a number of authors and studies have shown an increase in the number of reports of violence between closely related persons during the pandemic and especially the lockdown, the results presented are not unique. Thus, some authors point out that in certain countries, i.e., in certain areas during the lockdown, there were no significant oscillations in the number of domestic violence cases. For example, Piquero *et al.* state that they did not detect strong evidence of any change in the trend of domestic violence.¹⁴ Similarly, Campedelli, Aziani and Favarin highlight that no significant effect has been detected for intimate partner assault.¹⁵ In order to investigate the effect of the lockdown on the prevalence of violence between closely related persons in Croatia, we analyse the statistical data of the Ministry of the Interior below.

3 STATISTICAL DATA: THE EXTENT OF VIOLENCE AGAINST CLOSELY RELATED PERSONS IN CROATIA

Current legislation in the Republic of Croatia regulates domestic violence as an independent criminal offence in Article 179.a of the Criminal Code¹⁶ as a qualified form of certain criminal offences prescribed in the Criminal Code¹⁷ and as a misdemeanour

13 United Nations Office of Drugs and Crime, *The Impact Of COVID-19 on Criminal Justice System Responses to Gender-Based Violence Against Women: A Global Review of Emerging Evidence* (2021), https://www.unodc.org/documents/justice-and-prison-reform/Assessment_COVID-19_and_CJS_responses_to_GBVAW_23Mar2021.pdf.

14 Alex R. Piquero *et al.*, "Staying Home, Staying Safe? A Short-Term Analysis of COVID-19 on Dallas Domestic Violence", *American Journal of Criminal Justice* 45, no. 4 (2020): 601, 616.

15 Gian Maria Campedelli, Alberto Aziani, and Serena Favarin, "Exploring the Immediate Effects of COVID-19 Containment Policies on Crime: An Empirical Analysis of the Short-Term Aftermath in Los Angeles", *American Journal of Criminal Justice* 46, (2021): 704, 711.

16 Art. 179.a reads: *Whoever seriously breaches the provisions on protection from domestic violence and thus causes fear for safety to a family member or to close person or the safety of persons close to this person or brings a person into a humiliating position or into a state of long-term suffering, and by this act a more serious criminal offence is not committed, shall be punished by imprisonment from one to three years.* The criminal offence of domestic violence as an independent criminal offence was reintroduced into domestic criminal legislation by an amendment from 2015 (Official Gazette, no. 56/15). On the earlier legal regulation of domestic violence, see Velinka Grozdanić, Marissabell Škorić, and Ileana Vinja, "Nasilje u obitelji u svjetlu promjena Kaznenog zakona", *Hrvatski ljetopis za kazneno pravo i praksu* 17, no. 2 (2010): 669-698.

17 The Criminal Code prescribes the punishment of violent behaviour committed against a closely related person as a qualified form in the following criminal offenses: aggravated murder (Art. 111. Para. 3), bodily injury (Art. 117. Para. 2), serious bodily injury (Art. 118. Para. 2), particularly serious bodily injury (Art. 119. Para. 3), serious bodily injury resulting in death

in Art. 10 of the Law on Protection from Domestic Violence.¹⁸ It should be noted that the legal qualification of domestic violence cases in case law raises significant dilemmas because the legislator has not established a clear demarcation line between domestic violence as a misdemeanour and domestic violence as a criminal offence.¹⁹ The distinction between criminal and misdemeanour regulations of domestic violence is an important legal issue for many reasons.²⁰ However, from the aspect of determining the prevalence of domestic violence, this distinction is not crucial. Therefore, in order to get a complete picture of the prevalence of this social phenomenon in Croatia, we analysed summary phenomenological data on the number of reports of domestic violence as an independent criminal offence (Article 179.a of the Criminal Code), the number of reports of the qualified form in criminal offences committed to the detriment of a closely related person and the number of reports of domestic violence as a misdemeanour regulated in Art. 10 of the LPDV.

Given that the final completion of (criminal and misdemeanour) proceedings takes some time, in order to get a comprehensive picture and comparable results on the occurrence of domestic violence during the lockdown, the first part of the paper analyses the data on the number of criminal and misdemeanour reports for violence committed against closely related persons. The second part of the research focuses on the analysis of criminal reports filed during the lockdown and immediately after the lockdown measure was lifted in the Republic of Croatia.

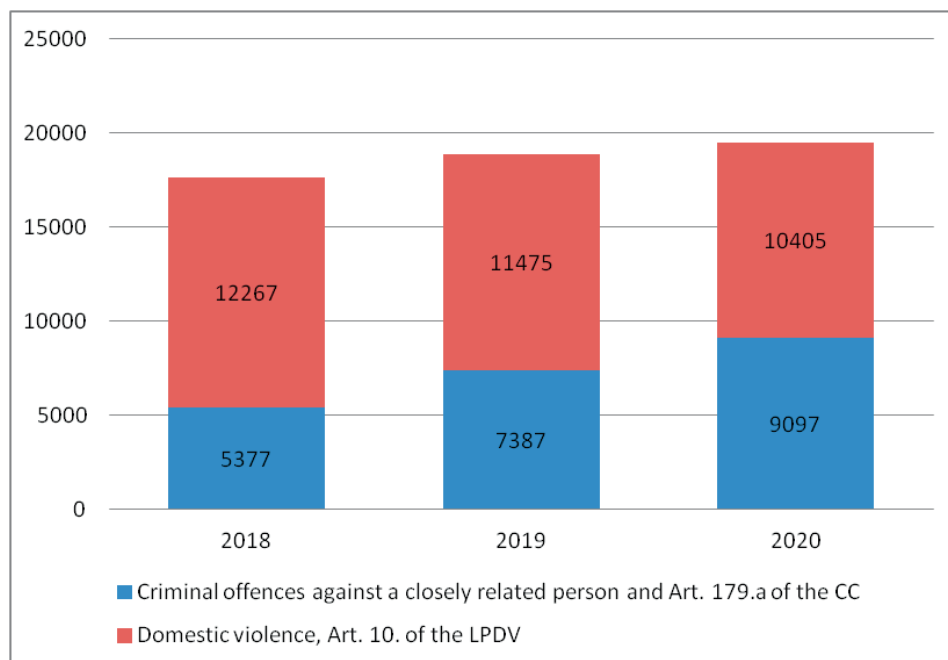
(Art. 120.), serious bodily injury caused by negligence (Art. 121.), unlawful deprivation of liberty (Art. 136. Para. 3), kidnapping (Art. 137. Para. 2), threat (Art. 139. Para. 3), stalking (Art. 140. Para. 2), rape (Art. 154. Para 2), lewd acts (Art. 155.) and serious criminal offence of child sexual abuse and exploitation (Art. 166.).

- 18 Pursuant to Art. 10, domestic violence is 1) *the use of physical force resulting in no physical injury; 2) corporal punishment or other forms of degrading treatment of children; 3) psychological violence which has caused injury to dignity or anxiety to the victim; 4) sexual harassment; 5) economic violence as a prohibition or disabling of the use of joint or personal property, disposing of personal income or property gained by personal work or inheritance, disabling employment, deprivation of resources for maintaining a common household and child care; 6) neglecting the needs of a person with a disability or an elderly person which leads to causing her anxiety or insulting her dignity and thereby causes her physical or mental suffering.* Law on Protection from Domestic Violence, Official Gazette, no. 70/17, 126/19, 84/21, (hereinafter: LPDV).
- 19 For more, see Marissabell Škorić, and Dalida Rittossa, “Nova kaznena djela nasilja u Kaznenom zakonu”, *Hrvatski ljetopis za kazneno pravo i praksu* 22, no. 2 (2015): 497-500, Davorka Martinjak, and Hrvoje Filipović, “Prekršajna ili kaznena odgovornost u slučaju nasilja u obitelji”, *Hrvatski ljetopis za kaznene znanosti i praksu* 26, no. 2 (2019): 636-639, Marta Dragičević Prtenjača, “Dihotomija pristupa u rješavanju nasilja u obitelji putem prekršajnopravne i kaznenopravne regulative”, *Hrvatski ljetopis za kaznene znanosti i praksu* 24, no. 1 (2017): 141-175.
- 20 Among others, it is important for the legal security of citizens, especially because of the significant difference in prescribed penalties.

3.1 *Phenomenology of Violence to the Detriment of a Closely Related Person*

The occurrence of violence among closely related persons in Croatia can be observed from various aspects. Graph 1 shows the phenomenological aspects of violence through the statistical data of the Ministry of the Interior in the period from January 1, 2018, to December 31, 2020. With the analysis of collected data on the number of criminal and misdemeanour reports for violence committed against a closely related person, the aim is to investigate the prevalence, structure, and dynamics of domestic violence in the previous mentioned period in Croatia and the impact of the lockdown as a criminogenic factor during 2020.

Graph 1 Violence to the Detriment of a Closely Related Person from 2018 to 2020 (Criminal Offences and Misdemeanours)



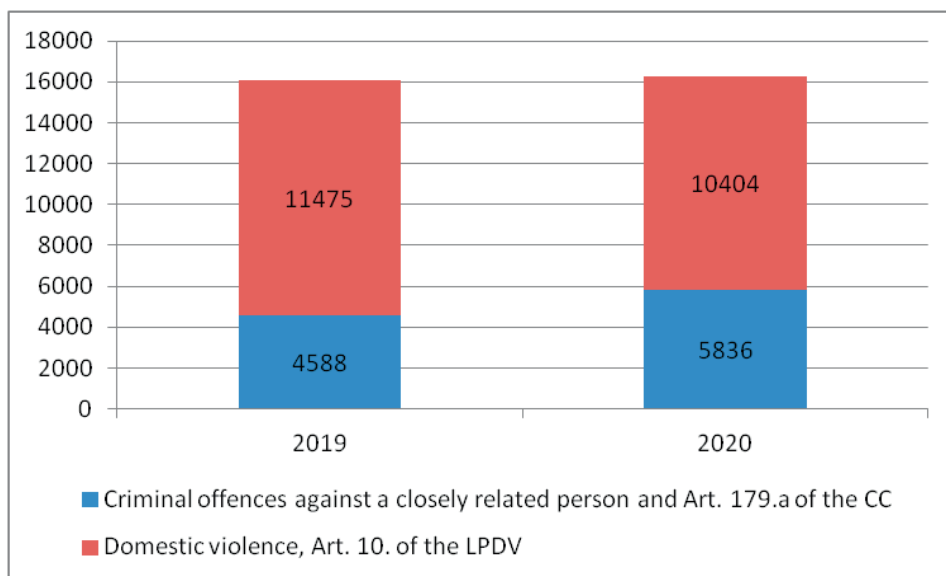
Statistics on reports of criminal offences among closely related persons kept by the Ministry of the Interior not only include data on reports of criminal offences for which the legislator prescribed the circumstance that they were committed to the detriment of a closely related person as a qualifying circumstance,²¹ but these statistics include all criminal offences committed among closely related persons. Thus, in the statistics of the Ministry of the Interior, among the presented data on criminal offenses among closely related persons, there are also data on the number of reports for, e.g., the criminal offense of unlawful use of personal data, enabling the use of drugs, killing

21 See *supra* note 18.

or torturing animals, dangerous execution of construction works, and causing a road traffic accident.²²

If we take into account only the data on the number of reports for the crime of domestic violence (Art. 179.a) and criminal offences in which violence against a closely related person is prescribed as their qualifying form in the Criminal Code, we get the following data presented in Graph 2.²³

Graph 2 Violence to the Detriment of a Closely Related Person From 2019 to 2020 (Criminal Offences and Misdemeanours)



These data show that, in 2020, the total number of reports (criminal and misdemeanour) due to violence among closely related persons in the Republic of

22 See, for example, the Statistical Survey of Basic Safety Indicators and Work Results for 2019, Zagreb, March 2020, 71-72. Other authorities also collect and process data on violence to the detriment of a closely related person, but these data are incomplete. Thus, the Croatian Bureau of Statistics does not provide precise data on the number of reports of criminal offences among closely related persons. Namely, violence to the detriment of a closely related person is only one of the prescribed qualifying circumstances for a number of criminal offences. From the data presented by the Croatian Bureau of Statistics, it remains unknown whether the number of the qualifying form of offence refers to the circumstance that it was committed to the detriment of a closely person or whether it was realised under some other qualifying circumstance (e.g., the act was committed against an official or responsible person, against a journalist, or out of hatred). The Ombudsperson for Gender Equality publishes statistical data on the criminal offence of domestic violence and violence among closely related persons in her Annual Report, referring to official data from the Ministry of the Interior; however, the report does not show which criminal offences are covered by these statistics. See Annual Report for 2020, 73.

23 The Statistical Survey of Basic Safety Indicators and Work Results for 2018 does not contain numerical data on all criminal offences among closely related persons. Therefore, given that they are not comparable with the data for 2019 and 2020, they have not been included in Graph 2.

Croatia increased by slightly more than one percent (1.1%), while the number of criminal reports in 2020 increased significantly, by as much as 27.2% compared to the previous year. Thus, the share of criminal reports in the total number of reports in 2020 increased to 35.9% compared to 2019 when it was 28.6%.²⁴ This trend is not new, as the annual reports of the Ombudsperson for Gender Equality on the number of criminal and misdemeanour reports due to domestic violence and violence among closely related persons from previous years also confirm that the number of criminal reports has been growing since 2014.²⁵ The same conclusion was reached by Martinjak, Kikić and Kovčo Vukadin, whose research also confirms that the total number of reports for violence committed against closely related persons in Croatia from 2018 to 2020 was continuously increasing.²⁶

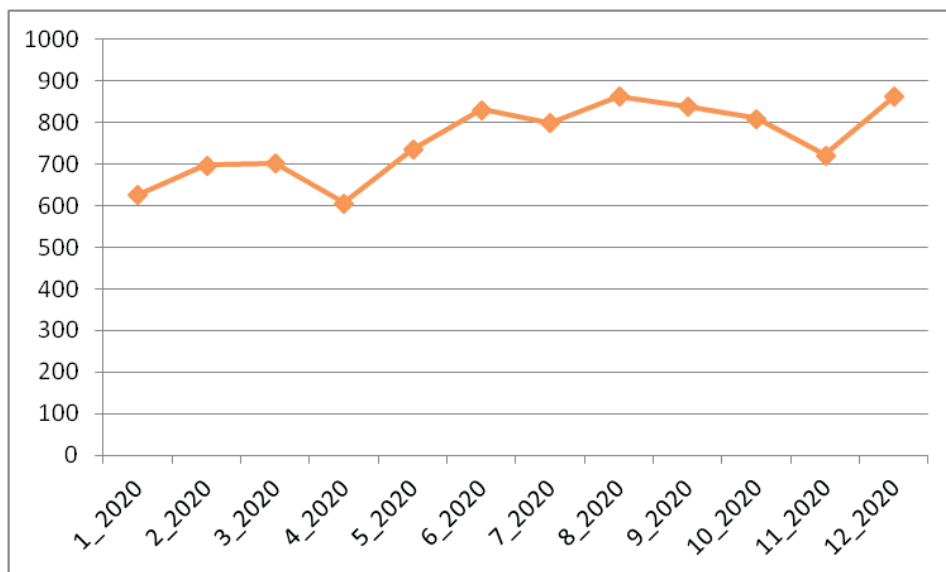
The increasing trend in the number of criminal reports of violence against closely related persons may point to the conclusion that in recent years, we have begun to face more severe forms of domestic violence. However, this conclusion should be taken with some caution because, without an analysis of the case-law of misdemeanour and criminal courts, it is difficult to provide a precise answer to the question of whether we are witnessing an escalation of more severe forms of domestic violence.²⁷ Due to the insufficiently clear distinction between domestic violence as a criminal offence and as a misdemeanour, the discretionary assessment of the competent authorities on how to qualify certain behaviour remains significant.²⁸ Also, it should be noted that the increase in the total number of reports of violence does not necessarily mean that it escalated in this period because these data should be viewed in light of the growing

- 24 Numerous authors warn that domestic violence is not an isolated incident but a systematic recurrence of violence that usually begins with relatively mild forms of violence (for example, controlling the victim) followed by much more severe ones involving physical and/or sexual violence. Compare Anna Constanza Baldri, and Elishabet Duban, *Improving the Effectiveness of Law Enforcement and Justice Officers in Combating Violence Against Women and Domestic Violence* (Strasbourg: Council of Europe, 2016), 11-12.
- 25 Annual Reports of the Ombudsperson for Gender Equality for the period from 2014 to 2020 are available at <https://arhiva.prs.hr/index.php/izvjesca>. Data from previous reporting periods were difficult to compare due to a change in the way the Ministry of the Interior statistics are kept (Annual Report for 2014, 65-66).
- 26 The data included in this research refer to the criminal offense of domestic violence (Article 179.a) and criminal offenses committed among closely related persons (aggravated murder, bodily injury, and sexual offenses) in the period from 2014 to 2018. Davorka Martinjak, Suzana Kikić, and Irma Kovčo Vukadin, "Viktimološka obilježja obiteljskog nasilja s posebnim osvrtom na pravnu kvalifikaciju događaja", in: *Zbornik radova VII. međunarodne znanstveno-stručne konferencije Istraživački dani Visoke policijske škole u Zagrebu*, eds. Irena Cajner Mraović, and Mirjana Kondor - Langer (Zagreb: Ministarstvo unutarnjih poslova, Policijska akademija, 2020), 307.
- 27 According to the State Attorney's Office, the reason for the decrease in the number of misdemeanour reports and the increase in the number of criminal reports for the criminal offence of domestic violence (Art. 179.a) is the change in the definition of physical violence from Art. 10 of the Act on Protection from Domestic Violence. See Report of the State Attorney General of the Republic of Croatia on the Work of State Attorney's Offices in 2020, Zagreb, 2021, <https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2020-godini>.
- 28 Compare Dragičević Prtenjača, *Dihotomija pristupa u rješavanju nasilja u obitelji putem prekršajnogpravnog i kaznenopravnog regulative*, 171.

activities to empower victims to report domestic violence.

The overall numerical indicators of violence among closely related persons in Croatia in the pandemic year 2020 show an increase of 1.1% compared to the previous year,²⁹ which is significantly lower than the increase reported by some other countries in 2020. In order to further investigate how the number of cases of domestic violence has been affected by the COVID-19 pandemic disease and the measures taken to combat it, especially the lockdown, Graph 2 shows the trend of reports of violence against a closely related person during 2020.

Graph 3 Reports of Violence to the Detriment of a Closely Related Person (Criminal Offences and Misdemeanours) in 2020



Looking at the total number of reports of violence to the detriment of a closely related person in 2020, it can be observed that during the first three months of 2020, this number increased, while in April, there was a significant decline of 13.5% in the number of reports compared to March. The data on the reduction in the number of reports in April can be interpreted in different ways.

This phenomenological trend in the number of reports can be related to the fact that from mid-March 2020, various measures began to be introduced to combat the spread of COVID-19 disease, resulting in the introduction of the lockdown, i.e., the suspension of all educational institutions, catering facilities, cinemas, museums, theatres, the cancellation of all public events, a ban on gatherings, and the whole range of businesses were limited in their activities or completely closed. It is possible that data for April indicate that during the lockdown, there had indeed been a reduction in

²⁹ According to the Report of the Ombudsperson for Gender Equality, in 2020, the total number of criminal and misdemeanour reports was 1.4% higher than in 2019. Annual Report for 2020 of the Ombudsperson for Gender Equality of the Republic of Croatia. March 2021, 73.

violent behaviour among closely related persons. Namely, domestic violence is often violence in which one party wants to take power and control in a partnership and completely dominate the other party's life. In order to maintain that control and power, they use various violent means. Lockdown as a measure taken to combat the spread of the COVID-19 disease allowed complete control over victims who were forced to be trapped with their abusers throughout its duration. Therefore, it is possible that due to the lockdown in April, the number of violent events was indeed lower. However, it should be noted that experts warn that the prolongation of social isolation aggravates the situation and leads to a resurgence of domestic violence. It is a well-known fact that stress is a frequent trigger of domestic violence. New life circumstances increase the risk of violence in partnerships and its escalation, so it was assumed that longer and isolated stays inside one's home necessary to combat the spread of the COVID-19 disease over time would further contribute to the increase in domestic violence.³⁰ The basis for this interpretation can be found in the analysed data, which show that there was a decrease in the number of reports in April. However, there was an increase in the number of reports in May and June and especially in August, when the increase was as much as 42% compared to April.

When interpreting the data on the small number of reports during the lockdown, one must not lose sight of the fact that the victims were locked with their abusers 24 hours a day, which certainly made it much harder for them to call and ask for help. The uncertainty caused by this pandemic and the exposure of the victims of domestic violence to additional pressure and fear for the health of their families, especially children, should also be taken into account. In addition, the COVID-19 pandemic has led to changes in the functioning of state bodies and services, so these figures should be viewed in the context of the reduced availability of adequate assistance and support to victims of domestic violence. All of these can be arguments in support of the thesis that there had been no reduction in violence but only a reduction in the reporting of that violence. In addition to all the above, the fact that the dark figure in this form of violence is still present should not be overlooked, despite the significant increase of society's sensitivity to domestic violence in recent times.³¹

In the second half of 2020, the number of reports of domestic violence fluctuated, so that a decline was recorded in the number of reports in July, September, October, and especially in November. However, in December 2020, which was marked as the month in which the intense second wave of the epidemic reached its peak in Croatia, there was a significant increase in the number of reports, 19.5% compared to the previous month.³²

30 Ajduković Marina, and Dean Ajduković, "Partnerski odnosi u vrijeme COVID-19 krize: Kako sačuvati dobre odnose, spriječiti ili/i zaustaviti nasilje?", in: *Koronavirus i mentalno zdravlje* (Zagreb: Hrvatska psihološka komora, 2020), 159-171.

31 According to some research, the dark figure for domestic violence is 25 unreported cases of domestic violence per each reported case. Danijela Lazarić Zec, and Gordana Pavleković, "Iskustvo i samoprocjena znanja stručnjaka u lokalnoj zajednici o problemu nasilja nad ženom u obitelji", *Ljetopis socijalnog rada* 13, no. 2 (2006): 297-314.

32 Some authors associate the increase in the number of reports in December with the fact that household members spend time predominantly at home with each other during the holidays.

3.2 Results of Police Case Analysis and Discussion

In this part of the paper, the connection between lockdown status and violence committed to the detriment of a closely related person will be explored through the analysis of criminal records. Using the random sampling method, 10 police files related to the criminal offence of domestic violence (Art. 179.a) or another criminal offence committed to the detriment of a closely related person in the period from the beginning of the lockdown in Croatia to July 31, 2020, in the area of five police stations – namely, Rijeka, Pula, Split, Zagreb, and Osijek – were analysed. This part of the paper aims to show the qualification of committed acts of violence to the detriment of a closely related person, the socio-demographic characteristics of the perpetrator and the victim, and their interrelationship.

3.2.1 Qualification of Acts of Violence Committed to the Detriment of a Closely Related Person

The first characteristic that was analysed refers to the qualification of violence committed in a specific case. In most of them, the act is qualified as a criminal offence of domestic violence under Art. 179.a or as a criminal offence of threat under Art. 139, para. 3 of the Criminal Code. For the sake of clarity, Table 1 shows the number of reports related to these acts. However, considering that in a large number of cases, the perpetrator was reported not only for one of the mentioned offences but also for some other criminal offences committed to the detriment of a closely related person, Table 1 also contains data on how many offences were committed in concurrence of offences.

Table 1 Criminal Offence to the Detriment of a Closely Related Person and Concurrence of Offences

CRIMINAL OFFENCE TO THE DETRIMENT OF A CLOSELY RELATED PERSON	NUMBER OF REPORTS	COMMITTED IN CONCURRENCE WITH OTHER OFFENCE(S)
Domestic violence (Art. 179.a)	43	39
Threat (Art. 139. para. 3.)	7	3

It is observable from Table 1 that out of 50 analysed police cases, as many as 86% relate to the criminal offence of domestic violence under Art. 179.a, while 14% of reports were filed due to the criminal offence of threat under Art. 139 para. 3 of the Criminal Code. The research also showed that, in the majority of cases, these criminal offences were committed in concurrence with one or more other criminal offences.³³

Ria Ivandić, Tom Kirchmaier, and Ben Linton, *Changing Patterns of Domestic Abuse During COVID-19 Lockdown* (London: Centre for Economic Performance, 2020), 118.

33 On the issue of concurrence of the criminal offence of domestic violence and other criminal offences, see Škorić, Rittossa, *Nova kaznena djela nasilja u Kaznenom zakonu*, 495-496, Igor Martinović, “Kaznenopravni aspekti obiteljskog nasilja”, in: *Ljudska prava žena - Razvoj na međunarodnoj i nacionalnoj razini 30 godina nakon usvajanja Konvencije UN-a o uklanjanju*

In addition to the criminal offence of domestic violence, as many as 43 perpetrators committed an additional 91 criminal offences to the detriment of a closely related person. Thirty of them were charged with one or more charges of violating the rights of the child (Art. 177), which was committed to the detriment of a total of 57 victims. In addition to the criminal offence of domestic violence, 21 perpetrators were also reported for the criminal offence of threat (Art. 139, para. 3), and nine of them for the criminal offence of bodily injury (Art. 117, para. 2). Other criminal offences committed in concurrence with a criminal offence of domestic violence were stalking (Art. 140, para. 2), serious bodily harm (Art. 118 para. 2), unlawful deprivation of liberty (Art. 136, para. 3), and, in one case, a serious criminal offense against sexual freedom (Art. 154, para. 1).³⁴ These data show that monitoring statistics on the number of domestic violence reports (Art. 179.a) is by no means sufficient to gain an accurate insight into the prevalence of domestic violence because it almost always occurs in concurrence with other criminal offences committed to the detriment of a closely related person.

In seven cases, the perpetrators were reported for the criminal offence of threat, with three of them being suspected of having committed this criminal offence in concurrence with the criminal offences of bodily injury, stalking, or violation of the rights of the child.

3.2.2 *Socio-Demographic Characteristics of Perpetrators and Victims and Their Interrelationship*

3.2.2.1 *Socio-Demographic Characteristics of Perpetrators and Victims*

Table 2 contains the data from the analysis of the sex of the perpetrators and victims, whereby only the data on the sex of the primary adult victims are listed.³⁵

Table 2 Perpetrator and Victim Sex

	MEN	WOMEN	TOTAL
Perpetrators	48	2	50
Adult victims	8	47	55

It is evident already from the data on the perpetrators' and the victims' sex that this research has also confirmed that the perpetrators of violence to the detriment of a closely related person are mostly men, while the victims are mostly women.³⁶ The

svih oblika diskriminacije žena, eds. Ivana Radačić, and Jelka Vince Pallua (Zagreb: Institut društvenih znanosti Ivo Pilar, 2011), 274-275.

34 Compare Martinjak, Filipović, *Prekršajna ili kaznena odgovornost u slučaju nasilja u obitelji*, 645.

35 The total number of victims is significantly higher. See graph 6.

36 Data from previous years point to the same conclusion. Thus, according to the results of the Croatian Bureau of Statistics, the share of men as perpetrators of domestic violence committed in the period from 2007 to 2010 was 95.5%, while the share of women was only 4.5%. Croatian

gender basis of domestic violence in the Republic of Croatia is also indicated by other domestic research. Due to its scope, the research carried out by the Ombudsperson for Gender Equality should be highlighted. The sample was composed of final criminal convictions on violence against women rendered in the period between 2012 and 2016. Its analysis confirmed that domestic violence is gender-based violence against women because it disproportionately affects women.³⁷ Research results obtained by Martinjak, Kikić and Kovčo-Vukadin, which included 85 police cases processed during 2017 and 2018, related to the crime of domestic violence and in which all perpetrators of domestic violence were male, point to the same conclusion.³⁸

Although no one disputes that domestic violence victims can be and are persons of both sexes, the gender conditions of domestic violence are supported by numerical indicators at the international level, which also confirm that its most frequent victims are women.³⁹ Thus, according to the World Health Organization, 30% of women worldwide have experienced violence by an intimate partner or sexual violence by another person in their lives; 1/3 of women who have been in a relationship claim to have experienced some form of physical or sexual violence by a partner.⁴⁰ That domestic violence against women is one of the biggest global problems is also shown by the results of research according to which nine out of ten victims of intimate partner violence in the European Union are women.⁴¹

Violence against women is systematic and widespread, and what is particularly worrying is the fact that over time, it takes on increasingly more severe forms. An additional, extremely serious problem is the increase in femicide, to which the Ombudsperson for Gender Equality of the Republic of Croatia draws attention.⁴² According to official data gathered by the European Institute for Gender Equality, 444

Bureau of Statistics, *Domestic Violence: Legal Framework and Forms of Appearance, 2007 – 2010* (Zagreb: 2012), 27.

37 Research was focused on the 572 decisions of individual municipal courts and covered certain criminal offences (domestic violence, violation of children's rights, illegal deprivation of liberty, stalking, bodily injury etc.). The research was also conducted in relation to the verdict of misdemeanour courts on violence against women. For more, see Dalida Rittossa, and Sandra Juranović, *Stručna analiza pravomoćnih kaznenih presuda o nasilju prema ženama 2012 – 2016* (Zagreb: Ured Pravobraniteljice za ravnopravnost spolova, 2020); Branka Žigante Živković, and Robert Završki, *Stručna analiza pravomoćnih prekršajnih presuda o nasilju prema ženama 2012 – 2016* (Zagreb: Ured Pravobraniteljice za ravnopravnost spolova, 2019).

38 Martinjak, Kikić, Kovčo Vukadin, *Viktimološka obilježja obiteljskog nasilja s posebnim osvrtom na pravnu kvalifikaciju događaja*, 308, 311.

39 Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/26/38, 28 May 2014, § 61.

40 *World Health Organization*, Access 25th March 2022, <http://www.who.int/mediacentre/factsheets/fs239/en/>.

41 *Review of The Implementation of the Beijing Platform for Action in the EU Member States: Violence Against Women - Victim Support* (Luxembourg: Publications Office of the European Union, 2013), 3.

42 See *Annual Report for 2020*, 75. For more on femicide in Croatia, see Dalida Rittossa, and Marissabell Škorić, "Abandoned and Forgotten? Violent Deaths of Previously Abused Female Victims in Croatia", *Pravni vjesnik* 37, no. 3-4 (2021): 7-30.

women across 10 EU Member States were killed by their intimate partners in 2020.⁴³ Data from the United Nations Office on Drugs and Crime show that some 47,000 women and girls worldwide were killed by their intimate partners or other family members in 2020. Trends show that the magnitude of gender-related killings remains largely unchanged, with only marginal increases and decreases over the past decade.⁴⁴

Table 3 Perpetrator and Victim Age

AGE	PERPETRATOR	VICTIM
-18	-	57
19-30	11	10
31-40	17	12
41-50	12	22
51-60	7	2
61-70	1	4
71 and above	2	3
Unknown	-	2
Total	50	112

Table 3 presents the data on the age of the victim and the perpetrator, which shows that the majority of adult victims are between 41 and 50 years of age. The obtained data for victims of domestic violence are in line with the results of Martinjak, Kikić and Kovčo-Vukadin as well as the results of research conducted by Mamula and Dijanić Plašć, who analysed socio-demographic data on a sample of 183 adult victims of domestic violence.⁴⁵ As for the perpetrators, they are dominated by those aged 31 to 40, followed by those aged 41 to 50.⁴⁶

43 *European Institute for Gender Equality*, Access 25th March 2022, <https://eige.europa.eu/news/femicide-name-it-count-it-end-it>.

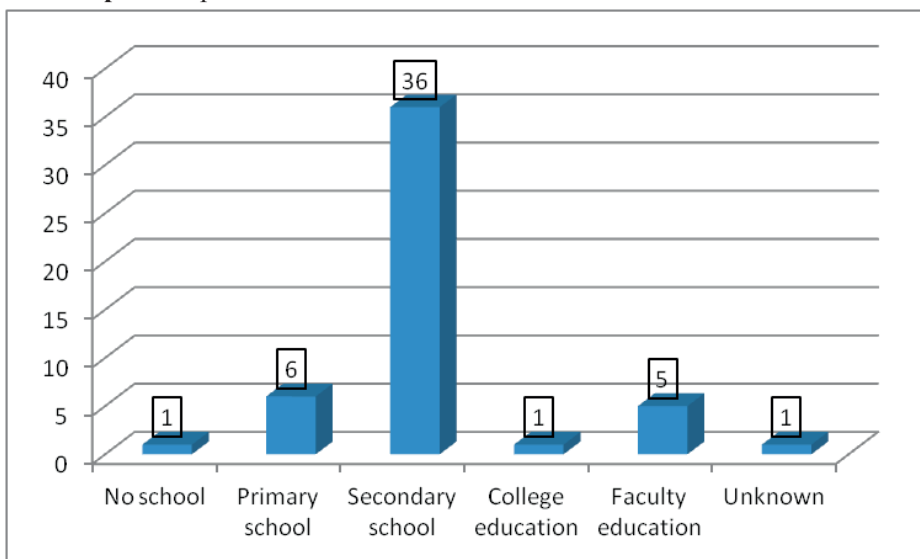
44 In 2017, 50 000 women were killed by their intimate partners or other family members (58% of all homicides of women), while in 2012, 47% of all female homicide victims were killed by intimate partners or other family members. United Nations Office on Drugs and Crime, *Global Study on Homicide. Gender-Related Killing of Women and Girls* (Vienna: UNODC, 2019), 10; United Nations Office on Drugs and Crime, *Killings of Women and Girls by Their Intimate Partner or Other Family Members* (Vienna: UNODC, 2021).

45 Martinjak, Kikić, Kovčo-Vukadin, *Viktimološka obilježja obiteljskog nasilja s posebnim osvrtom na pravnu kvalifikaciju događaja*, 312; Maja Mamula, and Ivana Dijanić Plašć, "Tipična žrtva obiteljskog nasilja u RH - sociodemografski profil", *Život i škola* 60, no. 32 (2014): 115.

46 These data are in line with previous research, according to which the perpetrators of the criminal offence of domestic violence were in the age group of 40 to 49 years, followed by the perpetrators in the age group of 30 to 39 years. Croatian Bureau of Statistics, *Domestic Violence: Legal Framework and Forms of Appearance, 2007 - 2010*, 27.

Graph 4 shows the data on the perpetrators' education, while the same data for the victims were omitted because they were not indicated in the majority of files; therefore, we do not consider the available data sufficient to draw relevant conclusions.

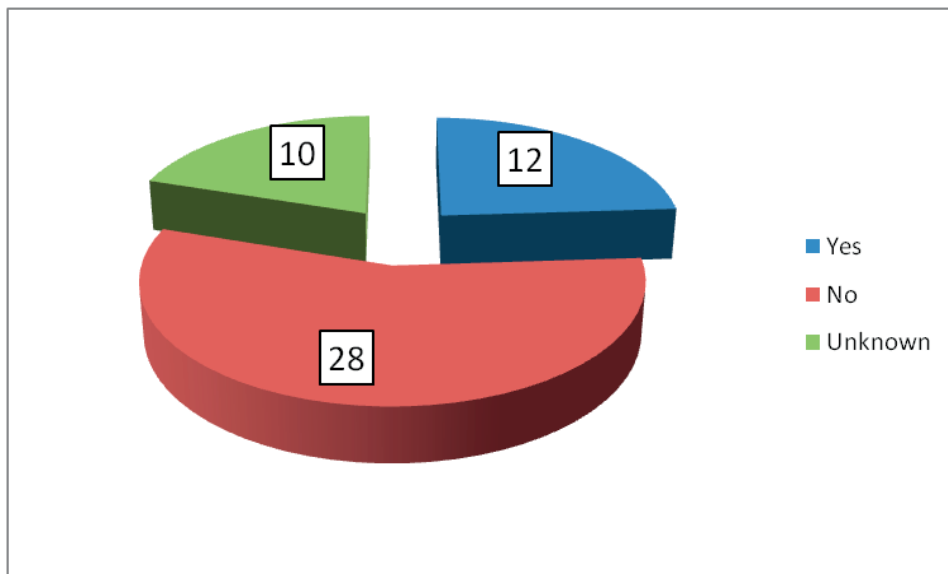
Graph 4 Perpetrator's Education Level



The perpetrators in the examined sample had varying levels of obtained education. The data refer to 49 perpetrators, while such data is not available for one perpetrator. An insight into Table 4 shows that, in the observed period, the majority of perpetrators had completed secondary education (72%). A total of five perpetrators had obtained a university degree, while only one perpetrator had received no education. These data are largely confirmed by the results of previous criminological research, which showed that the structure of perpetrators of domestic violence is dominated by perpetrators with completed secondary education.⁴⁷

⁴⁷ Croatian Bureau of Statistics, *Domestic Violence: Legal Framework and Forms of Appearance, 2007 - 2010*, 27.

Graph 5 Previous Reports



Graph 5 contains data on previous reports, which show that 12 perpetrators (24%) had previously been reported for violence to the detriment of a closely related person. When we compare the available data on previous reports with the results of other research on the recidivism of perpetrators of domestic violence, it can be concluded that there are no significant deviations. Thus, according to research conducted by Dragičević Prtenjača, statistical data covering the period from 2011 to 2015 showed that 29% of perpetrators of the crime of domestic violence were recidivists.⁴⁸ According to the Croatian Bureau of Statistics, for the period from 2005 to 2012, recidivism among perpetrators of domestic violence ranged from 20% to 31%.⁴⁹ However, previous data on recidivism deviate significantly from the results of research by Martinjak and Filipović, according to which as many as 55.29% of perpetrators had already been punished for domestic violence.⁵⁰

With regards to the recidivism of perpetrators of domestic violence, it should be noted that a perpetrator who commits a crime to the detriment of a closely related person and had previously been convicted in misdemeanour proceedings for domestic violence will not be considered a recidivist in the criminal legal sense; therefore, such a perpetrator will not be included in statistics relating to recidivism.⁵¹ Given the significant intertwining of misdemeanour and criminal liability and the exceptional

48 Dragičević Prtenjača, *Dihotomija pristupa urješavanju nasilja u obitelji putem prekršajne i kaznenopravne regulative*, 170.

49 Croatian Bureau of Statistics, *Punoljetni počinitelji kaznenih djela, prijave, optužbe i osude u 2005., 2006., 2007., 2008., 2009., 2010., 2011., 2012.*

50 Martinjak, Filipović, *Prekršajna ili kaznena odgovornost u slučaju nasilja u obitelji*, 647-648.

51 Dragičević Prtenjača, *Dihotomija pristupa urješavanju nasilja u obitelji putem prekršajne i kaznenopravne regulative*, 172.

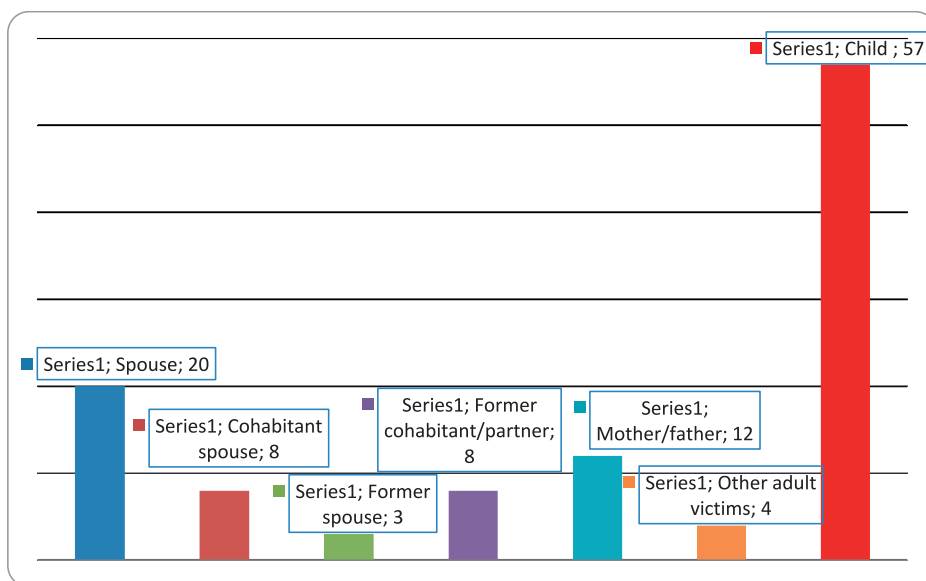
importance of this data in this type of violence, it should be clear from the criminal report whether the perpetrator had previously been reported or convicted for violence against a closely related person, regardless of whether it was qualified as a criminal offence or a misdemeanour.

The analysed files also reveal that for 20% of perpetrators, there is no information on whether they had previously been reported for violence against a closely related person (or any other criminal offence). This is a worrying fact because the previous criminal (or misdemeanour) report or conviction for domestic violence to the detriment of a closely related person is an important predictor of the perpetrator's future behaviour. The actions of competent authorities may depend on this data, especially regarding the prompt protection of victims of domestic violence.

3.2.2.2 Relationship Between the Victim and the Perpetrator

The perpetrators committed acts of violence to the detriment of a total of 112 closely related persons. In addition to 55 adult victims, this figure also includes children. Graph 6 presents the data on the relationship of the victim to the perpetrator.

Graph 6 Victim-Perpetrator Relationship



The analysis shows that 28 adult victims (51%) were the spouse and cohabitant spouse. Of these, as many as 27 were women, while in only one case, the victim was the perpetrator's husband. This is followed by the perpetrator's parents (mother and/or father), who make up 21.8% of the victims. In third place in terms of representation are former cohabitants or partners, of which there were slightly fewer, 20%, with all but one victim being female. Other adult victims include a brother, sister, grandmother, and daughter-in-law.

This structure of the relationship between the victim and the perpetrator in the analysed sample confirms that the most prevalent are current partnerships and that the most frequent victims of domestic violence are women and children, who are unfortunately often direct witnesses of this violence.⁵² Research shows that children suffer violence by witnessing various forms of abuse (verbal, psychological, physical) of people to whom they are emotionally attached (in most cases, their mothers) in their family home. This form of violence leaves very serious negative consequences for the psychological and emotional development of the child and, therefore, it is extremely important to recognize it in time and take appropriate measures to help children cope with severe traumatic experiences.⁵³

4 CONCLUSION

The triple approach of violence among closely related persons in current legislation does not make it at all easier to monitor the trends of this social phenomenon in the Republic of Croatia. Different authorities collect and process different data on violence among closely related persons, but there are no uniform and comprehensive statistics that include all relevant data. Thus, the statistics kept by the Ministry of the Interior contain data on criminal reports filed for violence among closely related persons, including the sex of the perpetrator and the victim, but there is no data on the relationship of the perpetrator to the victim and other important data.⁵⁴ Particularly problematic seems to be the lack of reliable data on recidivism among perpetrators of violence to the detriment of a closely related person. Data from the Croatian Bureau of Statistics are more comprehensive in this regard, because for each criminal offence, in addition to the number of reports, they also contain data on the number of charges and convictions as well as the sentences and other measures imposed on the perpetrator. They also contain information on the sex of the perpetrator and their previous convictions. However, the Croatian Bureau of Statistics does not keep data on the sex of the victim or the relationship between the perpetrator and the victim. An additional significant problem is that its data show only the number of reports, charges, and convictions for the criminal offence of domestic violence (Art. 179a), but not the number of reports, charges, and convictions for criminal offences in which violence against a closely related person is punished as their qualifying form. Namely,

52 Compare Council of Europe, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, Access 21st February 2022, <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>.

53 See Committee on Women's Rights and Gender Equality, Report on the Impact of Intimate Partner Violence and Custody Rights on Women and Children, 2019/2166(INI), 23.7.2021. Previous research also shows a high prevalence of psychological violence against children, which includes witnessing violence. Jelena Ogresta *et al.*, "Analiza obilježja prijavljenih događaja nasilja nad djecom u obitelji evidentiranih u centrima za socijalnu skrb", *Ljetopis socijalnog rada* 19, no. 3, (2012): 455.

54 See, e.g., Ministry of the Interior of the Republic of Croatia, *Statistical Survey of Basic Safety Indicators and Work Results for 2020*, Access 24th February 2022, <https://mup.gov.hr/UserDocsImages/statistika/2021/Basic-safety-indicators-2020.pdf>.

in a number of criminal offences, violence against a closely related person is only one of the prescribed qualifying circumstances, so it remains unknown whether the qualified form of, for example, the criminal offence of bodily injury exists because it was committed against a closely related person or because it was committed out of hatred. Therefore, the data of the Croatian Bureau of Statistics on the number of reports, charges, and convictions for crimes committed against a closely related person are incomplete, and, consequently, the data on the sex of perpetrators and victims, the share of recidivists among perpetrators, and other relevant data on crimes against closely related persons are incomplete as well.

The Croatian Bureau of Statistics kept separate, very detailed statistics related to domestic violence when it was prescribed twice, as an independent criminal offence and as a misdemeanour. Thus, in special publications in 2008 and 2012, it published data on the socio-demographic characteristics of perpetrators of the criminal offence of domestic violence and the perpetrators of the misdemeanour of domestic violence (sex, age, marital status, education, and occupation), decisions of criminal proceedings authorities and decisions of misdemeanour courts, including imposed sanctions.⁵⁵ This practice should be renewed, and the above-mentioned data should be supplemented with data related to the qualified form of criminal offences committed to the detriment of a closely related person as well as data on the socio-demographic characteristics of victims.

Despite certain shortcomings and difficulties in the methodological approach to monitoring the trends of violence among closely related people due to different ways of keeping statistics and the lack of all relevant data that could be analysed over a longer period of time, taking into account the results of this research and comparing them with previous research in the Republic of Croatia, it can be concluded that domestic violence is still a very widespread form of violence in our society. When we compare the phenomenological indicators related to the total number of misdemeanour and criminal reports for violence against a closely related person during 2020, the analysed statistical data show an increase of 1.1% compared to 2019. This data, especially when compared with data from some other countries, point to the conclusion that, in Croatia, there was no significant increase in violence among closely related persons due to the pandemic caused by the COVID-19 disease. However, at the same time, the data show that, in 2020, the prior trend of an increase in criminal offences compared to misdemeanour reports continued. During the 2020 pandemic, the number of criminal reports was almost 29% higher than the number of criminal charges in the previous year. It should be noted that this increase is not unique to 2020 but that the trend of the increasing number of criminal reports has been recorded since 2014. This situation can be partly explained by legislative changes in misdemeanour and criminal legislation in relation to violence among closely related persons. However, it should be noted that there is a lack of recent research on this issue related to the demarcation of domestic violence as a criminal offence and a misdemeanour, and the case law

55 *Nasilje u obitelji 2001.-2006.* (Zagreb: Državni zavod za statistiku Republike Hrvatske, 2007); *Nasilje u obitelji: pravni okvir i pojavni oblici 2007.-2010.* (Zagreb: Državni zavod za statistiku Republike Hrvatske, 2012).

should certainly be analysed in this regard.

In terms of criminological and victimological characteristics of perpetrators and victims, this research has certain limitations that prevent the generalisation of results. However, it fully confirms the results of previous research, that the majority of victims are women and that most perpetrators are men wishing to gain control and domination over them through violence. Gender-based violence is one of the most complex social phenomena, and the answer to it cannot be sought exclusively in the sphere of law, whether misdemeanour or criminal. Addressing the domestic violence issue is a matter of concern for all of society.⁵⁶ Dealing only with the consequence and lack of a comprehensive analysis of this phenomenon and systematic engagement with it, especially in the part that refers to its causes, obviously does not yield results. How to recognize this type of violence, how to protect oneself from it, and how to prevent it are topics that need to be discussed much more frequently in our society, and educating oneself on this issue should start from an early age because today, it is more than evident that mere frequent changes in legislation in this area will not lead to changes in society.

BIBLIOGRAPHY

1. Ajduković, Marina, and Dean Ajduković. "Partnerski odnosi u vrijeme COVID-19 krize: Kako sačuvati dobre odnose, spriječiti ili/i zaustaviti nasilje?" In: *Koronavirus i mentalno zdravlje*, 159-171. Zagreb: Hrvatska psihološka komora, 2020.
2. Baldri, Anna Constanza, and Elishabet Duban. *Improving the Effectiveness of Law Enforcement and Justice Officers in Combating Violence Against Women and Domestic Violence*. Strasbourg: Council of Europe, 2016.
3. Brink, Julia, Patricia Cullen, Kristen Beek, and Sanne A. E. Peters. "Intimate Partner Violence During the COVID-19 Pandemic in Western and Southern European Countries". *European Journal of Public Health* 31, no. 5 (2021): 1058-1063.
4. Campbell, M. Andrew. "An Increasing Risk of Family Violence During the COVID-19 Pandemic: Strengthening Community Collaborations to Save Lives". *Forensic Science International: Reports* 2, (2020): 1-3.
5. Campbell, M. Andrew. "Improving Prevention of Family Violence During (And After) Disaster: Lessons Learned from the COVID-19 Pandemic". *Forensic Science International: Reports* 3, (2021), <https://doi.org/10.1016/j.fsir.2021.100179>.
6. Campedelli, Gian Maria, Alberto Aziani, and Serena Favarin. "Exploring the Immediate Effects of COVID-19 Containment Policies on Crime: an Empirical Analysis of the Short-Term Aftermath in Los Angeles". *American Journal of Criminal Justice* 46, (2021): 704-727.
7. Committee on Women's Rights and Gender Equality, Report on the Impact of Intimate Partner Violence and Custody Rights on Women and Children, 2019/2166(INI), 23 July 2021.
8. Council of Europe. *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*. Access 21st February 2022. <https://rm.coe.int/ic-and-explanatory-report/16808d24c6>.
9. Criminal Code of the Republic of Croatia, Official Gazette, no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21.

⁵⁶ Igor Šlosar, "A Pandemic in a Pandemic: Domestic Violence in Croatia", *The Visio Journal* 6, (2021): 44.

10. Dragičević Prtenjača, Marta. "Dihotomija pristupa u rješavanju nasilja u obitelji putem prekršajnopravne i kaznenopravne regulative". *Hrvatski ljetopis za kaznene znanosti i praksu* 24, no. 1 (2017): 141-175.
11. Ertan, Deniz, Wissam El-Hage, Sarah Thierrée, Hervé Javelot, and Coraline Hingray. "COVID-19: Urgency for Distancing from Domestic Violence". *European Journal of Psychotraumatology* 11, no. 1 (2020): 1-7.
12. Gearhart, Sera, Maria Perez-Patron, Tracy Anne Hammond, Daniel W. Goldberg, Andrew Klein, and Jennifer A. Horney. "The Impact of Natural Disasters on Domestic Violence: An Analysis of Reports of Simple Assault in Florida (1999–2007)". *Violence and Gender* 5, no. 2 (2018): 87-92.
13. Grozdanić, Velinka, Marissabell Škorić, and Ileana Vinja. "Nasilje u obitelji u svjetlu promjena Kaznenog zakona". *Hrvatski ljetopis za kazneno pravo i praksu* 17, no. 2 (2010): 669-698.
14. Hans Henri P. Kluge. "During COVID-19 Pandemic, Violence Remains Preventable, not Inevitable". 7th May 2020. <https://www.euro.who.int/en/media-centre/sections/statements/2020/statement-during-covid-19-pandemic,-violence-remains-preventable,-not-inevitable>.
15. Ivandić, Ria, Tom Kirchmaier, and Ben Linton. *Changing Patterns of Domestic Abuse During COVID-19 Lockdown*. London: Centre for Economic Performance, 2020.
16. Law on Protection from Domestic Violence, Official Gazette, no. 70/17, 126/19, 84/21.
17. Lazarić Zec, Danijela, and Gordana Pavleković. "Iskustvo i samoprocjena znanja stručnjaka u lokalnoj zajednici o problemu nasilja nad ženom u obitelji". *Ljetopis socijalnog rada* 13, no. 2 (2006): 297-314.
18. Lazić, Nika, Vanja Lazić, and Branko Kolarić. "First Three Months of COVID-19 in Croatia, Slovenia, Serbia and Federation of Bosnia and Herzegovina - Comparative Assessment of Disease Control Measures". *Infektološki glasnik* 40, no. 2 (2020): 43-49.
19. Leslie, Emily, and Riley Wilson. "Sheltering in Place and Domestic Violence: Evidence from Calls for Service during COVID-19". *Journal of Public Economics* 189, (2020), <https://doi.org/10.1016/j.jpubeco.2020.104241>.
20. Mahase, Elishabeth. "COVID-19: EU States Report 60% Rise in Emergency Calls about Domestic Violence". *BMJ* (2020), 10.1136/bmj.m1872.
21. Mamula, Maja, and Ivana Dijanić Plašč. "Tipična žrtva obiteljskog nasilja u RH - sociodemografski profil". *Život i škola* 60, no. 32 (2014): 111-127.
22. Martinjak, Davorka, and Hrvoje Filipović. "Prekršajna ili kaznena odgovornost u slučaju nasilja u obitelji". *Hrvatski ljetopis za kaznene znanosti i praksu* 26, no. 2 (2019): 621-653.
23. Martinjak, Davorka, Suzana Kikić, and Irma Kovčo Vukadin. "Viktimološka obilježja obiteljskog nasilja s posebnim osvrtom na pravnu kvalifikaciju događaja". In: *Zbornik radova VII. međunarodne znanstveno-stručne konferencije Istraživački dani Visoke policijske škole u Zagrebu*, eds. Irena Čajner Mraović, and Mirjana Kondor-Langer, 303-327. Zagreb: Ministarstvo unutarnjih poslova, Policijska akademija, 2020.
24. Martinović, Igor. "Kaznenopravni aspekti obiteljskog nasilja". In: *Ljudska prava žena - Razvoj na međunarodnoj i nacionalnoj razini 30 godina nakon usvajanja Konvencije UN-a o uklanjanju svih oblika diskriminacije žena*, eds. Ivana Radačić, and Jelka Vince Pallua, 261-280. Zagreb: Institut društvenih znanosti Ivo Pilar, 2011.
25. Ministry of the Interior of the Republic of Croatia. *Statistical Survey of Basic Safety Indicators and Work Results for 2018, 2019, 2020*. Access 24th February 2022. <https://mup.gov.hr/UserDocsImages/statistika/2021/Basic-safety-indicators-2020.pdf>.
26. Mlambo-Ngcuka, Phumzile. "Violence Against Women and Girls: The Shadow Pandemic". 6th April 2020. <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>.

27. *Nasilje u obitelji 2001.-2006.* Zagreb: Državni zavod za statistiku Republike Hrvatske, 2007.
28. *Nasilje u obitelji: pravni okvir i pojavni oblici 2007.-2010.* Zagreb: Državni zavod za statistiku Republike Hrvatske, 2012.
29. Ogresta, Jelena, Ivan Rimac, Marina Ajduković, and Lea Skokandić. "Analiza obilježja prijavljenih događaja nasilja nad djecom u obitelji evidentiranih u centrima za socijalnu skrb". *Ljetopis socijalnog rada* 19, no. 3, (2012): 439-477.
30. *Ombudsperson for Gender Equality of the Republic of Croatia, Annual Report for 2020.* Access 15th March 2021. https://www.sabor.hr/sites/default/files/uploads/sabor/2021-04-01/135301/IZVJESCE_RAD_PRAVOBRANITELJICE_RAVNOPRAVNOST-SPOLOVA_2020.pdf.
31. Parkinson, Debra. "Investigating the Increase in Domestic Violence Post Disaster: An Australian Case Study". *Journal of Interpersonal Violence* 34, no. 11 (2019): 2333-2362.
32. Peterman, Amber, Alina Potts, Megan O'Donnell, Kelly Thompson, Niyati Shah, Sabine Oertelt-Prigione, and Nicole van Gelder. "Pandemics and Violence Against Women and Children". *Working paper* 528, (2020).
33. Piquero, R. Alex, Jordan R. Riddell, Stephen A. Bishopp, Chelsey Narvey, Joab A. Reid, and Nicole Leeper Piquero. "Staying Home, Staying Safe? A Short-Term Analysis of COVID-19 on Dallas Domestic Violence". *American Journal of Criminal Justice* 45, no. 4 (2020): 601-635.
34. *Punoljetni počinitelji kaznenih djela, prijave, optužbe i osude u 2005., 2006., 2007., 2008., 2009., 2010., 2011., 2012.* Zagreb: Državni zavod za statistiku Republike Hrvatske, 2006-2013.
35. *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences*, A/HRC/26/38, 28 May 2014.
36. *Report of the State Attorney General of the Republic of Croatia on the Work of State Attorney's Offices in 2020*, Zagreb, 2021.
37. *Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence Against Women - Victim support.* Luxembourg: Publications Office of the European Union, 2013.
38. Rittossa, Dalida, and Marissabell Škorić. "Abandoned and Forgotten? Violent Deaths of Previously Abused Female Victims in Croatia". *Pravni vjesnik* 37, no. 3-4 (2021): 7-30.
39. Rittossa, Dalida, and Sandra Juranović. *Stručna analiza pravomoćnih kaznenih presuda o nasilju prema ženama 2012. - 2016.* Zagreb: Pravobraniteljica za ravnopravnost spolova, 2019.
40. Škorić, Marissabell, and Dalida Rittossa. "Nova kaznena djela nasilja u Kaznenom zakonu". *Hrvatski ljetopis za kazneno pravo i praksu* 22, no. 2 (2015): 483-521.
41. Šlosar, Igor. "A Pandemic in a Pandemic: Domestic Violence in Croatia". *The Visio Journal* 6, (2021): 34-44.
42. The Office of the High Commissioner for Human Rights. "States Must Combat Domestic Violence in The Context Of COVID-19 Lockdowns - UN Rights Expert". 27th March 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25749&LangID=E>.
43. United Nations Office of Drugs and Crime. *The Impact Of COVID-19 on Criminal Justice System Responses to Gender-Based Violence Against Women: A Global Review of Emerging Evidence (2021)*. https://www.unodc.org/documents/justice-and-prison-reform/Assessment_COVID-19_and_CJS_responses_to_GBVAW_23Mar2021.pdf.
44. United Nations Office on Drugs and Crime. *Global study on Homicide. Gender-Related Killing of Women and Girls.* Viena: UNODC, 2019.
45. United Nations Office on Drugs and Crime. *Killings of Women and Girls by Their Intimate Partner or Other Family Members.* Viena: UNODC, 2021.

46. Usher, Kim, Caroline Bradbury-Jones, Navjot Bhullar, Joanne Durkin, Naomi Gyamfi, Syadani Fatema, and Debra Jackson. "COVID-19 and Family Violence: Is this a Perfect Storm?". *International Journal of Mental Health Nursing* 30, (2021): 1022-1032.
47. Žigante Živković, Branka, and Robert Završki. *Stručna analiza pravomoćnih prekršajnih presuda o nasilju prema ženama 2012. - 2016.* Zagreb: Pravobraniteljica za ravnopravnost spolova, 2019.

Marissabell Škorić*

Sažetak

UTJECAJ PANDEMIJE BOLESTI COVID-19 NA RAŠIRENOST NASILJA POČINJENOG NA ŠTETU BLISKE OSOBE U HRVATSKOJ

Mjere poduzete u svrhu sprječavanja širenja COVID-19 bolesti, posebice mjera strogog ograničenja kretanja (*lockdown*), za žrtve obiteljskog nasilja značile su cjelodnevno zatvaranje u domu sa svojim zlostavljačima. Istodobno im je zbog poduzetih mjera značajno smanjen pristup različitim oblicima pomoći i podrške. Boravak u domu je za žrtve obiteljskog nasilja postao, tzv. dvosjekli mač - s jedne strane za njih je dom najsigurnije mjesto za zaštitu od korona virusa, a s druge strane to je najopasnije mjesto jer su u njemu izolirane sa svojim zlostavljačima. Cilj je provedenog istraživanja čiji su rezultati prezentirani u ovom radu bio ispitati kako su mjere poduzete radi sprječavanja širenja COVID-19 bolesti utjecale na pojavu nasilja na štetu bliske osobe u Hrvatskoj. U tu svrhu analizirani su policijski podaci o broju prijavljenih slučajeva nasilja počinjenog na štetu bliske osobe u razdoblju *lockdowna* te neposredno prije i nakon njega. Posebna pažnja usmjerena je na kvalifikaciju kaznenih djela počinjenih na štetu bliske osobe te na sociodemografske karakteristike počinitelja i žrtava nasilja. Na temelju analiziranih podataka procjenjuje se da li postoje značajna odstupanja u broju prijavi i obilježjima nasilja počinjenog na štetu bliske osobe tijekom trajanja *lockdowna* u Hrvatskoj. U zaključku se ukazuje na određene nedostatke u načinu praćenja kretanja nasilja među bliskim osobama u Republici Hrvatskoj te na postojanje potrebe da se rješavanju ovog fenomena pristupi na sustavan i cjelovit način.

Ključne riječi: *nasilje na štetu bliske osobe; kazneno djelo; prekršaj; COVID-19 pandemija; lockdown; Hrvatska.*

* Dr. sc. Marissabell Škorić, redovita profesorica, Sveučilište u Rijeci, Pravni fakultet; skoric@pravri.hr. ORCID: <https://orcid.org/0000-0003-0627-3651>.
Ovaj rad je sufinancirala Hrvatska zaklada za znanost projektom IP-CORONA-04-2086.

