



**THE LAW AND FGM**

**CROATIA**

**DECEMBER 2021**

# National Legal Framework

## Overview of National Legal Framework in Croatia

### National legislation:

✓	Specific law/provision criminalising FGM
✓	Provides a definition of FGM
✓	Criminalises the performance of FGM
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM
X	Obligation to report incidents of FGM to the authorities
✓	Criminalises the participation of medical professionals in acts of FGM
X	Extraterritorial application regardless of double criminality

## Introduction

Croatia is a country on the cultural boarder between central and south-eastern Europe with an estimated population of 4.05 million.<sup>1</sup> Croatia is a unitary republic with a parliamentary democracy. It has a civil-law legal system.

### FGM Prevalence

There is no information available on the prevalence of female genital mutilation (FGM) in Croatia, either for girls and women who have undergone FGM or those who are at risk of FGM.<sup>2</sup>

## National Legal Framework

### General Law

FGM is criminalised in Croatia under a specific provision on FGM in general criminal law, which entered into force in 2011. **Article 116 of the Criminal Code of the Republic of Croatia (2011)** (the *Criminal Code*) criminalises performing FGM under paragraph one and inciting or assisting a woman or a girl to undergo FGM under paragraph two.

Paragraph three lists two aggravating circumstances:

- when someone commits FGM or incites or assists a woman or girl in undergoing FGM out of hatred; and
- when someone commits FGM on a child or family member or incites or assists a child or family member in undergoing FGM.

### Definition of FGM

**Article 116(1) of the Criminal Code** defines FGM as partially or totally removing or permanently altering the external female genitalia. This is in line with the definition of FGM by the World Health Organization and covers all four types of FGM.<sup>3</sup>

## Women and Girls of All Ages

The performance of FGM on women and girls of all ages has been criminalised in Croatia. **Article 116** does not contain a restriction on the age of the victim. Performing FGM on a child is an aggravating circumstance under **Article 116(3)**.

## Procuring, Aiding and Abetting

Procuring, aiding and abetting FGM are criminalised in Croatia through general criminal law and the specific provision (**Article 116**).

- Procuring FGM – for example, someone having a cutter (or any other person) perform FGM on the victim – would most likely qualify as ‘co-perpetration’ under **Article 36(2) of the Criminal Code**. **Article 36(2)** describes ‘co-perpetration’ as several persons committing a criminal offence based on a joint decision to do so, with each of them participating or otherwise significantly contributing to the commission of the offence.
- Abetting another to commit FGM on someone else would most likely be qualified as encouraging a crime under **Article 37(1) of the Criminal Code**. **Article 37(1)** prescribes that someone who intentionally incites another to commit a criminal offense shall be punished as if he had committed it himself. Inciting a woman or girl herself to undergo FGM is criminalised under **Article 116(2)**.
- Aiding another to commit FGM on someone else would most likely fall under **Article 38 of the Criminal Code**. **Article 38** prescribes that whoever intentionally helps another to commit a crime shall be punished as if he had committed it himself, or he may be punished more leniently. No further definition of ‘helping’ is given; therefore, it is most likely up to the discretion of a judge to decide what is considered ‘helping’ in specific cases. Aiding a woman or girl herself to undergo FGM is criminalised under **Article 116(2)**.

**Article 39 of the Criminal Code** prescribes that each co-perpetrator and participant (instigator and helper) shall be punished in accordance with his guilt. According to **Articles 37 and 38**, the instigator and helper is to be punished as if they have committed the crime themselves; i.e. under **Article 116(1)**, the penalty is *imprisonment for one to eight years*. Inciting and helping a woman to herself undergo FGM is punishable by imprisonment for *up to three years* under **Article 116(2)**.

## Allowing the Use of Premises

Allowing the use of premises by someone to commit FGM on another person is criminalised in Croatia through general criminal law. It is very likely that allowing the use of premises would be qualified as ‘intentionally helping’ under **Article 38 of the Criminal Code**.

Allowing the use of premises by a woman or girl for herself to undergo FGM is criminalised under **Article 116(2)**, since it is very likely that this would qualify as ‘assisting’.



## Providing or Possessing Tools

Providing (specific) tools to someone for the purpose of committing FGM on another person is likely to be criminalised in Croatia under **Article 38 of the Criminal Code**. Likewise, providing (specific) tools for the purpose of FGM to a woman or girl to undergo FGM herself is criminalised under **Article 116(2)**, since it is very likely that this would qualify as 'assisting'.

Possessing (specific) tools for the purpose of FGM has not been criminalised in Croatia. **Article 116** does not mention preparing FGM, and the Criminal Code does not contain a general provision criminalising preparing a crime. Furthermore, simply possessing tools for the purpose of FGM does not qualify as a punishable attempt under Croatian criminal law. **Article 34 of the Criminal Code** describes an 'attempt' as an action that immediately precedes the commission of the criminal offence, with the intention to indeed commit that crime. When someone simply possesses tools for the purpose of FGM, that person can still make up his or her mind to not go through with it.

## Failure to Report FGM

Failing to report that FGM is being prepared is criminalised in Croatia under **Article 301 of the Criminal Code**. Failing to report that FGM has been committed *is not criminalised* in Croatia under **Article 302 of the Criminal Code**. This peculiarity is due to the difference in the requirement of minimum sentences in **Articles 301 and 302**.

- **Article 301(1)** prescribes that a person is punishable when he or she knows that a crime for which a punishment of five years' imprisonment or more is prescribed is being prepared and fails to report this while it is still possible to stop the crime from happening.
- **Article 302(1)** prescribes that a person is punishable when he or she knows that a crime for which a punishment of ten years' imprisonment or more is prescribed has been committed and fails to report this, while knowing it would enable or greatly facilitate the discovery of the offence or the perpetrator.

The sentences prescribed by **Article 116(1)** for committing FGM and **Article 116(3)** for aggravating circumstances do meet the requirement in **Article 301**, but not the requirement in **Article 302**.

**Article 301(3)** prescribes that failure to report the preparation of a crime is not a criminal offence if the perpetrator is the married, registered or cohabiting partner or is a blood relative in the direct line, sibling, adoptive parent or adopted child of the person with knowledge of the preparations of the crime, unless the crime that is being prepared is intended to be committed on a child. For example, if a grandparent is preparing the FGM of an underage girl, the parent would still have to report this.

## Medicalised FGM

Medicalised FGM is criminalised in Croatia under **Article 116 of the Criminal Code**.

There are provisions in the Criminal Code that criminalise malpractice by licenced medical professionals and medical quackery by unlicensed persons. However, those are general provisions, and, in a civil law system, the specific law, in this case **Article 116** criminalising FGM, has precedence over general laws.

## Extraterritoriality

The Criminal Code of Croatia extends extraterritorial application to the commission of FGM abroad.

- **Article 14(1) of the Criminal Code** extends the application of Croatian criminal law to persons of Croatian nationality or residing in Croatia who commit an offence abroad, if that offence is also punishable under the law of the state where it was committed (the requirement of double criminality).
- However, **Article 14(3)** contains exceptions to the requirement of double criminality, including all offences described in **Article 116**. Thus, Croatian criminal law applies in any case where a person of Croatian nationality or residing in Croatia commits FGM abroad or incites or assists a woman or girl to undergo FGM abroad.
- **Article 15 of the Criminal Code** extends the application of Croatian criminal law to foreigners who commit abroad offences against persons of Croatian nationality or residing in Croatia, under the requirement of double criminality, unless the offence is covered by **Article 16 of the Criminal Code**. **Article 16** does not explicitly state that **Article 116** is an exception to the requirement of double criminality, but does prescribe that, besides the explicitly mentioned offences, criminal offences that the Republic of Croatia are obliged to punish under an international agreement, even when they were committed outside the territory of the Republic of Croatia, are also exceptions to the requirement of double criminality. This might extend to FGM.

## Penalties

There are different penalties for committing FGM and inciting or assisting a woman or girl to undergo FGM, depending on the age of the victim, the relationship between victim and perpetrator, and the perpetrator's motivation.

- The basic sentence for committing FGM under **Article 116(1)** is *one- to eight-years' imprisonment*.
- The basic sentence for inciting or assisting a woman or girl to undergo FGM under **Article 116(2)** is *up to three years' imprisonment*.
- The sentence if the acts under **Article 116(1)** and **Article 116(2)** are done out of hatred or against a child or a family member under **Article 116(3)** is *three- to ten-years' imprisonment*.

**Article 37(1)** prescribes that an abettor will be punished as if that person had committed the crime, and **Article 38(1)** prescribes that someone who aided a crime may be punished more leniently. In the end, the judge has the discretion to determine the guilt of any perpetrator or participant under **Article 39(1)** and may sentence them within the limits set by the law.

## Protection

### Protecting Uncut Girls and Women

There are general child-protection laws that protect uncut girls. **Article 92(1) of the Croatian Family Law** (the *Family Law*) prescribes that parental care consists of, *inter alia*, the duty to protect the personal right of the child to health, development, care and safety.

**Article 131(1) of the Family Law** prescribes that measures to protect the rights and welfare of the child may be established if it is determined that the child's rights and welfare have been violated or that the rights, welfare and development of the child are endangered. **Article 131(2)** prescribes that the rights of the child are considered endangered if the care of the child is inadequate or if the child has psychosocial difficulties that are manifested through behaviour and other problems in the child's development, or if they are likely to occur.

If a child is at imminent or serious risk of FGM, it is arguable that the care of the child is inadequate, since **Article 92(1)** prescribes that the care for a child includes protecting their health, development and safety, which FGM would violate.

**Article 134 of the Family Law** prescribes that the Centre for Social Welfare may, in order to protect the personal rights and welfare of the child, impose:

- an urgent measure of separation and placement of the child outside the family;
- warning on mistakes and omissions in the performance of child care;
- a measure of professional assistance and support; and
- a measure of intensive professional assistance and supervision.

**Article 135(1)** prescribes that an urgent measure of separation can only be imposed if there is a danger to the life, health or welfare of the child that can only be evaded by separating the child from the immediate environment. Under **Article 136**, the Centre for Social Welfare may make the decision for separation at its own discretion or at the request of the child or a parent.

There are no specific or general laws protecting uncut women, aside from general criminal law.

## Implementation of The Law

### Court Cases

There are no Croatian court cases in relation to FGM known to 28 Too Many.

# Conclusions and Recommendations

## Conclusions

FGM is criminalised in Croatia under a specific provision in general criminal law, **Article 116 of the Criminal Code**. The definition of 'FGM' maintained therein covers all **types of FGM** and is in line with the WHO's definition; however, it omits the criterion of FGM being performed for non-medical reasons.

**Medicalised FGM** is not specifically addressed, but is likely to be covered by the general criminality of FGM.

**Procuring, aiding and abetting** FGM are criminalised in Croatia through general criminal law and the specific FGM provision.

**Failing to report** that FGM is being prepared has been criminalised in Croatia.

Croatian criminal law extends **extraterritorial application**, regardless of double criminality, to any case where a person of Croatian nationality or residing in Croatia commits FGM abroad or incites or assists a woman or girl to undergo FGM abroad.

## Recommendations

We recommend that Croatia order an inquiry into the prevalence of FGM and the number of girls and women possibly at risk of it.

We also recommend that Croatia instate an obligation for (at least) relevant professionals and institutions to report cases where FGM has been committed and cases where there are reasonable grounds to believe that FGM may be committed imminently.

# Appendix I: International and Regional Treaties

CROATIA	Signed	Ratified/ Acceded	Reservations on reporting?
<b>International</b>			
International Covenant on Civil & Political Rights (1966) ( <i>ICCPR</i> ) <sup>4</sup>	X	✓ 1992	No
International Covenant on Economic, Social & Cultural Rights (1966) ( <i>ICESCR</i> ) <sup>5</sup>	X	✓ 1992	No
Convention on the Elimination of All forms of Discrimination Against Women (1979) ( <i>CEDAW</i> ) <sup>6</sup>	X	✓ 1992	No
Convention on the Rights of the Child (1989) ( <i>CRC</i> ) <sup>7</sup>	X	✓ 1992	No
<b>Regional</b>			
Istanbul Convention <sup>8</sup>	✓ 2013	✓ 2018	No
European Convention on Human Rights <sup>9</sup>	✓ 1996	✓ 1997	No

**‘Signed’:** a treaty is signed by countries following negotiation and agreement of its contents.

**‘Ratified’:** once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

**‘Acceded’:** when a country ratifies a treaty that has already been negotiated by other states.



# Appendix II: National Laws

## Criminal Code

### Art. 14

- (1) Kazneno zakonodavstvo Republike Hrvatske primjenjuje se prema hrvatskom državljaninu i osobi koja ima prebivalište u Republici Hrvatskoj, koja izvan područja Republike Hrvatske počini bilo koje drugo kazneno djelo osim onih koja su obuhvaćena odredbama iz članka 13. i članka 16. ovoga Zakona, ako je to kazneno djelo kažnjivo i prema zakonu države u kojoj je počinjeno.
- (2) Odredba stavka 1. ovoga članka primijenit će se i kad počinitelj stekne hrvatsko državljanstvo nakon počinjenja kaznenog djela.
- (3) U slučajevima iz stavka 1. i 2. ovoga članka kod kaznenih djela iz članka 115. stavka 3. i 4., članka 116., članka 153., članka 154., članka 158., članka 161., članka 162., članka 163., članka 164., članka 166. i članka 169. ovoga Zakona te drugih kaznenih djela kod kojih je to predviđeno međunarodnim ugovorom kojeg je Republika Hrvatska stranka, kazneno zakonodavstvo Republike Hrvatske primijenit će se i kad kazneno djelo nije kažnjivo prema zakonu države u kojoj je počinjeno.
- (4) Kad hrvatski državljani sudjeluju u mirovnim operacijama ili drugim međunarodnim aktivnostima izvan područja Republike Hrvatske i u takvim operacijama ili aktivnostima počine kazneno djelo, primjena zakonodavstva Republike Hrvatske ravnat će se prema odredbama ovog Zakona, ako međunarodnim ugovorom kojeg je Republika Hrvatska stranka nije predviđeno drugačije.

### Art. 15

- (1) Kazneno zakonodavstvo Republike Hrvatske primjenjuje se prema strancu koji izvan područja Republike Hrvatske prema državljaninu Republike Hrvatske, osobi koja ima prebivalište u Republici Hrvatskoj ili pravnoj osobi registriranoj u Republici Hrvatskoj počini bilo koje kazneno djelo koje nije obuhvaćeno odredbom iz članka 13. i članka 16. ovoga Zakona, ako je to kazneno djelo kažnjivo i prema zakonu države u kojoj je počinjeno.
- (2) U slučaju iz stavka 1. ovoga članka sud ne može izreći težu kaznu od one koja je propisana zakonom zemlje u kojoj je kazneno djelo počinjeno.

### Art. 16

Kazneno zakonodavstvo Republike Hrvatske primjenjuje se prema svakome tko izvan njezina područja počini kazneno djelo iz članka 88., članka 90., članka 91., članka 97., članka 104., članka 105. i članka 106. ovoga Zakona kao i kazneno djelo koje je Republika Hrvatska prema međunarodnom ugovoru obvezna kažnjavati i kada je počinjeno izvan područja Republike Hrvatske.

### Art. 36

- (1) Počinitelj je osoba koja sama ili posredstvom druge osobe počini kazneno djelo.
- (2) Počini li više osoba na temelju zajedničke odluke kazneno djelo tako da svaka od njih sudjeluje u počinjenju radnje ili na drugi način bitno pridonese počinjenju kaznenog djela, svaka od njih kaznit će se kao počinitelj (supočinitelj).

### Art. 37

- (1) Tko drugoga s namjerom potakne na počinjenje kaznenog djela, kaznit će se kao da ga je sam počinio.
- (2) Tko drugoga s namjerom potakne na počinjenje kaznenog djela za koje je pokušaj kažnjiv, a djelo ne bude niti pokušano, kaznit će se kao za pokušaj toga kaznenog djela.
- (3) U slučaju neprikladnog pokušaja poticanja, poticatelj se može osloboditi kazne.

### Art. 38

Tko drugome s namjerom pomogne u počinjenju kaznenog djela, može se blaže kazniti.

### **Art. 39**

- (1) Svaki supočinitelj i sudionik (poticatelj i pomagač) kažnjava se u skladu sa svojom krivnjom.
- (2) Posebne osobne okolnosti zbog kojih zakon propisuje oslobođenje od kazne, ublažavanje kazne, blaži ili teži oblik kaznenog djela uzet će se u obzir samo onom supočinitelju ili sudioniku kod kojega postoje.

### **Art. 116**

- (1) Tko ženskoj osobi potpuno ili djelomično ukloni ili trajno promijeni vanjski spolni organ, kaznit će se kaznom zatvora od jedne do osam godina.
- (2) Tko žensku osobu potakne ili joj pomogne da se podvrgne radnjama iz stavka 1. ovoga članka, kaznit će se kaznom zatvora do tri godine.
- (3) Tko djelo iz stavka 1. i 2. ovoga članka počini iz mržnje, prema djetetu ili članu obitelji, kaznit će se kaznom zatvora od tri do deset godina.

### **Art. 301**

- (1) Tko zna da se priprema počinjenje kaznenog djela za koje je propisana kazna zatvora pet godina ili teža kazna i to ne prijavi u vrijeme kad je još bilo moguće spriječiti njegovo počinjenje, a djelo bude pokušano ili počinjeno, kaznit će se kaznom zatvora do jedne godine.
- (2) Tko počini kazneno djelo iz stavka 1. ovoga članka glede kaznenog djela za koje je propisana kazna dugotrajnog zatvora, kaznit će se kaznom zatvora do tri godine.
- (3) Nema kaznenog djela iz stavka 1. ovoga članka kad njegova obilježja ostvari osoba koja je u braku ili koja živi u izvanbračnoj ili istospolnoj zajednici s osobom koja priprema neprijavljeno kazneno djelo ili je toj osobi rođak po krvi u ravnoj lozi, brat ili sestra, posvojitelj ili posvojenik, osim ako se priprema kazneno djelo na štetu djeteta.
- (4) Za kazneno djelo iz stavka 2. ovoga članka može se blaže kazniti počinitelj koji je s osobom koja priprema počinjenje kaznenog djela u nekom od odnosa iz stavka 3. ovoga članka.

### **Art. 302**

- (1) Tko zna da je počinjeno kazneno djelo za koje je propisana kazna zatvora deset godina ili teža kazna pa to ne prijavi iako zna da bi takvom prijavom bilo omogućeno ili znatno olakšano otkrivanje djela ili počinitelja, kaznit će se kaznom zatvora do tri godine.
- (2) Kaznom iz stavka 1. ovoga članka kaznit će se službena ili odgovorna osoba koja ne prijavi počinjenje kaznenog djela za koje je saznala obavljajući svoju dužnost, a radi se o kaznenom djelu za koje pokretanje kaznenog postupka nije prepušteno privatnoj tužbi ili progonu po prijedlogu.
- (3) Počinitelj kaznenog djela iz stavka 2. ovoga članka neće se kazniti kaznom strožom od one koja je propisana za kazneno djelo koje nije prijavio.
- (4) Nema kaznenog djela iz stavka 1. ovoga članka kad njegova zakonska obilježja ostvari osoba koja je u braku ili koja živi u izvanbračnoj ili životnoj zajednici ili neformalnoj životnoj zajednici s osobom koja je počinila neprijavljeno kazneno djelo ili je toj osobi srodnik po krvi u ravnoj lozi, brat ili sestra, posvojitelj ili posvojenik, osim ako je djelo počinjeno prema djetetu.
- (5) Nema kaznenog djela iz stavka 1. i 2. ovoga članka kad njegova zakonska obilježja ostvari vjerski ispovjednik ili osoba koja je prema zakonu dužna čuvati tajnu.

## Family Law

### Art. 92

(1) U sadržaj roditeljske skrbi ulazi pravo i dužnost zaštite osobnih prava djeteta na:

1. zdravlje, razvoj, njegu i zaštitu
2. odgoj i obrazovanje
3. ostvarivanje osobnih odnosa i
4. određivanje mjesta stanovanja.

(2) U sadržaj roditeljske skrbi ulazi pravo i dužnost upravljanja djetetovom imovinom.

(3) U sadržaj roditeljske skrbi ulazi pravo i dužnost zastupanja djetetovih osobnih i imovinskih prava i interesa.

### Art. 131

(1) Mjere za zaštitu prava i dobrobiti djeteta određuju se na temelju stručne procjene ako se utvrdi da je došlo do povrede djetetovih prava i dobrobiti ili da su prava, dobrobit i razvoj djeteta ugroženi.

(2) Prava djeteta smatraju se ugroženima ako je skrb o djetetu neodgovarajuća ili ako dijete ima psihosocijalne poteškoće koje se očituju kroz ponašanje, emocionalne, školske i druge probleme u djetetovu odrastanju ili ako postoji vjerojatnost da će do toga doći.

(3) Ministar nadležan za poslove socijalne skrbi pravilnikom će propisati uvjete stručne osposobljenosti radnika, edukaciju radnika za provođenje mjera intenzivne stručne pomoći i nadzora nad ostvarivanjem skrbi o djetetu, način provođenja mjera za zaštitu osobnih prava i dobrobiti djeteta, kriterije za stručnu procjenu i provedbu mjera za zaštitu osobnih prava i dobrobiti djeteta, kao i visinu iznosa i način isplate naknade za provedbu mjera stručne pomoći i potpore obitelji u ostvarivanju skrbi o djetetu te intenzivne stručne pomoći i nadzora nad ostvarivanjem skrbi o djetetu.

### Art. 134

Centar za socijalnu skrb može radi zaštite osobnih prava i dobrobiti djeteta odrediti:

1. žurnu mjeru izdvajanja i smještaja djeteta izvan obitelji
2. upozorenje na pogreške i propuste u ostvarivanju skrbi o djetetu
3. mjeru stručne pomoći i potpore u ostvarivanju skrbi o djetetu i
4. mjeru intenzivne stručne pomoći i nadzora nad ostvarivanjem skrbi o djetetu.

### Art. 135

(1) Ako postoji opasnost za život, zdravlje ili dobrobit djeteta koji se mogu zaštititi samo izdvajanjem djeteta iz neposrednoga okruženja, centar za socijalnu skrb će odlučiti o žrnom izdvajanju djeteta od roditelja ili druge osobe kod koje se dijete nalazi.

(2) U rješenju iz stavka 1. ovoga članka centar za socijalnu skrb će odlučiti i o privremenom smještaju djeteta kod druge osobe koja zadovoljava pretpostavke za skrbnika, kod udomiteljske obitelji, ustanove socijalne skrbi, odnosno druge fizičke ili pravne osobe koja obavlja djelatnost socijalne skrbi.

### Art. 136

Rješenje o žrnom izdvajanju djeteta centar za socijalnu skrb donosi po službenoj dužnosti, na prijedlog djeteta ili roditelja.

- 
- 1 Eurostat (2020) *Population on 1 January by age and sex*, 1 January 2020. Available at [https://ec.europa.eu/eurostat/databrowser/view/demo\\_pjan/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/demo_pjan/default/table?lang=en) (accessed 15 June 2021).
  - 2 European Institute for Gender Equality (2013) *Current situation of female genital mutilation in Croatia*. Available at <https://eige.europa.eu/publications/current-situation-and-trends-female-genital-mutilation-croatia> (accessed 15 June 2021).
  - 3 World Health Organization (2020) *Factsheet: Female Genital Mutilation*. Available at [https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation#:~:text=Female%20genital%20mutilation%20\(FGM\)%20involves,benefits%20for%20girls%20and%20wo men](https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation#:~:text=Female%20genital%20mutilation%20(FGM)%20involves,benefits%20for%20girls%20and%20wo men) (accessed 15 June 2021).
  - 4 *International Covenant on Civil and Political Rights* (1966) United Nations Treaty Collection: Status of Treaties. Available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en) (accessed 15 June 2021).
  - 5 *International Covenant on Economic, Social and Cultural Rights* (1966) United Nations Treaty Collection: Status of Treaties. Available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4) (accessed 15 June 2021).
  - 6 *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) United Nations Treaty Collection: Status of Treaties. Available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4&clang=\\_en#9](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=_en#9) (accessed 15 June 2021).
  - 7 *Convention on the Rights of the Child* (1989) United Nations Treaty Collection: Status of Treaties. Available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en) (accessed 15 June 2021).
  - 8 - Council of Europe (2021) *Chart of signatures and ratifications of Treaty 210, Convention on preventing and combating violence against women and domestic violence*. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/?module=signatures-by-treaty&treatynum=210> (accessed 17 May 2021).  
- Council of Europe (2021) *Reservations and Declarations for Treaty 210, Convention on preventing and combating violence against women and domestic violence*. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/?module=declarations-by-treaty&numSte=210&codeNature=0> (accessed 17 May 2021).
  - 9 - Council of Europe (2021) *Chart of Signatures and Ratifications of Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms*. Available at [coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?module=signatures-by-treaty&treatynum=005](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?module=signatures-by-treaty&treatynum=005) (accessed 17 May 2021).  
- Council of Europe (2021) *Reservations and Declarations for Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms*. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/?module=declarations-by-treaty&numSte=005&codeNature=0> (accessed 17 May 2021).

**Cover images:** Croatia from Canva stock library.

Black Linear Studios (2021) *Portrait of a woman [i]n yellow knitwear*. Unsplash ID: yVtgAGCUyZw.

Please note that the use of a photograph of any girl or woman in this report does not imply that she has, nor has not, undergone FGM.

This report analyses and discusses the application of national (criminal) laws to the commission of FGM and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM, available legal protective measures for girls and women at risk of FGM, and any obligations of national governments in relation to FGM.

The initial research conducted for this report consisted of a questionnaire developed by 28 Too Many and Ashurst LLP. The information contained in the responses to that questionnaire was then reviewed by Middelburg Human Rights Law Consultancy, updated and used as the basis of further research from relevant sources. This report is mainly based on primary legal sources such as legislation, case law and authoritative literature, but does use secondary sources such as government documents, journal articles and newspaper articles.

This report has been prepared as a work of legal research only and does not represent legal advice in respect of any of the laws of Croatia. It does not purport to be complete or to apply to any particular factual or legal circumstance. It does not constitute, and must not be relied or acted upon as, legal advice or create an attorney-client relationship with any person or entity. Neither 28 Too Many, Ashurst LLP and Middelburg Human Rights Law Consultancy nor any other contributor to this report accepts responsibility for losses that may arise from reliance upon the information contained herein, or any inaccuracies, including changes in the law since the research was completed in August 2021. No contributor to this report holds himself or herself out as being qualified to provide legal advice in respect of any jurisdiction as a result of his or her participation in this project or contribution to this report. Legal advice should be obtained from legal counsel qualified in the relevant jurisdiction/s when dealing with specific circumstances. It should be noted, furthermore, that in many countries there is a lack of legal precedent for the penalties laid out in the law, meaning that, in practice, lesser penalties may be applied.

### **Acknowledgements:**

Ashurst LLP

Middelburg Human Rights Law Consultancy

Law Firm Ilej & Partners LLC in cooperation with Karanović & Partners

### **Version 3, June 2022**

© 28 Too Many 2021  
Registered Charity No. 1150379  
Limited Company No. 08122211  
Email: [info@28toomany.org](mailto:info@28toomany.org)

