

Gendered Gaps in Legal Protections

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Summary: Croatia's framework for protecting women and girls victims of human trafficking, conflict-related sexual violence, and asylum seekers lacks sufficient gender sensitivity and trauma-informed approaches. Both a destination and origin country for trafficking, Croatia overlooks female victims' unique vulnerabilities, limiting access to justice. Rising migration has fueled trafficking, and female migrants face systemic discrimination in asylum processes. Moreover, wartime sexual violence legislation is narrowly defined, excludes victims from nonmilitary zones and Croatia fails in its outreach to survivors. Across these areas, the State needs to strengthen policies and services that prioritize women's access to justice, recovery, safety, and health support.

Existing legislation and institutions focused on human trafficking provide inadequate guarantees for gender-sensitive, trauma-informed justice processes.

- Croatia's National Plan for Suppression on Human Trafficking encourages a harmful, gender-neutral approach in its analysis of data that will influence policy. The emphasis is placed on the age of the victim, while the gender of the victim is completely neglected, which results in framing that provides misleading conclusions that obscure the specific victimization of women and girls who were mostly sexually exploited.
- Trafficking victims face significant barriers in their efforts to seek justice, especially as legal aid services tailored to trafficking victims are scarce throughout the country. In addition, prosecutors and judges have a limited understanding of the intersectional vulnerabilities faced by female trafficking victims, resulting not only in lighter sentences being issued to perpetrators for their abuses, but also leaving the victim more vulnerable to retraumatization. Victims face significant barriers in seeking compensation.
- There has been a significant decrease in the identification of female victims of human trafficking, which, in part, can be attributed to the insufficient training of frontline actors to recognize these victims. There is insufficient screening for undocumented migrants and asylum seekers, discouraging victims from cooperating and self-identifying.
- Female migrants face disproportionate discrimination when seeking asylum and justice for victims of gender-based violence.
- There are extremely low rates of acceptance of asylum for women fleeing domestic violence in proportion to the number of existing cases.
- Law enforcement and judicial officers often lack a gender-sensitive, trauma-informed, culturally sensitive, human rights approach in their interactions with survivors of gender-based violence, resulting in either inaction or dismissal of complaints and claims made by migrant women seeking justice or asylum.

Victims of sexual violence during wartime have limited protections.

- The Law on Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War in 2015 (“The Law”) limited acts of violence to wartime operations directly tied to the aggression against Croatia, excluding crimes in non-military zones even though the entire country was on war alert. Similarly, the Ministry of Croatian Veteran’s narrowly defines wartime sexual violence excluding sexual harassment, torture, and other degrading actions, forced marriage, and gender-based persecution and often refuses to recognize women raped or assaulted by Croatian military or police.
- The Law excludes victims of wartime sexual violence who did not have a registered residence during the time of the war, despite them being subjected to Croatia’s rule of law during the war. This oversight denies female victims access to specialized services, reparations, and compensation.
- To obtain justice, the Law places responsibility on the victims to provide evidence demonstrating a clear lack of consent on their behalf to prove they are victims of sexual violence. This burden of proof does not align with international standards on sexual violence and can lead to secondary victimization.

Recommendations

- Establish specialized protection and support for trafficked women and girls, addressing their unique trauma and vulnerabilities.
- Improve victim identification, integration, and access to shelters, counselling, and reintegration programs, ensuring adequate funding for NGOs providing these services.
- Provide interdisciplinary training for police, judges, and social workers on trafficking victim perspectives, gender-specific needs, and cultural sensitivity.
- Improve quality of data collecting and analysis taking into account all elements of vulnerability of victims of trafficking in human beings, in particular sex.
- Enhance identification and support for undocumented migrants and asylum seekers through frontline training and gender-responsive protocols.
- Provide gender-sensitive guidelines and training for all officials interacting with migrant women on identifying, interviewing, and processing gender-based violence claims, in consultation with NGOs.
- Provide comprehensive information to asylum-seeking women on their rights and legal options for addressing mistreatment.
- Evaluate the implementation of the Law on the Rights of Victims of Sexual Violence during the war.
- Implement campaigns on national radio and TV stations on existence of the Law on the Rights of Victims of Sexual Violence in War and possibilities of exercising rights for survivors.
- Engage in bilateral dialogue to recognize and compensate women raped during the war in Bosnia and Herzegovina who live in Croatia.
- Ensure specialized services for women survivors of sexual violence in war.