

**RESPONSE OF THE CROATIAN AUTHORITIES ON THE QUESTIONNAIRE
FROM THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS
CAUSES AND CONSEQUENCES**

4. Please specify whether online and ICT-facilitated violence against women is recognized as crime, particularly cases of killings, threats of rape and harassment of women journalists.

Criminal Code (Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 and 126/19, hereinafter referred to as the Criminal Code) in Article 87, paragraph 26, contains a provision governing gendered meaning. According to the provision in question, words and conceptual terms that have a gendered meaning, whether used in the Criminal Code in the masculine or feminine gender, **refer in equal way to the masculine and feminine gender.**

With regard to the sex of the victim, that is regarding the fact that the person in question is a woman journalist, as a discriminatory motive for committing a crime, we draw attention to Article 87, paragraph 21 of the Criminal Code, which defines **hate crime** as a crime committed on the basis of racial or ethnic origin, skin colour, religion, national or ethnic origin, language, disability, **sex**, sexual orientation or gender identity of another person. Unlawful hate-motivated behaviour will be taken as an aggravating circumstance unless the Criminal Code explicitly prescribes more severe punishment. In this regard, we emphasize that the Criminal Code in the Special Section contains a whole range of crimes in which the perpetration of crime “motivated by hate” represents a qualified form punishable by a more serious punishment, such as: aggravated murder, female genital mutilation, personal injury, serious bodily injury, especially serious bodily injury, threat, serious sexual freedom offenses, etc.

Additional protection of the journalistic profession is ensured through the criminal offense of **Threat** (Article 139 of the Criminal Code), in which the legislator prescribed as a qualifying circumstance the fact that the same was committed **against the journalist in connection with his job** and for which, in that case, prosecution is ensured by official duty.

In the context of the question raised, we consider it important to point out that the Criminal Code prescribes the criminal offense of **Intrusive Behavior** (Article 140 of the Criminal Code), which punishes whoever persistently and for a long time follows or stalks another person, tries to establish or establishes unwanted contact with him or otherwise intimidates and thus causes anxiety or fear for her safety or the safety of her loved ones, together with the criminal offense of **public incitement to violence and hatred** (Article 325 of the Criminal Code) which punishes anyone who through press, radio, television, computer system or network, on public gathering or otherwise publicly encourages or makes available to the public leaflets, pictures or other materials invoking violence or hatred directed against a group of people or a member of the group based on their racial, religious, national or ethnic origin, language, origin, skin colour, **sex**, sexual orientation, gender identity, disability **or any other characteristics.**