



ENDING CHILD SEXUAL ABUSE – INTERNATIONAL STANDARDS, CROATIAN CRIMINAL LEGAL FRAMEWORK AND PREVENTIVE STRATEGIES*

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ABSTRACT

Sexual abuse of children is a pervasive social issue that affects children with different social background, age and family settings, an issue that crosses national boundaries. The global prevalence of child sexual abuse (hereinafter: CSA), coupled with the possibility of identifying shared conclusions regarding the nature and consequences of this profoundly harmful phenomenon, underscores the need for a coordinated agreement on effective strategies and interventions. Considering the above, recent years have seen the adoption of various international instru-

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ments aimed at preventing and combating the sexual abuse of children. Starting with the Convention on the Rights of the Child, followed by the Lanzarote Convention, continuing through EU directives, a comprehensive international normative framework has been established. In recent years, EU has significantly strengthened its normative framework for the suppression of domestic and gender-based violence and outlined effective preventive strategies. Previous research has demonstrated that the obligations arising from convention-based law have served as an important catalyst for Croatian criminal law reforms over the past two decades. An examination of the legislative amendments to the 1997 and 2011 Criminal Code reveals that sexual offences against children underwent a number of separate revisions in terms of legislative drafting. Given the exceptionally intensive normative activity in the field of sexual offences against children, this paper will specifically examine whether the interventions undertaken so far have sufficiently aligned national solutions with international guidelines and whether there is scope for further reform.

Keywords: Child sexual abuse, Croatian criminal legal framework, International standards, Sexual exploitation of children, Sexual offences against children, Prevention

1. SEXUAL ABUSE OF CHILDREN: THE SCALE OF THE ISSUE

Sexual abuse of children is a pervasive and highly complex social issue that has received considerable scholarly attention in recent years. Numerous studies have revealed the general estimates of this negative phenomenon, its various forms, the complex dynamics of victimisation, and the manifestation and severity of its consequences. Extensive research across different fields has advanced our understanding of CSA, shedding new light on the victim-offender relationship and the criminological and victimological contexts. Given the intensity of research, Conte and Sion concluded that knowledge of different aspects of this phenomenon has expanded dramatically over the past four decades.¹ Similarly, Witt and colleagues confirm that there has been noted a significant increase in research into the issue of CSA owing to media reports and intensive public and political debate.² Nevertheless, it has become clear that increased scholarly interest in this topic has not led to convergent conclusions. Considering the structural and contextual complexity of the sexual victimisation of children, it is unrealistic to expect research findings to align completely. Although many studies have produced divergent findings, shaped by differing theoretical frameworks on what constitutes CSA,

¹ Conte, J. R.; Simon, J., *Sexual Abuse of Children*, in: Geffner, R.; White, J. W.; Hamberger, L. K.; Rosenbaum, A.; Vaughan-Eden, V.; Vieth, V. I. (eds.), *Handbook of Interpersonal Violence and Abuse Across the Lifespan*, A Project of the National Partnership to End Interpersonal Violence Across the Lifespan (NPEIV), Springer Nature, Cham, 2022, p. 741.

² Witt, A.; Rassenhofer, M.; Allroggen, M.; Brähler, E.; Plener, P. L.; Fegert, J. M., *The Prevalence of Sexual Abuse in Institutions: Results From a Representative Population-Based Sample in Germany*, *Sexual Abuse*, Vol. 31, No. 6, 2018, p. 644.

research methods, and sample definitions, certain recurring tendencies and shared positions can still be identified.

It is important to note at the outset that, despite public concern and awareness, CSA is a frequent yet underreported occurrence, closely linked to the phenomenon known as the dark figure of crime. In a significant number of cases, no disclosure has ever been made, and the magnitude of the problem is therefore obscured. Most research studies show that children face barriers that prevent them from reporting abuse. For instance, fear, anxiety, embarrassment, a lack of understanding of abuse, insufficient parental support, and the experience of intrafamilial abuse are strongly associated with nondisclosure.³ As noted in Radford et al., although a child manages to summon the strength to confide in another person about the abuse they have endured, typically a peer, at most 14% of these incidents are subsequently reported to authorities.⁴ It seems that a substantial proportion of sexual offences against children remains outside the scope of the criminal justice system, either because they are never detected or because they are excluded from official crime statistics due to low prosecution rates. Even when a case becomes known to the authorities, recent research indicates that only 25% of cases are prosecuted, and approximately half of those prosecutions result in a conviction.⁵

Even though the precise extent of abuse remains unclear, evidence suggests that the exposure of children to sexual victimisation is a global phenomenon. Recent estimates indicate that around 12% of the world's children have experienced some form of sexual abuse.⁶ This is consistent with the findings of the World Report on Violence against Children, which confirmed that large numbers of children worldwide are routinely exposed to sexual violence.⁷ Published meta-analyses and individual reviews show that the regional prevalence of child sexual victimisation forms a highly complex and uneven pattern. Country-wide surveys report that CSA reaches the highest rates in Africa and South Asia, while the lowest preva-

³ Wallis, C. R. D.; Woodworth, M. D., *Child Sexual Abuse: An Examination of Individual and Abuse Characteristics That May Impact Delays of Disclosure*, Child Abuse & Neglect, Vol. 107, 2020, [https://doi.org/10.1016/j.chiabu.2020.104604]; Okur, P.; van der Knaap, L. M.; Bogaerts, S., *A Quantitative Study on Gender Differences in Disclosing Child Sexual Abuse and Reasons for Nondisclosure*, Journal of Interpersonal Violence, Vol. 35, No. 23-24, 2017, p. 5256.

⁴ Radford, L.; Allnock, D.; Hynes, P.; Shorrocks, S., *Action to End Child Sexual Abuse and Exploitation: A Review of the Evidence*, UNICEF, New York, 2020, p. 24.

⁵ Burke, K. C.; Golding, J. M.; Neuschatz, J. S., *Sexual Victimization and Legal-Decision Making*, Ohio State Journal of Criminal Law, Vol. 22, No. 1, 2025, p. 42.

⁶ Wallis; Woodworth, *op. cit.*, note 3.

⁷ Pinheiro, P. S., *World Report on Violence against Children*, United Nations Secretary-General's Study on Violence against Children, United Nations, Geneva, 2006, p. 3.

lence is noted in Europe and the United States.⁸ Nevertheless, there is broad agreement among researchers and child-protection professionals that this is predominantly a gendered issue. According to various studies and official crime reports, girls are two to three times more likely than boys to experience violations of their sexual integrity.⁹ This ratio varies depending on the methodological parameters of the studies, and, for example, the above-mentioned World Report on Violence against Children cites that approximately 150 million girls and 73 million boys were subjected to some form of sexual abuse with force in 2002.¹⁰ More recently, WHO estimates that 120 million girls and young women under the age of 20 have experienced forced sexual contact.¹¹

The bulk of recent studies show that most offenders are adult males previously known to the victim through social connections or family ties.¹² It appears that up to 95% CSA is committed by individuals known to the child, and over one-third of these perpetrators are family members.¹³ A special relationship between the offender and the child is usually established within an environment that enables the offender's strategic and manipulative behaviour. Katz analysed 29 forensic interviews with children aged 8 to 14 years and highlighted the unique child-offender dynamic in intrafamilial CSA. Children abused by family members described feelings of shock and surprise when confronted with the abuse, despite having previously been subjected to prolonged manipulative tactics, in addition to fear, terror, confusion, and difficulty in understanding their feelings about the abuse.¹⁴ Moreover, sexually victimised children within the family context are exposed to pronounced levels of familial dysfunction, and it is not uncommon for them to experience additional forms of maltreatment, including physical, psychological, or

⁸ Radford, L.; Allnock, D.; Hynes, P., *Preventing and Responding to Child Sexual Abuse and Exploitation: Evidence Review*, UNICEF, New York, 2015, p. 6.

⁹ Radford *et al.*, *ibid.*, p. 18; *Global Status Report on Preventing Violence against Children*, World Health Organization, Geneva, 2020, p. 12; Bücken, C. A.; Mangiulli, I.; Erens, B.; Leistra, A.; Otgaar, H., *International Researchers and Child Protection Service Workers Beliefs about Child Sexual Abuse*, *Psychology, Crime & Law*, Vol. 31, No. 7, 2025, p. 869.

¹⁰ Pinheiro, *op. cit.*, note 7, p. 12.

¹¹ *Global Status Report on Preventing Violence against Children*, *op. cit.*, note 9, p. 14.

¹² Radford *et al.*, *op. cit.*, note 4, p. 39; Ross, S., *Parental Advocacy and Child Sexual Abuse in Australian Institutions, 1940-1980*, *Law & History*, Vol. 11, No. 1, 2025, pp. 25 – 26.

¹³ Goddard, N.; Wright, C.; Bramwell, R.; Shannon, K. L., *Detecting Child Sexual Abuse in Perpetrators: The Effects of Perpetrator Age and of Training on Observers*, *Child Abuse Review*, Vol. 34, No. 4, 2025, p. 2; Rittossa, D., *Seksualni delikti na štetu djece*, Hrvatsko udruženje za kaznene znanosti i praksu, Ministarstvo unutarnjih poslova Republike Hrvatske, Zagreb, 2007, p. 292.

¹⁴ Katz, C., *Unspoken: Child-Perpetrator Dynamic in the Context of Intrafamilial Child Sexual Abuse*, *Journal of Interpersonal Violence*, Vol. 37, No. 5-6, 2022, pp. 14 – 17.

combined abusive behaviours.¹⁵ Clarifying the child's situation and experiences is critical for understanding and addressing the potential consequences of exposure to abuse.

The vast majority of studies, confirm the social, emotional, mental, and physical health consequences that victims may experience immediately or throughout their lives. As noted in a recent national survey, CSA is in most cases deeply traumatic, leaving scars on a child's sense of security, self-integrity, and sexual and bodily autonomy.¹⁶ Survivors must navigate a wide range of psychosocial challenges that affect their housing stability, independent living, educational attainment, employment opportunities, and social connections.¹⁷ They also often struggle with various mental health conditions such as depression,¹⁸ post-traumatic stress disorder,¹⁹ eating disorders, and other anxiety disorders,²⁰ as well as ongoing physical health outcomes.²¹ Research to date has consistently shown that CSA is a widespread social and public-health issue affecting children in both low- and high-income countries, and recent estimates indicate that the global economic burden of all forms of violence against children, including sexual violence, could reach 8% of global GDP or roughly 7 trillion US dollars.²²

¹⁵ Martijn, F. M.; Blagden, N.; Baguley, T.; Leroux, E., J.; Mackay, J.; Seto, M. C., *What about the Family in Intrafamilial Child Sexual Abuse? There is Significantly More Familial Dysfunction in Families with Intrafamilial Child Sexual Abuse Than in Other Families*, Clinical Psychology Review, Vol. 123, 2026, p. 12.

¹⁶ Mathews, B.; Finkelhor, D.; Collin-Vézina, D.; Malacova, E.; Thomas, H. J.; Scott, J. G.; Higgins, D. J.; Meinck, F.; Pacella, R.; Erskine, H. E.; Haslam, D. M.; Lawrence, D., *Disclosure and Non-Disclosure of Childhood Sexual Abuse in Australia: Results from a National Survey*, Child Abuse & Neglect, Vol. 160, 2025, p. 2.

¹⁷ Latham, R. M.; Newbury, J. B.; Fisher, H. L., *A Systematic Review of Resilience Factors for Psychosocial Outcomes During the Transition to Adulthood Following Childhood Victimisation*, Trauma, Violence, & Abuse, Vol. 24, No. 2, 2023, p. 958.

¹⁸ Akinyemi, O.; Ogundare, T.; Fasokun, M.; Ogunyankin, F.; Ugochukwu, N.; Ajisafe, W.; Ikugbayigbe, S.; Eze, O.; Hughes, K.; Michae, M., *The Long-Term Impact of Childhood Sexual Assault on Depression and Self-Reported Mental and Physical Health*, Frontiers in Psychiatry, Vol. 15, 2025, p. 5.

¹⁹ Cea, B.; Montes, A.; Trinidad, A.; Arce, R., *Forensic Psychological Harm in Victims of Child Sexual Abuse: A Meta-analytic Review*, The European Journal of Psychology Applied to Legal Context, Vol. 17, No. 2, 2025, p. 115.

²⁰ Carretier, E.; Jourdan, M.; Duchesne, S.; Flouriot, J.; Lachal, J.; Moro, M-R., *Disclosure of Sexual Abuse by Adolescents Treated in a Psychiatry Department*, Encephale, Vol. 51, No. 1, 2025, p. 50.

²¹ Easton, S. D.; Kong, J.; Renner, L. M.; McKetchnie, S. M., *Long-Term Effects of Child Sexual Abuse on Physical Health: A Mixed-Gender, Population-Based Analysis of Older Adults*, Journal of Interpersonal Violence, 2025, [https://doi.org/10.1177/08862605251339641].

²² *The Violence Prevention Divided - Why Preventing Violence Against Children Makes Economic Sense*, UN Office of the Special Representative on Violence against Children, Geneva, 2022, p. 2.

The global prevalence of CSA, affecting both girls and boys across diverse socio-economic and cultural contexts, regardless of racial, ethnic, or national identity, together with consistent scientific evidence of its profoundly harmful consequences and other commonly shared characteristics, highlights the need for coordinated and effective strategies at the international level. In recent years, new challenges associated with modern technology and AI have further intensified this need, as these developments have contributed to CSA increasingly transcending national borders.²³ Consequently, the adoption of international and regional instruments has become a logical and necessary step towards harmonising national legal frameworks, strengthening cross-border cooperation, and promoting best practices in the effective suppression and prevention of CSA. However, to the best of the authors' knowledge, existing research on CSA in Croatia is limited and has not examined the extent to which the international obligations undertaken by the state have been complied with, particularly regarding the establishment of a coherent criminal law framework and the adoption of effective preventive measures. Thus, the aim of the present study is to provide an in-depth normative analysis that addresses the identified gap in the literature. It further proposes *de lege ferenda* amendments to the Criminal Code and preventive measures aligned with international standards, and seeks to foster scholarly debate.

2. THE ROLE OF INTERNATIONAL LAW IN SHAPING EFFECTIVE CSA RESPONSES

2.1. Overview of the Key CSA-related Instruments with Regard to the Republic of Croatia

As already emphasised, CSA constitutes an exceptionally complex social phenomenon which manifests in various forms and examines through a wide range of interrelated approaches, each addressing CSA from its own perspective. Growing societal awareness has enabled a deeper understanding of its complexity, prevalence, and transnational nature, thereby creating space for more systematic and decisive actions at all levels, but above all within the international legal framework. Given the scope limitations of this paper, it is not possible to provide a detailed analysis of all existing instruments and the networks of established mechanisms. The examples presented below therefore serve only as an indicative overview of the complexity of this phenomenon, with particular emphasis on the implementation of selected instruments in Croatia, where relevant data are available.

²³ Parti, K.; Szabó, J., *The Legal Challenges of Realistic and AI-Driven Child Sexual Abuse Material: Regulatory and Enforcement Perspectives in Europe*, Laws, Vol. 13, No. 6, 2024, p. 74.

With regard to the protection of children's rights, the most prominent place undoubtedly belongs to the Convention on the Rights of the Child (hereinafter: CRC), adopted in 1989,²⁴ as the first international legal instrument to refer explicitly and clearly to the issue of CSA in its provisions.²⁵ It was the first to introduce terms such as sexual abuse, coercion of a child to engage in unlawful sexual activities, child prostitution, child pornography, use of children in pornographic materials and performances.²⁶ In elaborating on the provisions relating to sexual exploitation and abuse, the Committee on the Rights of the Child (hereinafter: the CRC Committee)²⁷ has defined such acts as all sexual activities imposed on a child by an adult that are prohibited under criminal law,²⁸ including: a) inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity; b) the use of children in commercial sexual exploitation; c) audio or visual images of CSA, d) child prostitution, sexual slavery, sexual exploitation in travel and tourism and sale of children for sexual purposes, and forced marriage.²⁹ One of the most significant achievements of the CRC lies in the imposition of obligations on States Parties to adopt various measures aimed at protecting the rights enshrined in the Convention. Thus, for the purpose of protecting children from all forms of sexual exploitation and abuse, States Parties shall take all appropriate measures to prevent inducing or coercion of a child into unlawful sexual activity, including exploitative use in prostitution and other unlawful sexual practices, and

²⁴ Convention on the Rights of the Child, UNTS, 1577 (p. 3); Official Gazette of the Republic of Croatia – International Treaties No. 12/1993, 13/1997, 3/1998, 15/2002 (hereinafter: CRC).

²⁵ The CSA phenomenon is also addressed in many other documents, such as the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); or the Council of Europe Convention on Action against Trafficking in Human Beings (2005). It is also covered by many instruments within the broader prohibition of human exploitation, which fall outside the scope of this paper and will not be examined further, *e.g.*: CEDAW (1979), Art. 6; Convention Concerning the Prohibition and Immediate Action for the Elimination of The Worst Forms of Child Labour No. 182 (1999), Art. 3; Convention on the Rights of Person with Disabilities (2006), Art. 16.

²⁶ CRC, Arts. 19, 34.

²⁷ It is a body established under the CRC primarily for the purpose of examining the progress made by States Parties in its implementation (CRC, Art. 43). Additionally, through its interpretative work, in particular in the form of General Comments and specific Guidelines, it also promotes and advances standards for the protection of children's rights. The Committee has addressed the issue of child sexual abuse and exploitation in several of its General Comments: General Comment No. 7 (2005): Implementing child rights in early childhood, CRC/C/GC/7, 1 November 2005, in particular para. 36(g); General Comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13, 19 April 2011; General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment, CRC/C/GC/13, 2 March 2021.

²⁸ CRC Committee, General Comment No. 13, p. 10, fn. 9.

²⁹ *Ibid.*, para. 25.

pornographic performances and materials.³⁰ States are also obliged to take all necessary measures to prevent the abduction, sale, and trafficking of children,³¹ which frequently result in sexual abuse and exploitation. Particular emphasis is given on States' obligation to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim.³² The effectiveness of the CRC implementation is assessed through the analysis of periodic reports which States are required to submit to the CRC Committee.³³ Accordingly, in a following chapter this paper will briefly examine the most recent report submitted by the Republic of Croatia, insofar as it relates to CSA.

The first regional instrument entirely devoted to the protection of children from sexual exploitation and abuse, which has, since its entry into force in 2010, brought significant progress in this field, is the Lanzarote Convention of the Council of Europe (2007).³⁴ Applying the so-called "4 Ps" approach, the Convention requires States to provide a comprehensive response to sexual violence against children through prevention, protection, prosecution, and the promotion of international cooperation. Prior to its adoption, no single comprehensive international instrument existed that encompassed all forms of sexual violence against children, and the Convention may therefore be regarded as the most extensive international catalogue of criminal offences in this field. The offences it covers include: sexual abuse (Art. 18); child prostitution (Art. 19); child pornography (Art. 20); participation of a child in pornographic performances (Art. 21); corruption of children (Art. 22); and solicitation of children for sexual purposes (grooming) (Art. 23), including through online communication. The Convention establishes the Lanzarote Committee, which monitors its implementation in States Parties through thematic monitoring cycles that enable the comparison of legislative solutions, the exchange of good practices, and the identification of shortcomings in national policies, as will be illustrated below with reference to Croatia. At the same time, the Committee operates as a platform for the data collection and cooperation.³⁵ The Convention encourages States to reform their criminal legislation, strengthen

³⁰ CRC, Art. 34.

³¹ CRC, Art. 35.

³² CRC, Art. 39.

³³ CRC, Art. 44.

³⁴ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No. 201, Lanzarote, 25 October 2007; Official Gazette of the Republic of Croatia – International Treaties No. 11/2011; 13/2011 (Hereinafter: Lanzarote Convention).

³⁵ *A Global Tool to Protect Children from Sexual Violence, Building a Europe for and with Children*, Council of Europe, Available at: [<https://rm.coe.int/lanzarote-convention-a-global-tool-to-protect-children-from-sexual-vio/16809fed1d>], Accessed 15 March 2026.

preventive programmes, and improve institutional coordination and, notwithstanding continuing challenges,³⁶ remaining one of the most important international instruments addressing CSA.

The standards established by the Lanzarote Convention were further advanced by the most significant EU instrument in the field of combating CSA, sexual exploitation, and child pornography – Directive 2011/93/EU.³⁷ Its adoption marked an important step forward in the harmonisation of criminal law standards among EU Member States.³⁸ It establishes minimum requirements concerning the criminalisation of a broad range of conduct, including offences relating to sexual abuse (Art. 3), sexual exploitation (Art. 4), child pornography (Art. 5), and the solicitation of children for sexual purposes (Art. 6), which, in the context of information and communication technologies, constituted a relatively new category of criminal offence in EU law at the time of its adoption.³⁹ The Directive also emphasises the importance of preventive measures (Arts 22-23), while its particular value lies in its focus on the protection of victims, especially in the context of judicial proceedings, where it requires the adoption of measures aimed at preventing secondary victimisation and ensuring children's access to specialised support (Arts 18-20). Nevertheless, fifteen years after its adoption, and notwithstanding the fact that it was initially regarded as a progressive instrument providing a sufficient basis for combating sexual violence,⁴⁰ it is now evident that new forms of online violence call into question its adequacy in addressing the challenges of the digital environment.⁴¹ The proposal for a Regulation COM(2022) 209 final⁴² represents

³⁶ Council of Europe, *15 Years of the Lanzarote Convention: Achievements, Challenges and the Way Forward to Prevent and Protect Children from Sexual Exploitation and Abuse*, 2025, Available at: [<https://rm.coe.int/declaration-conference-of-ministers-15-years-of-the-lanzarote-conventi/1680b68f2b>], Accessed 15 March 2026.

³⁷ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, and Replacing Council Framework Decision 2004/68/JHA [2011] OJ L 335 (Hereinafter: Directive 2011/93/EU).

³⁸ Rittossa, D., *Seksualni delikti na štetu djece – hrvatski kaznenopravni okvir kroz prizmu zahtjeva iz Direktive 2011/93/EU*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 25, No. 1, 2018, p. 33.

³⁹ Klimek, L., *Solicitation of Children for Sexual Purposes: The New Offence in the EU*, International and Comparative Law Review, Vol. 12, No. 1, 2012, p. 142.

⁴⁰ Scherrer, A.; Van Ballegooij, W., *Combating Sexual Abuse of Children Directive 2011/93/EU European Implementation Assessment*, EPRS/European Parliamentary Research Service, 2017, p. 25, Available at: [[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/598614/EPRS_STU\(2017\)598614_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/598614/EPRS_STU(2017)598614_EN.pdf)], Accessed 15 March 2026.

⁴¹ See, e.g., Parti, Szabó, *op. cit.*, note 23, pp. 75 – 77.

⁴² First Proposal for a Regulation of the European Parliament and of the Council Laying Down Rules to Prevent and Combat Child Sexual Abuse, COM/2022/209 final, was introduced in May 2022. Following the adoption of its position by the Council of the European Union on 26 November 2025, negotiations with the European Parliament may continue with a view to reaching agreement on its

an attempt to overcome these shortcomings, while at the same time raising complex issues concerning the preservation of the balance between the protection of children and the safeguarding of fundamental rights. The legislative procedure for its adoption remains ongoing.⁴³

2.2. Findings of the Monitoring Bodies Regarding the Implementation of the CRC and the Lanzarote Convention in the Republic of Croatia

From this perspective, the role of international law is clear: the strength of the international legal framework depends primarily on its effective implementation at the national level. Inadequate implementation is not merely a formal failure to comply with assumed international obligations; it results in insufficient and inconsistent protection mechanisms within the national system, which in turn has a direct impact on the effectiveness of criminal prosecution, contributes to inconsistent judicial practice, and ultimately leads to far-reaching consequences for child victims that are difficult to measure. It is precisely the context in which the evaluation of the implementation of international treaties must be understood. Accordingly, this section briefly examines the observations of the CRC Committee and the Lanzarote Committee with regard to Croatia, in order to assess the extent to which its legislative and institutional framework complies with the international obligations it has undertaken.

With regard to the CRC, Croatia submitted its most recent combined fifth and sixth periodic report to the Committee in June 2020.⁴⁴ The Committee's concluding observations were adopted in June 2022⁴⁵ and serve as a form of assessment of the actual degree of (non)compliance of the Croatian system with international

final text. For more see: Council of EU, *Child Sexual Abuse: Council Reaches Position on Law Protecting Children From Online Abuse*, 26, November 2025, Available at:

[<https://www.consilium.europa.eu/en/press/press-releases/2025/11/26/child-sexual-abuse-council-reaches-position-on-law-protecting-children-from-online-abuse/>], Accessed 15 March 2026.

⁴³ For a more detailed account of the legislative process and a critical assessment, see: ASSEDEL, *Regulation to Prevent and Combat Child Sexual Abuse (CSAR): Policy Analysis*, 2026, Available at:

[https://assedel.org/wp-content/uploads/2026/01/1FINAL_Final-version-data-privacy-s.pdf], Accessed 15 March 2026. See also the *Proposal for a Regulation Laying Down the Rules to Prevent and Combat Child Sexual Abuse Complementary Impact Assessment*, EPRS/European Parliamentary Research Service, 2023, Available at:

[[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/740248/EPRS_STU\(2023\)740248_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/740248/EPRS_STU(2023)740248_EN.pdf)], Accessed 15 March 2026.

⁴⁴ CRC Committee, Combined Fifth and Sixth Periodic Reports Submitted by Croatia Under Article 44 of the Convention, due in 2019, 15 June 2020 (10 May 2021), CRC/C/HRV/5-6.

⁴⁵ Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Croatia, CRC/C/HRV/CO/5-6, 22 June 2022.

standards, including those relating to CSA. In its findings, the Committee acknowledges certain normative progress but simultaneously identifies a number of structural shortcomings: the absence of a comprehensive policy for the protection of children from violence, particularly violence within the family (which accounts for the majority of reported cases); the prevalence of violence in schools and the increasing incidence of online violence (which often remains unreported); the insufficient development and accessibility of support mechanisms and reporting systems for CSA (including its online forms). The Committee therefore calls for the development of a comprehensive policy for the prevention, suppression, and monitoring of all forms of violence, alongside the strengthening of educational and awareness-raising programmes aimed at increasing societal understanding of CSA. It further recommends the development of measures to strengthen systems for the identification of potential victims of sexual exploitation and child trafficking. In addition, it calls for improvements in reporting, investigation, and prosecution mechanisms, with procedures adapted to the needs of children. Finally, it emphasises the need to strengthen victim support, including trauma-focused therapy, ensure sustainable funding for child helpline services, and standardise the use of audio-visual recordings of children's testimonies in criminal proceedings in order to avoid re-victimisation.⁴⁶

It is notable that, while the CRC Committee's report remains at the level of broad systemic observations⁴⁷ and does not engage in detailed criminal law analysis of CSA, the reports of the Lanzarote Committee adopt a markedly different approach: they directly and precisely identify both strengths and weaknesses of the criminal law framework, in terms of both normative regulation and practice.

In the most recent Factsheet on Croatia (2023), updated with recent data from 2025,⁴⁸ it is noted that Croatia has taken certain steps in the field of protecting children from sexual exploitation and abuse through information and communication technologies (ICT). At the same time, however, a number of areas requiring further improvement are highlighted. One of the primary recommendations concerns the used terminology: the Committee invites Croatia to abandon the term "child pornography" and to consistently adopt the term "child sexual

⁴⁶ *Ibid.*, paras. 24, 25, 43.

⁴⁷ In light of the fact that almost a decade has passed since the period under consideration, it will be of particular interest to assess the findings of the seventh and eighth combined report, which Croatia is required to submit by 7 October 2027. *Ibid.*, para. 53.

⁴⁸ See Factsheet – Croatia: Lanzarote Committee Implementation Report on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSG-SIV), March 2023 (updated in March 2025).

abuse material” (hereinafter: CSAM), in order to avoid misperceptions regarding the seriousness of such offences. Particular emphasis is placed on the issue of the criminal liability of children in the context of self-generated sexual images and/or videos (CSGSIV), where the Committee considers that the Croatian system relies excessively on the age of criminal responsibility and the age of sexual consent as protective mechanisms.⁴⁹

In the field of the sexual extortion of children, the Committee identifies the absence of a specific criminal offence covering situations in which self-generated content is used to force, coerce, threaten a child or obtain a financial or other benefit to the offender. It therefore invites Croatia to ensure that such cases are addressed either by introducing a specific incrimination or by prosecuting both the initial detention of such material and the extortion itself, and to guarantee that these acts are effectively investigated and prosecuted. It also invites the development of appropriate legal responses to prioritising educational measures that support children in safely navigating their sexual development while understanding and avoiding the risks associated with producing and possessing such content. Committee requires Croatia to establish mandatory trainings on children’s rights and protection for all professionals who work with children, and requests to ensure that judges working on these matters have access to training on ICT facilitated sexual offences against children. It also requires to support the creation of free, accessible and confidential helplines or online service for child victims. Ultimately, in order to improve the effective implementation of the Convention, the Committee calls for the extension of international cooperation, including with civil society and non-Parties.⁵⁰

At the same time, the Committee recognises positive aspects of Croatian legislation, particularly in the area of grooming, where the Croatian Criminal Code is identified as an example of good practice, as it does not require a physical meeting or the production of CSAM for the conduct to be considered punishable. Promising practice is also recognized in urgency of criminal proceedings in cases of criminal law protection of children, including cases of sexual abuse and exploitation of children. The Committee also welcomes the application of active personality principle without dual criminality to the solicitation of children for sexual purposes and to all acts involving child pornography, including knowingly assessing such material through ICTs. The implementation of the project for the establishment of the Barnahus model is also taken as an example of another promising practice, as well as the development of web application for reporting content related to CSA, the delivery of awareness-raising programmes, and the inclusion of challeng-

⁴⁹ *Ibid.*, p. 4.

⁵⁰ *Ibid.*, pp. 8 – 9, 11, 19 – 20, 24 – 26, 33.

es related to CSGSIV in the national educational curriculum.⁵¹ These provisions demonstrate a high level of alignment with international standards and represents one of the areas in which Croatia receives explicit commendation.

The recommendations addressed to Croatia clearly indicate the need for further normative alignment, while at the same time the recognition of progress demonstrates that a foundation exists for the further development of the system of child protection in the digital environment. This is of particular importance, as the digital sphere today represents one of the most significant challenges in the prevention of CSA. Recent reports by bodies engaged in monitoring, *inter alia*, the phenomenon of CSA emphasise that the development of artificial intelligence further exacerbates the problem of child sexual exploitation. As emphasised by the CRC Committee, it is essential to ensure the development and regular updating of legislative, policy, and technical measures aimed at enabling children to participate in the digital environment in a safe, inclusive, and equitable manner.⁵² The Lanzarote Committee has likewise highlighted the need to criminalise all forms of CSA linked to new technologies, to adopt effective sanctions aimed at strengthening offender accountability, to develop competencies in the use of technologies for identifying victims and perpetrators, and to ensure protection and support for victims. States should, *inter alia*, devote particular attention to raising public awareness, educating both children and professionals, collecting data, and strengthening international cooperation in this field.⁵³

In addition to the examples of contractual monitoring mechanisms it is noteworthy that a particular role in the enforcement of international instruments addressing CSA is played by specialised mechanisms established by the UN Secretary-General, whose mandates directly or indirectly relate to the prevention of sexual violence against children. Among these, particular prominence is afforded to the Special Rapporteur on the Sale, Sexual Exploitation and Sexual Abuse of Children, Special Representative on Violence Against Children, Special Representative for Children and Armed Conflict or the Special Representative on Sexual Violence in Conflict. In addition to the bodies mentioned above, the protection of children from CSA is supported by a broad range of other international actors, including UNICEF, INTERPOL Crimes against Children Unit, EUROPOL, OSCE, global partnerships such as WePROTECT Global Alliance, and many others. Through formal mechanisms of cooperation, joint training activities, and the continuous

⁵¹ *Ibid.*, pp. 9, 14, 16, 22, 25, 28 – 29.

⁵² CRC Committee, General Comment No. 25 (2021), *op. cit.*, note 27, paras. 7, 14, 81 – 83.

⁵³ Lanzarote Committee, Declaration on protecting children against sexual exploitation and sexual abuse facilitated by emerging technologies, Adopted by the Lanzarote Committee at its 43rd meeting (6 – 8 November 2024), para. 13.

exchange of information, knowledge and best practices, all of them contribute to prevention, monitoring, and the development and implementation of harmonised international standards, as well as to operational responses to CSA across multiple complementary systems.

Taking into account that the early identification of risks and their systematic prevention, and above all, strengthening children's ability to recognise and avoid risky situations, can significantly reduce the likelihood of CSA (and thereby prevent consequences for the child that no subsequent criminal law response can fully remedy), particular attention should be devoted to prevention. This issue will be further examined in the following section, in the context of Directive 2024/1385 on combating violence against women and domestic violence, which complements existing EU standards of child protection and further strengthens the framework for prevention and effective responses to CSA.

3. INTERNATIONAL STANDARDS IN THE FIELD OF THE PREVENTION OF CSA, WITH PARTICULAR REFERENCE TO DIRECTIVE (EU) 2024/1385

The prevention of sexual violence constitutes an essential component of a comprehensive response to CSA, as it is directed toward ensuring that such violence does not occur in the first place. It represents a multifaceted and complex system requiring coordinated action across multiple levels, ranging from the individual and family to the institutional and broader societal spheres. A substantial body of research confirms that effective prevention can only be achieved through a combination of educational programmes for both children and adults, early identification of risk, the empowerment of children, and the establishment of institutional mechanisms enabling timely intervention.⁵⁴ Preventive strategies may be directed either at the population as a whole (universal prevention) or at specific, particularly vulnerable groups of children (targeted prevention). In this regard, three principal lines of action can be identified: first, those aimed at the entire community and at transforming social norms, attitudes, and behaviours; second, those focused on modifying the environments and circumstances that enable abuse (so-called situational prevention); and third, those aimed at reducing risk and vulnerability among children through social and economic empowerment, with particular

⁵⁴ Russell, D. H.; Trew, S.; Harris, L.; Dickson, J.; Walsh, K.; Higgins, D. J.; Smith, R., *Engaging Parents in Child-Focused Child Sexual Abuse Prevention Education Strategies: A Systematic Review*, Trauma, Violence & Abuse, Vol. 25, No. 4, 2024, pp. 3082 – 3098; Kewley, S.; Mhlanga-Gunda, R.; Van Hout, M., *Preventing Child Sexual Abuse Before it Occurs: Examining the Scale and Nature of Secondary Public Health Prevention Approaches*, Journal of Sexual Aggression, Vol. 29, No. 1, 2023, pp. 1 – 33; Deborah, A., *Prevention of Child Sexual Abuse*, The Future of Children, Vol. 4, No. 2, 1994, pp. 198 – 223.

emphasis on the importance of children's education and parental support programmes.⁵⁵ Likewise, we have to bear in mind the importance of investing in preventive programmes, including child safety skills programmes, professional training, and the development of protocols for responding to suspected abuse.⁵⁶

This approach to prevention is grounded in an international legal framework that imposes upon States the obligation to establish systematic and comprehensive preventive measures in the field of the protection of children from sexual violence. Thus, the 1989 CRC obliges States to take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of sexual exploitation and abuse. It further highlights the necessity of multisectoral cooperation, reflected in contemporary preventive models that involve schools, health-care institutions, law enforcement authorities, and civil society organisations.⁵⁷ Building upon the fundamental international obligations enshrined in the CRC, the Lanzarote Convention also introduces precise and operational standards that States are required to implement, including the obligation to provide systematic education for children, parents, and professionals, to establish clear procedural protocols, and to develop specialised preventive programmes.⁵⁸

Given the need for the continuous adaptation of preventive standards to emerging forms of risk, particular attention in this paper will be devoted to Directive (EU) 2024/1385 on combating violence against women and domestic violence, which represents the most recent and most ambitious legislative instrument of the European Union in the field of combating CSA.⁵⁹ Although children are not expressly mentioned in its title, the scope of the Directive encompasses them, as is clearly evident from Article 1, which defines its subject matter and scope and explicitly includes the prevention and combating of criminal offences relating to the sexual exploitation of children, as well as prevention and early intervention in cases of violence. Directive (EU) 2024/1385 introduces directly binding requirements that Member States must transpose into their national legal systems no later than 14 June 2027. Pursuant to Recital 1, its objective is to ensure a comprehensive framework for the effective prevention and combating of violence against women and domestic violence throughout the Union. To that end, the Directive lays

⁵⁵ Radford *et al.*, *op. cit.*, note 8, p. 48.

⁵⁶ See, *e.g.*, *INSPIRE: Seven Strategies for Ending Violence Against Children*, World Health Organization, Geneva, 2016.

⁵⁷ CRC, Art. 19.

⁵⁸ Lanzarote Convention, Arts. 4 – 8.

⁵⁹ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on Combating Violence Against Women and Domestic Violence [2024], OJ L series (Hereinafter: Directive (EU) 2024/1385).

down a broad set of measures structured across seven chapters, which may be grouped into three principal categories.⁶⁰ The first category comprises minimum rules concerning the criminalisation and sanctioning of specific forms of violence against women and domestic violence (Articles 3-13).⁶¹ The significance of these provisions is particularly pronounced in light of new technological challenges, ranging from the dissemination of CSAM through encrypted communication channels to increasingly sophisticated forms of online grooming and extortion.⁶² The second category is directed toward strengthening the protection of victims and their rights before, during, and after criminal proceedings (Articles 14-43), while the third category encompasses provisions on prevention and early intervention in cases of violence (Articles 34-37). Within this broadly defined scope, the subsequent analysis will focus on the preventive mechanisms introduced by the Directive and their impact on national policies for the prevention of violence, including the strengthening of institutional frameworks, improved coordination among competent authorities, and more effective identification of risk situations.

3.1. Directive (EU) 2024/1385 and Its Potential Reach in the Prevention of CSA

Directive 2024/1385 establishes a widely recognised tripartite model of violence prevention, encompassing three levels of prevention: primary, secondary, and tertiary. Although each level pursues distinct objectives and employs specific instruments, they operate as interrelated components of a unified system of protection.⁶³ Primary prevention is aimed at preventing violence before it occurs. The Directive emphasises the importance of awareness-raising campaigns, targeted educational programmes, and the strengthening of understanding of the various manifestations of violence and their consequences. Particular emphasis is placed on early education regarding consent in interpersonal relationships, in line with findings from research demonstrating that the early acquisition of knowledge concerning boundaries and consent reduces the risk of violent behavioural patterns in

⁶⁰ Braschi, S., *The new EU Directive on Combating Violence Against Women and Domestic Violence*, *Zeitschrift für die gesamte Strafrechtswissenschaft*, Vol. 137, No. 2, 2025, p. 425.

⁶¹ The offences in question include female genital mutilation, forced marriage, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, and the cyber incitement to violence or hatred.

⁶² *Internet Organised Crime Threat Assessment (IOCTA)*, Europol, 2024, Available at: [<https://www.europol.europa.eu/cms/sites/default/files/documents/Internet%20Organised%20Crime%20Threat%20Assessment%20IOCTA%202024.pdf>], Accessed 15 March 2026.

⁶³ Directive (EU) 2024/1385, Rec. 73.

adulthood.⁶⁴ Secondary prevention is directed toward the early detection of violence and the prevention of its progression or escalation. This level of intervention becomes necessary where primary prevention has proven insufficient. Secondary prevention thus functions as a “stopping point”, capable of preventing the transition of violence into more severe forms, which is recognised in the literature as crucial for preventing recurrence and reducing the need for subsequent, tertiary prevention measures.⁶⁵ Tertiary prevention is focused on preventing reoffending and re-victimisation, as well as on mitigating the consequences of violence. The Directive indicates that tertiary prevention may include the promotion of bystander interventions, early intervention centres and intervention programmes. While this level of prevention points to shortcomings in earlier stages, it remains essential, as its absence increases the risk of recidivism and long-term consequences for victims, including psychological trauma and social isolation. The Directive clearly proceeds from the premise that these three levels of prevention are interconnected. Effective primary prevention reduces the need for secondary interventions, while well-structured secondary prevention can avert situations requiring tertiary measures. Tertiary prevention, although representing the final line of defence, is indispensable for the long-term reduction of violence and for ensuring the protection and support of victims. This conceptual framework forms the basis for understanding the specific obligations imposed on Member States in the field of prevention, as set out in detail in Chapter 5 of the Directive.

Within the chapter on prevention and early intervention, Directive develops a coherent set of obligations which together constitute a normative framework for reducing the risk of violence, ensuring its early detection, and preventing reoffending. Preventive measures encompass a broad range of educational and informational activities aimed at fostering an understanding of the causes of violence, its consequences, particularly for children, and the importance of early action. The Directive emphasises the need for awareness campaigns and educational programmes from an early age, with a mandatory requirement to adapt content to children and young people, and to involve civil society organisations, specialised services, and social partners in their design and implementation. Member States are required to ensure the availability of easily accessible information on preventive measures, victims’ rights, access to justice, legal aid, and available forms of

⁶⁴ Finkelhor, D., *The Prevention of Childhood Sexual Abuse*, Future Child, Vol. 19, No. 2, 2009, p. 179; Price, S.; Dodds, L.; Mitchell, D., *Preventing Child Sexual Abuse*, Sexual Violence Research and Prevention Unit, University of the Sunshine Coast, Sippy Downs, 2025, pp. 25, 55 – 60.

⁶⁵ Anderson, J.; Walker, E. A.; Glass, N., *Secondary Prevention: Harm Reduction and Supporting Intimate Partner Violence Survivors in Clinical Settings*, in Mitchell, C. *et al.* (eds.), *Intimate Partner Violence: A Health-Based Perspective*, Oxford University Press, New York, 2025, p. 958.

protection and support, including healthcare services. Such information must be presented in a manner that is understandable to children. Particular attention is devoted to challenging harmful gender stereotypes, promoting gender equality, mutual respect, and the right to personal integrity, as well as encouraging men and boys to act as positive role models in transforming societal patterns. Preventive measures are especially focused on offences committed online, and the Directive requires the development of digital literacy and critical thinking skills to enable users to recognise forms of violence in the digital environment, seek assistance, and prevent their occurrence. In the field of sexual violence, it underscores the central role of consent in sexual relations. Member States are required to implement measures aimed at transforming behavioural patterns rooted in historically unequal power relations between women and men and in stereotypical gender roles, particularly in the context of sexual relationships, sex, and consent. Educational materials and campaigns must clearly communicate that sexual activity without consent constitutes a criminal offence, and that consent must be given voluntarily, as the result of free will. In this way, the Directive promotes an understanding of consent as a fundamental element of sexual autonomy and protection against violence.⁶⁶

Effective prevention also requires the training of professionals who come into contact with victims. Law enforcement officers, judges, public prosecutors, lawyers, healthcare professionals, social workers, and educational staff must be equipped to recognise the various forms of violence, respond appropriately, and refer victims to suitable support services. The role of the media is likewise recognised as an important element of prevention, with particular emphasis on the need to counter stereotypical and sexist representations and the blaming of victims in reporting. Special attention must be paid to victims who are exposed to an increased risk of violence due to intersectional discrimination, including those belonging to marginalised groups or those with specific protection and support needs.⁶⁷

Intervention programmes constitute the final component of the preventive framework, directed at perpetrators and individuals at risk of committing such offences (potential perpetrators). Their objective is to reduce the likelihood of (re)offending, with particular emphasis placed on the inclusion of perpetrators of rape in such programmes in order to reduce the risk of recidivism.⁶⁸ Intervention programmes represent an important component of contemporary violence prevention strategies, as they address the underlying causes and behavioural patterns that

⁶⁶ Directive (EU) 2024/1385, Arts. 34, 35.

⁶⁷ Directive (EU) 2024/1385, Art. 36.

⁶⁸ Directive (EU) 2024/1385, Art. 37. See Rec. 81 and 82.

lead to the commission of criminal offences. Unlike purely repressive measures, these programmes aim to bring about change in the various factors shaping high-risk behaviour. Research indicates that intervention programmes can lead to reductions in recidivism, as well as to changes in attitudes and increased acceptance of responsibility by perpetrators.⁶⁹ In this way, a dual effect is achieved: the likelihood of repeated violence is reduced, while at the same time the prospects for successful reintegration into the community are enhanced. In the context of sexual violence, where the consequences for victims are particularly severe, intervention programmes perform a particularly significant preventive function.

This structure of preventive and intervention measures demonstrates that the Directive conceptualises prevention as a set of measures within an integrated system that blends education, gender equality, digital safety, professional training, and work with perpetrators, thereby creating a comprehensive framework for reducing violence and protecting victims.

4. PROTECTING CHILDREN FROM SEXUAL ABUSE AND EXPLOITATION – AN OVERVIEW OF THE CROATIAN CRIMINAL CODE FRAMEWORK

The prevailing literature on normative interventions in sexual crimes shows that the conceptualisation and classification of CSA offences have been repeatedly reshaped in response to broader changes in penal policy.⁷⁰ The Croatian regulatory experience is no exception, demonstrating that sexual offences have been among the most frequently amended categories of crime over the past three decades. For example, the 1997 Criminal Code provisions concerning crimes against sexual freedom were subject to normative amendments and corrections introduced through five different legislative bills and one Constitutional Court decision.⁷¹ Considering that the statute as a whole has undergone thirteen legislative amend-

⁶⁹ Olver, M. E.; Stockdale, K. C., *Sexual Offense Treatment Programming and Recidivism Reduction: A Meta-Meta-Analysis of Program Outcomes and Sources of Effect Size Heterogeneity*, Current Sexual Health Reports, Vol. 17, No. 1, 2025, pp. 1 – 10; Barros, S.; Oliveira, C.; Araújo, E.; Moreira, D.; Almeida, F.; Santos, A., *Community Intervention Programs for Sex Offenders: A Systematic Review*, Frontiers in Psychiatry, Vol. 13, No. 1, 2022, pp. 1 – 20.

⁷⁰ Rittossa, D., *Kažnjavanje počinitelja najtežih seksualnih delikata na štetu djece u RH - zakonski okviri i postojeća sudska praksa*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 25, No. 2, 2018, pp. 421 – 424; Kaufman, C., *A Folly of Criminal Justice Policy-Making: The Rise and Demise of Early Release in Florida, and Its Ex Post Factor Implications*, Florida State University Law Review, Vol. 26, No. 2, 1999, pp. 410 – 411.

⁷¹ Corrections of the Criminal Code, Official Gazette No. 27/1998; Amendments to the Criminal Code, Official Gazette No. 129/2000, 111/2003, 105/2004, 71/2006; Constitutional Court of the Republic of Croatia, U-I-2566/2003, U-I-2892/2003, Judgment of 27 November 2003.

ments, it is evident that in almost half of these cases the legislator redefined the parameters of the protection of sexual freedom and was subsequently required to adjust these revisions in response to Constitutional Court interventions.⁷² A similar pattern can be observed in legislative activities related to the 2011 Criminal Code. Criminal offences against sexual freedom and those protecting children from sexual abuse and exploitation were subjected to six out of twelve normative interventions no matter the fact that the Criminal Code in question entered into force on January 1, 2013.⁷³ The situation here likewise appears to support Ostrojski's claim that the law undergoes constant modification insofar as it becomes a tool for the construction of reality.⁷⁴

Regardless of the reasons behind the frequent amendments to sexual offences in the Criminal Code, such recurrent normative changes may result in divergent interpretations and applications in judicial practice and may undermine the coherence of regulatory policy. When legislative amendments are introduced in an *ad hoc*, almost instinctive manner, without systematic consideration of the objectives to be pursued or the potential implications for judicial practice, the protection of addressees' rights, and the wider community, they risk undermining legal certainty, a foundational principle of any legal system based on the rule of law.⁷⁵ Accordingly, the following analysis will examine, in particular detail, the extent to which mandatory international instruments on the protection of children from sexual abuse and exploitation have influenced both the frequency and substantive content of amendments to sexual offence provisions, and whether these interventions form part of a broader, comprehensively designed criminal justice policy.

4.1. Normative Developments in the Regulation of Sexual Offences against Children under the 1997 Criminal Code

In our jurisdiction, the formulation of sexual offences, particularly those intended to protect the sexual inviolability of children, has long been based on models set out in binding international instruments.⁷⁶ The influence of international law on

⁷² Criminal Code, Official Gazette No. 110/1997, 27/1998, 50/2000, 129/2000, 84/2005, 51/2001, 111/2003, 190/2003, 105/2004, 71/2006, 110/2007, 152/2008, 57/2011, 77/2011.

⁷³ Criminal Code, Official Gazette No. 125/2011 and its amendments, Official Gazette No. 144/2012, 56/2015, 118/2018, 126/2019, 84/2021, 36/2024.

⁷⁴ Ostrojski, P., *Principles of Legitimate Expectations and Legal Certainty in the Context of Amendments to EU Law and National Legislation*, Ius Novum, Vol. 14, No. 2, 2020, p. 156.

⁷⁵ *Ibid.*, p. 157.

⁷⁶ For example, the Agreement of 4 May 1910 for the Suppression of the Circulation of Obscene Publications, together with the Convention of 12 September 1923 for the Suppression of the Circulation of, and Traffic in, Obscene Publications, served as a foundation for criminalising the display and produc-

criminalisation of CSA offences has also been acknowledged in judicial practice.⁷⁷ Furthermore, in professional discussions on the Final Draft of the Criminal Code, intended to be adopted with amendments and to take effect in 1997, particular emphasis was placed on the need to consider obligations arising from international treaties in the ongoing development of the text.⁷⁸ The positive criminal law was transformed in new legislative solutions rationally, with due caution, and only when necessary to harmonise it with the Constitution and to increase its normative value. The principal objective of the drafters of the 1997 Criminal Code was to avoid a complete break with established legal theory and practice.⁷⁹ Consequently, it is unsurprising that the provisions governing criminal offences against sexual freedom, including those involving child victims, have not undergone substantial modification. Debate was far more intense regarding the title of the chapter of the 1997 Criminal Code than the nomotechnical formulation of the offences.⁸⁰

A detailed analysis has shown that the protection of children from sexual victimisation is ensured in two ways. The legislator has incorporated four separate criminal offences into the category of offences against sexual freedom and has prescribed aggravated forms of these offences, which may otherwise be committed against adults, when the victim is a child under fourteen or a minor under eighteen. A substantial change occurred with the introduction of sexual acts equated with sexual intercourse, paving the way for gender-neutral criminal offences. The offence of sexual intercourse with a child under Article 192 of the 1997 Criminal Code can now be committed by either a male or female perpetrator, to the detriment of both boys and girls.⁸¹ In addition to this reform, criminalisation was further strengthened by the introduction of new offences, such as international prostitution involving a child or minor,⁸² the exploitation of children or minors

ing pornographic material involving children under the age of 14 under Art. 206 of the Basic Criminal Code of the Republic of Croatia, Official Journal of the SFRY No. 44/1976, 36/1977, 56/1977, 34/1984, 74/1987, 57/1989, 83/1989, 3/1990, 38/1990, Official Gazette No. 53/1991, 71/1991, 39/1992, 91/1992, 58/1993, 37/1994, 108/1995, 28/1996.

⁷⁷ Supreme Court of the Republic of Croatia, I Kž-923/2005-5, Judgment of 28 December 2005; Supreme Court of the Republic of Croatia, Kžm-19/2012-4, Judgment of 14 February 2013.

⁷⁸ Crnić, I., *Reforma hrvatskog kaznenog prava*, Hrvatski ljetopis za kazneno pravo i praksu, Vol. 1, No. 1, 1994, p. 5.

⁷⁹ Horvatić, Ž., *Temeljne postavke za oblikovanje hrvatskog materijalnog kaznenog prava de lege ferenda*, Hrvatski ljetopis za kazneno pravo i praksu, Vol. 1, No. 1, 1994, pp. 18 – 19.

⁸⁰ Bačić, F., *Posebni dio novog hrvatskog Kaznenog zakonika*, Hrvatski ljetopis za kazneno pravo i praksu, Vol. 1, No. 1, 1994, pp. 74 – 75.

⁸¹ Criminal Code, Official Gazette No. 110/1997 (1997 Criminal Code), Art. 192.

⁸² 1997 Criminal Code, Art. 178(3).

for pornography,⁸³ and, three years later, lewd acts committed against a child.⁸⁴ Criminal law must recognise emerging societal conditions and respond to threats that undermine the fundamental principles of social life, as well as the security and protection of citizens' rights. It was in this context that the legislator justified the introduction of a new offence into the catalogue of sexual crimes: child pornography committed by the use of a computer system or network (Art. 179.a).⁸⁵ The introduction of this new incrimination was considered urgent and necessary to fulfil the obligations undertaken under the Convention on Cybercrime,⁸⁶ prompted by the "particular danger and harmfulness associated with the dissemination of child pornography via computer networks."⁸⁷ It also represented a necessary step towards ensuring the harmonisation of Croatian criminal legislation with the *acquis communautaire*. The sexual exploitation and abuse of children facilitated through information and communication technologies has long been recognised by the European community as a distinct threat to the dignity, security, and privacy of children, necessitating concrete national and more stringent criminal justice responses.⁸⁸

In 2006, for certain CSA offences, an additional step was taken by increasing the level of repression through the imposition of more severe sanctions. The statutory minimum penalty of three months' imprisonment was raised to six months,⁸⁹ and the former six-month minimum was elevated to a statutory minimum of one year.⁹⁰ The previous sentencing range of one to eight years' imprisonment for voluntary sexual intercourse with a child under Art. 192(1), was replaced by a new statutory range of three to twelve years. Qualified forms of the offence, previously punishable by a minimum of three years' imprisonment, were elevated to statuto-

⁸³ 1997 Criminal Code, Art. 196.

⁸⁴ Amendments to the Criminal Code, Official Gazette No. 129/2000, Art. 30.

⁸⁵ Amendments to the Criminal Code, Official Gazette No. 105/2004, Art. 26. Art. 179a is one of the computer-related criminal offences introduced as part of the harmonisation of substantive criminal law with the Convention on Cybercrime. Legislative amendments in this area concern Arts 89(31-33), 131, 174(4), 223, 223a, 224a.

⁸⁶ Convention on Cybercrime, Official Gazette – International Treaties No. 9/2002, 4/2004, 4/2008, 7/2008.

⁸⁷ The Final Draft Act on Amendments to the Criminal Code, Zagreb, July 2004, pp. 36 – 37.

⁸⁸ See for example the Council Framework Decision 2004/68/JHA of 22 December 2003 on Combating the Sexual Exploitation of Children and Child Pornography [2004] OJ L 013. The said Framework Decision was a normative predecessor of the Directive 2011/93/EU.

⁸⁹ Amendments to the Criminal Code, Official Gazette No. 71/2006 (2006 Amendments), Art. 54. Due to introduced amendments, the offence of satisfying lust in the presence of a child or a minor (Art. 194) was punishable by imprisonment for a term between six months and three years.

⁹⁰ 2006 Amendments, Art. 51(2). The discussion focuses on the offence of sexual intercourse with a minor involving abuse of position [Art. 192(2)].

ry minimums of five years or to the penalty of long-term imprisonment. Criminal sanctions were also increased for sexual intercourse with a child involving abuse of position. The previous one-to-ten-year sentencing range was replaced by a statutory minimum of at least three years' imprisonment. The most serious qualifying forms under Art. 192(4) became punishable by a statutory minimum of five years' imprisonment or long-term imprisonment, while paragraph 5 introduced a statutory minimum of eight years' imprisonment or long-term imprisonment.⁹¹ Compared with sexual intercourse with a child, the offence of pandering of a child or minor was assessed as more serious. The previous penalty range of one to eight years' imprisonment was replaced with a statutory minimum sentence of at least three years, while the former range of one to ten years' imprisonment was replaced with a statutory minimum of at least five years. Organising or enabling sexual services for a child became punishable by a term of imprisonment ranging from one to five years.⁹² The statutory severity of punishment was also increased for offences involving pornography and young persons under eighteen years of age.⁹³

In the explanatory notes accompanying the proposed legislative amendments, it was stated that the tightening of criminal repression for sexual offences against children in 2006 was introduced to ensure a "more consistent use of the prescribed sentencing framework" and to "limit the imposition of mitigated sentences on offenders," given the "dangerousness and frequency" of such offences.⁹⁴ The relationship between legislative and judicial sentencing policies remains one of the most debated and unresolved issues in criminal law. In addition to its close connection with constitutional principles of the separation of powers and the reciprocal influence between the judiciary and the legislature, the issue also raises fundamental questions about the core of penal policy, the perceived role of criminal law in the community, and the determination of appropriate punitive responses. However, amendments to statutory penalties for certain criminal offences are generally implemented through the imposition of harsher sanctions, without deeper scientific or professional analysis of the general preventive effect of the prescribed penalties or the special preventive effects of the sanctions actually imposed. It is thus unsurprising that legislative measures reducing the penalties for CSA offences were shortly thereafter enacted in the 2011 Criminal Code.

⁹¹ 2006 Amendments, Art. 52.

⁹² 2006 Amendments, Art. 54(4-6).

⁹³ Pursuant to Art. 55 of the 2006 Amendments, offenders who exploited a child or minor for pornography could be punished with a prison sentence ranging from one to eight years. The fine was entirely removed for those who exposed children to pornography, and a prison sentence of six months to three years was introduced instead.

⁹⁴ The Final Draft Act on Amendments to the Criminal Code, Zagreb, April 2006, pp. 29 – 30.

4.2. Penal Policy in the 2011 Criminal Code – A New Step Forward in Protecting Children from Sexual Abuse and Exploitation?

A detailed examination of the sanctions prescribed for CSA offences in the initial version of the 2011 Criminal Code shows that partial adjustments to the applicable penalty ranges were made for certain offences. For example, voluntary sexual intercourse with a child was originally punishable by imprisonment from one to eight years, and since 2006 from three to twelve years, while the seriousness of the corresponding offence under Art. 158(1) of the 2013 Criminal Code was aligned with imprisonment from one to ten years.⁹⁵ The level of repression was also reduced for offences involving violent sexual abuse of a child under fifteen, the basic offence of sexual abuse of a child who had already reached that age, the basic offence of satisfying lust in the presence of a child under fifteen, certain forms of child pandering, as well as the serious criminal offence of child sexual abuse and exploitation.⁹⁶ Penalty adjustments in the form of increased sanctions were introduced only for the latter offence, which establishes the perpetrator's liability for the child's death as a more severe consequence.⁹⁷ Although the legislator did not set out in official documents the reasons for the adjustments to the prescribed penalties, it appears that a middle-ground approach was ultimately adopted. This approach aimed to adjust the degree of penal repression to the gravity of the offences concerned, while ensuring coherence with the sanctioning framework applicable to sexual offences against adults and other criminal offences within the system. The gravity of the offences that the legislator refers to as 'true paedophilia' was given less prominence, as their reform was primarily linked to their separation into a distinct chapter of the Criminal Code and their alignment with the requirements of the Lanzarote Convention.⁹⁸

The Lanzarote Convention builds upon the foundations established by relevant international documents.⁹⁹ CSA professionals agree that the main aim of the convention is to eradicate CSA throughout the European area.¹⁰⁰ The substantive

⁹⁵ Criminal Code, Official Gazette No. 125/2011 (2011 Criminal Code), Art. 158(1).

⁹⁶ 2011 Criminal Code, Arts. 158(4), 159, 160(1), 162(1, 3), 166 (1-2).

⁹⁷ With the entry into force of the 2011 Criminal Code, the prescribed sanction for the offence under Article 166(3) was set at a minimum of ten years' imprisonment or, alternatively, long-term imprisonment.

⁹⁸ The Final Draft of the Criminal Code, Zagreb, October 2011, p. 196.; Turković, K.; Novoselec, P.; Grozdanić, V.; Kurtović Mišić, A.; Derenčinović, D.; Bojanić, I.; Munivrana Vajda, M.; Mrčela, M.; Nola, S.; Roksandić Vidlička, S.; Tripalo, D.; Maršavelski, A., *Komentar Kaznenog zakona i drugih izvora novoga hrvatskog kaznenog zakonodavstva*, Narodne novine, Zagreb, 2013, pp. 205, 215 – 216.

⁹⁹ Lanzarote Convention, Art. 42.

¹⁰⁰ Netkova, B.; Qosaj, M. A., *International Legal Standards in Combating Child Online Sexual Abuse and Exploitation*, Journal of Liberty and International Affairs, Vol. 6, No. 3, 2021, p. 117.

criminal law provisions of the Lanzarote Convention therefore set a clear and comprehensive normative framework for state parties to criminalise certain behaviours detrimental to children's sexual inviolability and psychosocial development. Taking these provisions into account, the legislator continued to expand the scope of criminalisation for sexual offences against children. As a result, acts of inducing a child to engage in sexual intercourse or an equivalent sexual act with a third person, or with themselves, were equated in gravity with the perpetrator's direct commission of sexual intercourse or an equivalent sexual act.¹⁰¹ A further innovation was the introduction of liability for offenders acting under a mistake as to the child's age. Where, in light of the objective circumstances and the offender's personal capacities, the perpetrator ought to have known that the child was under the age of fifteen, they will be held criminally liable pursuant to Art. 158(4).¹⁰² On the other hand, and again in line with the Lanzarote Convention, the legislator further determined that consensual sexual intimacy between underage youth should not fall within the scope of criminalisation.¹⁰³ Indeed, there is much research showing that criminal repression has to be excluded in such cases to prevent undue interference with the normal sexual development of minors.¹⁰⁴

Moreover, it should be acknowledged that the legislator structured the offences prohibiting sexual abuse and exploitation of children based on the legal age for sexual activities.¹⁰⁵ The sexual inviolability of children, as well as their limited understanding of sexuality, is protected in a manner adjusted to their age. This protection extends from prohibiting the satisfaction of lust in their presence without physical contact, through various forms of sexually motivated touching, to acts of inducing or involving them in sexual intercourse or acts equated with sexual intercourse. Once children reach the age at which sexual relations are legally permitted, the catalogue of criminal offences is modified to respect the privacy of minors and their developing capacity for autonomous decision-making. Minors older than fifteen are protected from sexual conduct initiated by persons with whom they have a special relationship, since the law irreversibly presumes that the nature of such a relationship prevents them from making an objective and informed decision about sexual intimacy or the potential consequences that may follow.¹⁰⁶ As a

¹⁰¹ 2011 Criminal Code, Arts. 158(1-2), 159(1-2).

¹⁰² Garačić, A., *Kazneni zakon u sudskoj praksi, Posebni dio (I.)*, Libertin naklada, Rijeka, 2023, p. 479.

¹⁰³ Lanzarote Convention, Art. 18(3); 2011 Criminal Code, Art. 158(3).

¹⁰⁴ Turković *et al.*, *op. cit.*, note 98, p. 216; For contrary position see Pavlović, Š., *Kazneni zakon, zakonski tekst, komentari, sudska praksa, pravna teorija*, Libertin naklada, Rijeka, 2015, p. 777.

¹⁰⁵ Lanzarote Convention, Art. 18(1.a); 2011 Criminal Code, Arts. 158 – 166.

¹⁰⁶ 2011 Criminal Code, Arts. 158 – 160; See also Cvitanović, L.; Derenčinović, D.; Turković, K.; Munivrana Vajda, M.; Dragičević Prtenjača, M.; Maršavelski, A.; Roksandić Vidlička, S., *Kazneno pravo Posebni dio*, Pravni fakultet Sveučilišta u Zagrebu, Zagreb, 2018, p. 226.

direct consequence of the obligation to harmonise domestic criminal provisions with the Lanzarote Convention, the 2011 Criminal Code introduced the offence of child enticement for the purpose of satisfying sexual needs, commonly known as grooming.¹⁰⁷ In addition, children under the age of fifteen are protected from exposure to pornography, while all children, regardless of age, are protected from pandering, exploitation for pornography, participation in pornographic performances, and the most serious forms of sexual abuse and exploitation.¹⁰⁸

In the initial wave of normative interventions, sexual offences against children underwent linguistic revision to strengthen their nomotechnical coherence and enhance the criminal law protection of children from sexual abuse and exploitation by close persons.¹⁰⁹ Furthermore, the need for additional normative refinement was confirmed in 2015, when the category of potential perpetrators who sexually abuse children over the age of fifteen was broadened.¹¹⁰ A closer examination shows that the conceptual structure of CSA offences remained largely unchanged even in the 2018 amendments, as the legislative focus was again directed primarily towards adjusting the sentencing framework. The legislator implemented a systematic upward adjustment of statutory penalty ranges, consistently replacing lower sentencing thresholds with higher ones. Specifically, offences previously punishable by up to one year of imprisonment became punishable by up to three years; this range was then replaced by six months to five years, and subsequently by one to eight years. Further intensification occurred when offences carrying one to eight years' imprisonment were raised to one to ten years, and the later to three to twelve years. Another finding worth discussing is that the only ranges left unchanged were the most severe: three to twelve, three to fifteen, five to twenty, and ten to twenty years of imprisonment, as well as the alternatively prescribed long-term imprisonment.¹¹¹ Although the amendment was presented as necessary to meet the requirements of the Lanzarote Convention, the expansion of sentencing ranges was justified only by reference to the "consequence of a more stringent statutory penal policy".¹¹² The definition of serious offences of child sexual abuse and exploitation was also reformulated, so that these offences now likewise constitute a refined aggravated form of the exploitation of children for pornography and por-

¹⁰⁷ Lanzarote Convention, Art. 23; 2011 Criminal Code, Art. 161; See also Turković *et al.*, *op. cit.*, note 98, p. 219.

¹⁰⁸ 2011 Criminal Code, Arts. 162 – 166.

¹⁰⁹ Amendments to the Criminal Code, Official Gazette No. 144/2012, Arts. 42 – 44.

¹¹⁰ Amendments to the Criminal Code, Official Gazette No. 56/2015, Art. 47.

¹¹¹ Amendments to the Criminal Code, Official Gazette No. 118/2018 (2018 Amendments), Arts. 17 – 25.

¹¹² The Final Draft Act on Amendments to the Criminal Code, Zagreb, December 2018, pp. 20 – 22.

nographic performances.¹¹³ Additionally, this adjustment was required to comply with the obligations arising from the Lanzarote Convention. Indeed, whereas no detailed analysis of CSA offences was provided, the official documents accompanying the 2018 legislative amendments concluded that these offences were in compliance with Directive 2011/93/EU.¹¹⁴

However, subsequent reviews revealed that the statutory penalties for child sexual abuse and exploitation offences are considerably harsher than the minimum maximum terms of imprisonment required by the Directive, and that there is scope for normative improvement.¹¹⁵ Unsurprisingly, the European Commission promptly highlighted the normative shortcomings in its letter of formal notice (Infringement No. 2019/2233). As a result, in 2019 the legislator amended the offence of child enticement for the purpose of satisfying sexual needs and introduced more detailed definitions of child pornography and pornographic performances into Art. 163 and 164.¹¹⁶ Further analysis showed that several offences against the sexual integrity of children were modified only because parallel changes were made to related adult-victim offences. Beyond the linguistic revision of Article 160(2) in 2021,¹¹⁷ the second set of proposed 2024 amendments raised statutory minimums from three to five years [Arts. 158(5), 166(1)] and from one to three years [Art. 159(1)].¹¹⁸ The legislator appears to undertake criminal law reform in a somewhat hasty manner. All the above considerations show that alignment with convention-based obligations, comparative best practices, and requirements emerging from judicial practice does not seem to provide a sufficient foundation for the development of a coherent and substantively meaningful reform policy.

Furthermore, it should be noted that the extensive legislative activity undertaken failed to address certain significant legal gaps and inconsistencies in the CSA offences. For example, the use of sexual services of a child under the age of fifteen, without qualifying circumstances, has not been prescribed as a separate form of child pandering.¹¹⁹ This form of incrimination is envisaged exclusively for individ-

¹¹³ 2018 Amendments, Art. 25.

¹¹⁴ The Final Draft Act on Amendments to the Criminal Code, *op. cit.*, note 112, pp. 48 – 49, Appendix I, pp. 29 – 41.

¹¹⁵ Rittossa, *op. cit.*, note 38, pp. 57, 59 – 61.

¹¹⁶ Amendments to the Criminal Code, Official Gazette No. 126/2019, Arts. 18 – 20. The Final Draft Act on Amendments to the Criminal Code, Zagreb, December 2019, pp. 15 – 16; See also Garačić, *op. cit.*, note 102, p. 500.

¹¹⁷ Amendments to the Criminal Code, Official Gazette No. 84/2021, Art. 16.

¹¹⁸ Amendments to the Criminal Code, Official Gazette No. 36/2024, Arts. 23 – 25; The Final Draft Act on Amendments to the Criminal Code, Zagreb, February 2024, pp. 5, 10.

¹¹⁹ Criminal Code, Official Gazette No. 125/2011, 144/2012, 56/2015, 61/2015, 101/2017, 118/2018, 126/2019, 84/2021, 114/2022, 114/2023, 36/2024, 136/2025 (current Criminal Code), Art. 162.

uals who make use of the services of a child older than fifteen years. Consequently, offenders who violate the sexual integrity of a child under the age of fifteen in exchange for any form of remuneration or consideration are charged with sexual abuse of a child under Art. 158, and thus the elements of exploitation are not reflected in the incrimination as required by Art. 4(5-7) of Directive 2011/93/EU.^{120, 121}

A lack of coherent regulation regarding sexual offences committed against children who have reached the age of sexual consent has also been noted. Due to the normative construction of Art. 159, the rape of a child older than fifteen years is prosecuted under Art. 153 or, depending on the presence of qualifying circumstances, under Art. 154. This conclusion is further supported by the jurisprudence of the High Criminal Court of the Republic of Croatia, which, in a 2024 decision, adopted the explicit position that non-voluntary sexual intercourse or equivalent sexual acts committed against a minor over the age of fifteen do not, in themselves, satisfy the qualifying circumstance of age-related vulnerability under Art. 154. Given that “every person at the age of fifteen and a half is in a stage of emotional and physical maturation,” a perpetrator who, through the use of force, compelled the victim to perform oral sexual acts must be found guilty of the offence of rape under Art. 153(2) in conjunction with Art 153(1) of the Criminal Code.¹²² In view of the fact that “there is no automatic correlation between the age of minority and vulnerability,” such vulnerability must be expressly articulated and justified in the factual description.¹²³

¹²⁰ See also Turković *et al.*, *op. cit.*, note 98, pp. 220 – 221; Rittossa, *op. cit.*, note 38, p. 59.

¹²¹ The levels of criminal law protection for children younger and older than 15 years are aligned only when the qualifying circumstances are met, so that the offence takes on the characteristics of a serious criminal offence of child sexual abuse and exploitation (Art. 166). A perpetrator who exploited the hardship of a 13-year-old boy and, in return for payment, used his sexual services while knowing that he was a particularly vulnerable child without parental care, placed in a social institution, was found guilty of the criminal offence under Art. 166(2). County Court of Zagreb, 9 Kzd-9/2022, Judgment of 5 September 2023.

¹²² High Criminal Court of the Republic of Croatia, I Kžzd-27/2024-15, Judgment of 9 July 2024.

¹²³ The High Criminal Court accordingly endorsed the lower courts’ conclusion that a minor over the age of fifteen may be regarded as particularly vulnerable in several circumstances: when she is an immature, unassertive, unsettled adolescent with psychological difficulties and a propensity for drug use (I Kžzd-48/2025-11, Judgment of 27 November 2025); when she exhibits an emotional disorder reflected in immature behaviour and intellectual-developmental impairments (I Kžzd-13/2022-4, Judgment of 17 January 2023); when she perceives the perpetrator as a paternal figure due to coming from a dysfunctional family marked by parental divorce, alcoholism, and the aggressiveness of her mother’s new partner (I Kžzd-34/2022-9, Judgment of 22 September 2022); and when she has been diagnosed with mild intellectual disability and with difficulties in both intellectual and psychological functioning (I Kžzd-24/2022-5, Judgment of 1 September 2022).

Despite its clear relevance, the jurisprudential position developed by the High Criminal Court was not reflected in the decisions of lower courts addressing cases of sexual harassment involving underage victims. For example, in a considerable number of cases, courts of first instance have concluded that sexual harassment of a minor constitutes harassment of a person who is especially vulnerable due to their age. Particular vulnerability was ascribed to a 16-year-old high school student completing her mandatory vocational practice,¹²⁴ as well as to two underage high school students attending lessons.¹²⁵ The case law has further affirmed particular vulnerability in 14- and 15-year-old girls on the basis that they “are in a stage of emotional and physical development and consequently exhibit heightened sensitivity to stressful situations compared to adults.”¹²⁶ Furthermore, the Municipal Court in Osijek held that the victim’s age, being between 14 and 15 years, in itself constituted particular vulnerability, offering no additional reasoning.¹²⁷ These conclusions may be attributable to the structural gap in the Criminal Code, whereby sexual harassment of a child is not prescribed as a separate offence in Chapter XVII. This legislative omission appears to have compelled courts to construct particular vulnerability in underage victims in order to meet the statutory requirements of Art. 156, which falls within Chapter XVI on offences against sexual freedom.

Another significant omission appears in Art. 166, which does not extend aggravated liability to cases of sexual abuse involving children over fifteen. This gap creates a structural inconsistency in the criminal law framework, resulting in unequal levels of protection for children on either side of the statutory age of consent. Additionally, a more detailed examination of the offences in Chapter XVII of the Criminal Code reveals that, regarding the offence of satisfying lust in the presence of a child under fifteen, the legislature failed to exempt juvenile offenders from criminal liability when the age difference between the offender and the child does not exceed three years.¹²⁸ This legislative omission leads to the paradoxical outcome that juvenile offenders may be prosecuted for comparatively minor sexual conduct, while more serious conduct would not result in liability. Overall, the analysis demonstrates that, despite repeated legislative interventions in the area of sexual offences against children and a strong reliance on mandatory international instruments, the criminal law framework still fails to provide systematic, coherent, and harmonised protection for all children against sexual abuse and exploitation.

¹²⁴ Municipal Court of Gospić, 3-Kzd-18/2022-3, Judgment of 10 October 2022.

¹²⁵ Municipal Court of Osijek, 95-Kzd-96/2021-9, Judgment of 21 September 2022.

¹²⁶ Municipal Criminal Court of Zagreb, 40-Kzd-210/2020-3, Judgment of 25 August 2020.

¹²⁷ Municipal Court of Osijek, 23-Kzd-15/2022-7, Judgment of 5 April 2022.

¹²⁸ Current Criminal Code, Art. 160.

5. CONCLUSION

The scope and complexity of CSA require comprehensive, rights-based interventions. In this context, it is understandable that the international regulatory framework for suppressing child sexual victimisation covers core areas such as prevention, protective measures, recovery and reintegration, and the strengthening of children's rights. This study has shown that the international legal framework plays a leading role in shaping Croatian criminal law responses to child sexual abuse and exploitation. Both the concept of protecting the sexual integrity of children and the corresponding criminal offences are grounded in international and regional binding instruments. This is not surprising, as global reports confirm that almost all countries have laws prohibiting sexual violence against children in response to their international obligations.¹²⁹ However, the adoption of international guidelines and their incorporation into the 1997 and 2011 Criminal Codes has proven insufficient for building a comprehensive, consistent, and effective penal subsystem.

The findings suggest that *delicta carnis*, particularly regarding the prescribed penalties, have been revised without sufficient prior analysis, and it cannot be excluded that these changes were also influenced by public pressure for more punitive criminal justice policies targeting sexual offenders. Penal populism sits alongside the concept of a European society founded on values such as respect for human rights and the rule of law, which can create further tensions and legislative deficiencies. The legislator's primary focus on intensifying penal repression resulted in a failure to address substantive shortcomings in the definitions of certain child sexual abuse and exploitation offences, thereby weakening the coherence of child protection norms. Future reforms should criminalise the use of sexual services of a child under fifteen as a separate form of child pandering and expand the offence catalogue in Chapter XVII to include sexual harassment of a child and the rape of a child over fifteen, while also recognising that serious offences of child sexual abuse and exploitation may be committed against children above that age. Conversely, Art. 160 should incorporate a provision modelled on Art. 158(3), excluding the prosecution of a minor where the age difference between the minor and the child does not exceed three years. It should also be acknowledged that, even where political will exists to strengthen the criminal law framework, legal norms alone cannot diminish children's vulnerability to sexual abuse and exploitation or eradicate the consequences arising from such conduct. Therefore, there is a strong argument that effective implementation of legislation should be complemented by a more comprehensive approach, including preventive measures and best practices

¹²⁹ *Global Status Report on Preventing Violence against Children*, *op. cit.*, note 9, p. 12.

to safeguard the wellbeing of children. This reflects the very course pursued by the architects of the Directive 2024/1385, which sets out specific duties for EU states aimed at creating a unified pan-European preventive regime.

The Croatian system of violence prevention reveals certain shortcomings in light of the standards set by Directive 2024/1385. Although the importance of prevention and education on the risks of sexual violence, as well as the key role of the education system at all levels, is clearly recognised in strategic documents, these objectives are not sufficiently realised in practice. Preventive programmes addressing these issues have yet to be systematically integrated into regular and compulsory education, and their availability is not ensured for all children under equal conditions.¹³⁰ This assessment is further supported by the findings of relevant international bodies, which in their evaluations highlight deficiencies in preventive measures, particularly in the field of education, where mandatory and standardised programmes on gender equality, consent, and non-violent conflict resolution are still lacking.¹³¹ The development of digital technologies has extended CSA into the online environment, thereby increasing the risk of various forms of abuse while simultaneously creating additional challenges in both prevention and the prosecution of such offences. Taken together, these factors suggest that, although Croatia has established a normative framework, adequately developed and widely accessible mechanisms for prevention specifically targeting children are not yet fully in place.

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¹³⁰ Report on the Work of the Ombudsperson for Children, 2024, Zagreb, 2025, p. 131.

¹³¹ GREVIO's (Baseline) Evaluation Report on Legislative and Other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Croatia, GREVIO, 2023, paras. 91, 93.

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