

## Croatia - Sexual Assault (excl. rape)

In Croatia, the term "sexual intercourse without consent" is the one most closely related to sexual assault, which means: whoever performs sexual intercourse or an equivalent sexual act with another person, without her consent, or induces another person, without her consent, to perform sexual intercourse or an equivalent sexual act with a third person, or performs a sexual act equivalent to sexual intercourse on herself, without her consent, shall be punished by imprisonment of six months to five years.

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### Legal provisions on protection orders

Criminal Code, Article 65:

- Mandatory psychiatric treatment;
  - Mandatory treatment of addiction;
  - Mandatory psychosocial treatment;
  - Restraining order;
  - Removal from common household
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### Legal Source

Criminal Code, Article 152

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### Observations

Special circumstances (in the same legal provision):

- The offender who was in avoidable misconception regarding the existence of the consent
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- The offender, who was in avoidable misconception regarding the existence of the consent under Paragraph 1 of this Article, shall be punished by imprisonment of up to three years.
- Consent under Paragraph 1 of this Article exists if the person voluntarily decided to enter into sexual intercourse or an equivalent sexual act and who was able to make and express such decision. It is considered that such consent does not exist especially if sexual intercourse or an equivalent sexual act is done with the use of threats, deception, abuse of power against the person who is dependent on the perpetrator, taking advantage of the person who was not able to express their rejection, or of a person who has been illegally abducted/kidnapped.

#### Related information:

- Lewd Acts (Criminal Code, Article 155): whoever, under the terms of Article 152 of the Criminal Code, when there is no attempt to commit that criminal offense, commits only a lewd act, shall be punished by imprisonment of up to one year. Whoever, under the terms of Article 153 or Article 154 of the Criminal Code, when there is no attempt to commit these criminal offenses, commits a lewd act, shall be punished by imprisonment of up to three years.
- Serious Criminal Acts against Sexual Freedom (Criminal Code, Art. 154): A sentence of imprisonment between one and ten years will be imposed on a person who commits the criminal acts from Article 152, Section 1 of the Criminal Code: 1) towards a person close to him/her, 2) towards a victim who is especially vulnerable because of her/his age, illness, addiction, pregnancy, disability, difficult physical or mental impediment, 3) in a particularly cruel or humiliating way, 4) out of hatred, 5) together with one or more perpetrators who engage in multiple instances of sexual intercourse or equivalent sexual acts against the victim, 6) by using weapons or dangerous tools, 7) In such a way that causes serious bodily injury to the victim or results in pregnancy. Whoever commits the criminal act under Article 153, Section 1 of the Criminal Code will be sentenced to between three and fifteen years' imprisonment. If the criminal act from Articles 152, Section 1 or 153, Section 1 of the Criminal Code resulted in the death of the person raped, the perpetrator will be sentenced to a minimum of five years' imprisonment.
- Lewd Acts (Criminal Code, Article 193): whoever, in the cases referred to in Articles 188 to 191 of the Criminal Code, does not attempt to commit a criminal offense and commits only a lewd act, shall be punished by imprisonment for three months to three years. Whoever, in the cases referred to in Article 192 of the Criminal Code, does not attempt to commit a criminal offense and commits only a lewd act or commits the criminal offense referred to in paragraph 1 of this Article against a child or a juvenile shall be punished by imprisonment for six months to five years.

