EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 2 November 2017

FIRST SECTION

Application no. 35898/16
J.I.
against Croatia
lodged on 17 June 2016

STATEMENT OF FACTS

The applicant is a Croatian national of Roma origin who was born in 1988 and lives in Zagreb. She is represented before the Court by Ms S. Bezbradica Jelavić, a lawyer practising in Zagreb.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 12 May 2009 the P. County Court convicted the applicant's father, B.S., to eight years' imprisonment on charges of multiple rape and acts of incest against the applicant.

B.S. was sent to serve a prison sentence in L., and the applicant changed her name and appearance. She also underwent comprehensive psychological treatment related to the trauma of the events.

In the summer of 2015 the applicant learned from her relatives that B.S. had been granted leave from prison at the weekend. The relatives warned her that B.S. had been looking for her and that he had threatened to kill her because he considered her to be responsible for his imprisonment. She was also warned to stay away from the part of the city where B.S. was staying when on leave from prison.

On 11 August 2015 the applicant called the police, reporting that threats had been made by B.S. The police officer who responded to the call told her that the police could do nothing and that she should only call the police if B.S. actually came to see her.

Given such a response by the police, the applicant moved to another part of the city and even stopped going for meetings at a social welfare centre located in the part of the city where B.S. lived when out of prison.

As B.S.'s threats continued, on 3 September 2015 the applicant went to see a lawyer in order to seek protection. On the same day, when returning from the meeting with the lawyer, the applicant met B.S. in a bus station. As soon as she saw him she ran into a bakery shop, from where the police were called.

Two police officers came to the scene but their attitude towards the applicant, as a Roma person, was dismissive and they did not take any measures concerning the applicant's complaints.

In September 2015 the applicant complained to the sentence-execution judge and the Ministry of Justice's Prison Administration (*Ministarstvo pravosuđa Republike Hrvatske*, *Uprava za zatvorski sustav*) about the threats made by B.S. and the fact that he was regularly released from prison at the weekends.

The sentence-execution judge replied that she was not competent to examine matters related to privileges granted to prisoners. The administration of L. Prison replied that according to the information at their disposal B.S. was not suspected of any offence and that no other information was available to indicate that the applicant had lodged a complaint against him.

Meanwhile, the applicant complained to the internal control unit of the relevant police department about the conduct of the police officers in her case. She also asked that her complaint concerning B.S.'s threats be submitted to the competent State Attorney's Office.

On 23 October 2015 the police internal control unit replied that there had been no omissions or misconduct in the work of the police officers in the case at issue.

The applicant then complained to the Constitutional Court (*Ustavni sud Republike Hrvatske*) of the failure of the domestic authorities to protect her from intimidation and revictimisation by her father, and of their failure to effectively investigate the matter. She also complained that she had been discriminated against on the basis of her Roma origin.

On 8 December 2015 the Constitutional Court declared the applicant's complaint inadmissible on the grounds that the response of the police's internal control unit could not be considered as a decision that could be the subject of a constitutional complaint.

The decision of the Constitutional Court was served on the applicant's representative on 17 December 2015.

In June 2016 the applicant had further psychological treatment, which indicated that her psychological disorder related to the experience of rape and incest had worsened following her contact with B.S. and the dismissive attitude of the authorities.

COMPLAINTS

The applicant complains under Articles 3 and 8 of the Convention of a failure by the domestic authorities to protect her from intimidation and revictimisation, and of their failure to effectively respond to the intimidation to which she was exposed by her father.

She also complains, under Article 14 of the Convention, that owing to her Roma origin the domestic authorities adopted a dismissive attitude to her allegations of intimidation by her father.

QUESTIONS TO THE PARTIES

1. Having regard to the States' positive obligations under Articles 3 and 8 of the Convention, has there been a failure by the State to protect the applicant, as a victim of rape, from intimidation and revictimisation, and to effectively respond to her allegations of intimidation by her father?

2. Has the applicant suffered discrimination on the grounds of her Roma origin, contrary to Article 14 of the Convention read in conjunction with Articles 3 and 8 of the Convention?

The Government are invited to submit copies of all the relevant documents concerning the applicant's case.