

Home>Your rights>Victims of crime>Victims' rights - by country

Victims' rights - by country

Croatia

Victims of crime have a number of rights in pre-trial and criminal proceedings, with particular protection being afforded to children and victims of human trafficking and crimes against sexual freedom.

Victims of crime have the following rights:

- access to support services for crime victims;
- effective psychological and other professional assistance and support from bodies, organisations, and institutions that support victims of crime, in accordance with the law;
- protection from intimidation and retaliation;
- protection of their dignity while giving evidence as a victim;
- to be heard without undue delay after reporting a crime and subsequently to be questioned no more than is absolutely necessary for the purpose of the criminal proceedings;
- to be accompanied by a trusted person in any actions in which they take part;
- to undergo minimal medical procedures and only if these are absolutely essential for the purpose of the criminal proceedings;
- to file a motion to prosecute or bring a private action under the Criminal Code (*Kazenski zakonik*), to participate in criminal proceedings as an injured party, to be informed of dismissal of a criminal charge (Article 206(3) of the Criminal Code) and of a decision by the public prosecutor (*državni odvjetnik*) to take no action, and to pursue prosecution individually without the public prosecutor;
- to be informed by the public prosecutor on the action taken on the basis of their accusation (Article 206a of the Criminal Code), and to lodge a complaint with a senior public prosecutor (*viši državni odvjetnik*) (Article 206b of the Criminal Code);
- to request and receive information without undue delay on the release of the offender from detention or remand, the offender's escape or release from prison, and on the victim protection measures taken;
- to request and receive information on any final decision terminating the criminal proceedings;
- other rights as provided for by law.

Additionally, victims of sexual crimes and human trafficking also have the right:

- to consultation with a legal adviser paid for by the State before being interviewed;
- to a representative paid for by the State;
- to be interviewed by a person of the same sex at the police station or public prosecutor's office (*državno odvjetništvo*), and to be interviewed by the same person if another interview takes place;
- to refuse to answer questions that concern their private life and are unrelated to the crime;
- to ask to be interviewed by audio-visual means (Article 292 of the Criminal Code);
- to personal data protection;
- to ask for the hearing not to be open to the public.

Child victims have all the above rights as well as the right to:

- a representative paid for by the State;
- personal data confidentiality;
- a non-public hearing.

A child is any person under 18 years of age.

A child witness or victim is examined by the investigating judge at an evidentiary hearing, and the summons is sent to their parents or guardian.

Private action

When a crime is reported, the public prosecutor prosecutes *ex officio* in most cases.

A private action may be brought in the case of crimes for which criminal proceedings are launched on the basis of a private action. The private action must be brought within three months of the date when the authorised natural or legal person learned of the crime and who it was committed by.

Claims for damages

An injured party has the right to file a claim for damages as part of criminal proceedings.

Victims of crime also qualify as injured parties and are entitled to file a claim for damages before the court.

A claim for damages may seek:

- compensation for damage, which can be tangible or intangible (pain suffered, fear);
- the return of belongings — if the injured party can prove that they were the owner or lawful holder;
- annulment of a specific transaction — if the crime resulted in a property transaction (if the defendant forced the victim to conclude a contract).

A claim for damages may be filed as part of criminal proceedings or in a separate civil action against the defendant. A claim for damages filed during criminal proceedings can be granted only if the court finds the defendant guilty.

That is not a requirement for the success of a claim filed in civil proceedings.

Rights of injured parties during the investigation and in criminal proceedings

A victim participating in criminal proceedings as the injured party is entitled to:

- use their mother tongue, including sign language, and request the assistance of an interpreter if they do not understand or speak Croatian, or of a sign language interpreter if they are deaf or deafblind;
- file a claim for damages and motions for temporary injunctions;
- a representative;
- present facts and submit evidence;
- attend the evidentiary hearing;

attend the proceedings, take part in the evidentiary proceedings and make a closing statement;
access the case file;
ask to be informed by the public prosecutor in respect of action taken on the basis of their accusation and file a complaint to a senior public prosecutor;
appeal;
seek restoration of the previous situation;
be notified of the outcome of the criminal proceedings.

Both before and at every stage during the criminal proceedings, the public prosecutor's office and the court must consider the scope for the defendant to compensate the injured party for any loss sustained as a result of the offence. They must also inform the injured party of the right to use their own language, including sign language for the deaf and deafblind, and to the assistance of an interpreter if they do not speak or understand Croatian, or of a sign language translator or interpreter if they are deaf or deafblind, the right to lodge an application for a civil claim and temporary injunctions, to lodge a statement of facts and to submit evidence, to attend the proceedings and participate in the evidentiary proceedings, to make a closing statement, to access the case file, and to ask to be informed by the public prosecutor in respect of action taken on the basis of their accusation and to file a complaint with a senior public prosecutor.

Right to financial compensation

The Act on Financial Compensation for Victims of Crime (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 80/08 and 27/11) lays down a right to financial compensation for victims of crime involving violence committed with intent in Croatia, or for their relatives under the conditions set out in that Act.

It establishes a right to financial compensation for victims of violent crime committed with intent and specifies the prerequisites and procedure for exercising the right to compensation, the bodies that take decisions and participate in the decision-making process on the right to compensation and the bodies and procedure in cross-border cases.

Victims of violent crime committed with intent have a right to financial compensation from the national budget.

The police, the public prosecutor's office and the courts are required to provide information on the right to compensation, supply the necessary application forms and, at the victim's request, give general guidance and information on how to complete an application and which supporting documents to enclose. Applications for financial compensation must be submitted to the Ministry of Justice on the form which can be downloaded from the Ministry's website.

[Application form for financial compensation for victims of crime_hr](#)  (223 Kb) 

Applications must be submitted within six months of the date on which the crime was committed. If the victim has legitimate reasons for failing to submit the application within the deadline, they must do so within three months of the date on which those reasons cease to exist, and in any event within three years of the date on which the crime was committed.

If the victim is a minor or a person deprived of legal capacity and their legal representative failed to submit a claim within six months of the date of the crime, the six-month deadline begins from the day the victim reaches the age of 18 or from the day when, after the victim has reached the age of 18, the criminal proceedings are initiated, or from the day the victim's legal capacity is restored.

Entitlement to financial compensation applies in the following cases:

victims of crime involving violence if they are citizens of the Republic of Croatia, citizens of a Member State of the European Union or permanently resident in the European Union and the crime was committed in Croatia;

victims who have suffered grievous bodily harm or whose health has deteriorated as a result of the crime are entitled to compensation for the costs of treatment, provided that it is not covered by mandatory health insurance, up to the amount of health insurance in the Republic of Croatia, and compensation for loss of earnings up to the amount of HRK 35 000;

persons who are a close relative of the deceased victim (spouse or partner, child, parent, adoptive parent, adopted child, step-parent, step-child, same-sex partner, grandparent and grandchild if they belonged to the same household as the victim) are entitled to compensation of up to HRK 70 000 for the loss of statutory maintenance;

in the event of the death of a victim, the person who paid the funeral expenses is entitled to compensation of up to HRK 5 000;

if a crime is reported to or filed by the police or the public prosecutor's office within six months from the date on which it was committed, regardless of whether or not the offender is known.

In order to establish the amount of compensation, account is taken of the victim's conduct during and after the crime, their contribution to the damage and its extent, whether the victim is an immediate victim and whether they reported the crime to the competent authorities and when. In addition, an assessment is made of the victim's cooperation with the police and the competent authorities in order to bring the offender to justice, account being taken of whether the immediate victim helped to cause the damage or exacerbated the damage; in any of these cases the compensation to which the victim is entitled will be reduced accordingly. An application for compensation is refused, or the amount reduced, if the victim is found to be involved in organised crime or a criminal organisation. Compensation may also be refused, or the amount reduced, if the granting of full compensation would be contrary to the principle of fairness, morality and public order.

Notice of offender's release

When a defendant is sentenced to imprisonment, the Service for Victim and Witness Support (*Služba za podršku žrtvama i svjedocima*) at the Ministry of Justice informs the victim of the prisoner's release date (unconditional release and release on probation).

Statutory obligation to inform victims of prisoner release

In accordance with the provisions of the Act Amending the Execution of Prison Sentences Act (*Zakon o izmjenama i dopunama Zakona o izvršenju kazne zatvora*), the Service for Victim and Witness Support at the Ministry of Justice is required to notify the victim, injured party or their family of the release of a prisoner.

Victims are notified of the release of a prisoner in cases of crimes against sexual freedom and sexual morality, life and limb or crimes involving violence.

The victim, injured party or their family are provided with this information, irrespective of whether the prisoner is being released unconditionally or on probation.

Moreover, when a decision is being taken on whether to allow a prisoner to leave prison for their place of permanent or temporary residence, penitentiaries/prisons may ask the Service for Victim and Witness Support to provide information about the reaction of the victim or the victim's family to this possibility.

The Service for Victim and Witness Support draws up reports for the penitentiary/prison on the basis of its discussions with the victim.

Support for witnesses and victims

Support for victims and witnesses in the Republic of Croatia is coordinated by the Service for Victim and Witness Support at the Ministry of Justice.

Victims and witnesses can obtain support and information on their rights and on procedures from the Victim and Witness Support Department of a court.

Such departments have been set up at seven county courts (*županijski sudovi*), namely in Zagreb, Zadar, Osijek, Vukovar, Split, Sisak and Rijeka. The departments provide emotional support, practical information and information on rights for victims, and support and information for witnesses and persons accompanying them. There are also departments providing support at the competent municipal and misdemeanour courts (*općinski and prekršajni sudovi*).

Victims can also obtain information about their rights and the types of assistance available to them by calling the **free phone number 116 006 of the National Call Centre for Victims of Crimes and Misdemeanours** (see the website of the National Call Centre).

The Ministry of Justice also provides victims and witnesses with support and information about their rights, and inquiries may be sent via email to:

zrtve.i.svjedoci@pravosudje.hr or to the website of the Croatian Ministry of Justice: <https://pravosudje.gov.hr/>

Support for victims and witnesses in cross-border cases

The Service for Support to Victims and Witnesses, which has been set up at the Ministry of Justice, provides support and information for both victims and witnesses who are summoned to court through international legal assistance (including witnesses of war crimes).

Information letters are sent to witnesses who are summoned to give testimony at courts in the Republic of Croatia, or to Croatian witnesses who are summoned to appear before foreign courts.

Witnesses of war crimes are provided with physical protection, where necessary, and assistance for preparing their journey and their appearance before the competent judicial body (in the case of witnesses and other parties who are summoned for questioning in criminal proceedings relating to war crimes before competent judicial bodies in the Republic of Croatia, or outside Croatia when such support relates to a request for international legal assistance).

Click on the links below to find the information that you need:

1 - My rights as a victim of crime

2 - Reporting a crime and my rights during the investigation or trial

3 - My rights after trial

4 - Compensation

5 - My rights to support and assistance

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