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Croatian

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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 crimes against sexual freedom and human trafficking

A victim of a crime has the right to:

information that the police, the investigator, the state attorney's office (*državno odvjetništvo*) and the court have a duty to provide;
effective psychological and other expert assistance and support from bodies, organisations and institutions that support victims of crime;
participate in criminal proceedings as the injured party,
be informed by the state attorney (*državni odvjetnik*) regarding action taken on the basis of the victim's report, and to file a complaint to a senior state attorney (*viši državni odvjetnik*);
state-funded specialist counselling if he/she suffers very severe psychosomatic damage or very serious consequences of the crime;
file an associated action for damages;

compensation in accordance with a separate law if he/she has suffered grievous bodily harm or serious deterioration of health as a result of violent crime.

A victim of a crime against sexual freedom or a crime of human trafficking has the following rights in addition to those mentioned above:

to speak with a counsellor prior to being interviewed, with the cost being met by the budget;
state-funded legal aid;
to be interviewed by a person of the same sex at the police station or state attorney's office;
to have a person of trust present during the interview;
to refuse to answer unnecessary questions relating to his/her personal life;
to ask to be interviewed via an audio-visual device;
confidentiality of personal data;
to demand the exclusion of the public from the hearing;
to be informed of these rights by the court, state attorney and the police before the first interview.

If a child is the victim of crime, he/she has the following rights in addition to those mentioned above:

state-funded legal aid;
to be accompanied by a person of trust when participating in procedures;
confidentiality of personal data;
to be interviewed in his/her home or another specially equipped location instead of a court;
the exclusion of the public;
for the questioning to be conducted without the judge or parties present in the same room with the child, through audio-video devices operated by a professional assistant;
for particular care to be taken during the interview so that the child's mental health is not adversely affected.
Children are all persons under the age of 18 years.

Child witnesses and victims are to be examined by the investigating judge at the evidentiary hearing, and a child witness is to be subpoenaed through his/her parents or guardians.

Private prosecution

When a crime is reported, the state attorney will prosecute *ex officio* in most cases.

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

Associated action for damages

A victim of crime is also an injured party and is entitled to file an associated action for damages before the court.

Such an action may include the following claims:

compensation for damages, which can be tangible or intangible (pain suffered, fear);
return of belongings — if the injured party can prove that he/she was 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).

An associated action for damages may be filed in criminal proceedings or in separate civil proceedings against the defendant. If the action is filed during criminal proceedings, a prerequisite for its acceptance is that the court finds the defendant guilty.

That is not a prerequisite for the success of an action in civil proceedings.

Rights of injured parties during an investigation and in criminal proceedings

During an investigation the victims of a crime, as private prosecutors and injured parties, are entitled to present facts and move to introduce evidence that is material for ascertaining the crime, identifying the offender(s) and establishing their claims in the associated action for damages.

A victim who takes part in criminal proceedings as an injured party has the right to:

use his/her own language, including deaf and deafblind sign language, and to the assistance of an interpreter if he/she does not understand or use Croatian, or to the assistance of a translator or sign language interpreter if he/she is deaf or deafblind;
use his/her own language;
file an associated action for damages and motions for temporary injunctions;

a representative;
present facts and move to introduce 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 state attorney in respect of action taken on the basis of his/her report and file a complaint to a senior state attorney;
appeal;
file a motion to prosecute and bring a private prosecution;
receive notice of the rejection of a criminal charge or of the decision of the state attorney not to prosecute;
prosecute instead of the state attorney;
seek restoration of the previous situation;
receive notice of the outcome of the criminal proceedings.

The state attorney's office and the court are obliged to examine, both before, and at each stage of, the criminal proceedings, whether there is any possibility of the accused making amends to the injured party for the damage caused by the crime. They are also obliged to inform the injured party of certain rights laid down by law (the injured party's right to use his/her own language, the right to file an associated action for damages, etc.).

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 state attorney'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 fill out an application and on the supporting documents that are required.

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 there are legitimate reasons why a victim was unable to submit such an application within the deadline, he/she 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 who has been stripped of contractual capacity and his/her legal representative did not submit an application within six months of the date on which the crime was committed, the period of six months starts to run from the person's eighteenth birthday or from the day on which criminal proceedings are launched after the victim has reached the age of majority or from the day when the person's contractual capacity is restored.

Persons entitled to financial compensation:

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

a victim who has suffered grievous bodily harm or whose health has deteriorated as a result of the crime (such a person is 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);

a person who is 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) (such a person is 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.

When the amount of compensation is established, account is taken of the victim's conduct during and after the crime or his/her contribution to the causing of the damage and to the extent of the damage, whether the person is an immediate victim and whether he/she 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 will be 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 policy.

Notice of offender's release

When a defendant is sentenced to imprisonment, the Independent Service for Victim and Witness Support at the Ministry of Justice will inform 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 Independent Service for Victim and Witness Support at the Ministry of Justice is required to inform the victim, injured party or his/her family about 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 information mentioned above is provided to a victim, injured party or his/her family, irrespective of whether the prisoner is being released unconditionally or on probation.

Moreover, when a decision is being taken on the advisability of allowing a prisoner to leave prison for his/her place of permanent or temporary residence, penitentiaries/prisons may require the probation service to establish the attitude of the victim or the victim's family to the crime that was committed. The Independent Service for Victim and Witness Support draws up reports for the probation service 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 Independent Service for Victim and Witness Support (*Samostalna služba za podršku žrtvama i svjedocima*) 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 victims (and witnesses) and persons accompanying them with emotional support, practical information and information on rights. Support is also provided by departments of 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 Independent Service for Support to Victims and Witnesses, which has been set up at the Ministry of Justice, provides support and information to both witnesses and victims who are summoned 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).

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[3 - My rights after trial](#)

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