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Croatian

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If my claim is to be considered in this country

Croatia

Which type of crime can I get compensation for?

You can apply for compensation if you are the victim of a violent intentional crime committed on Croatian territory which resulted in serious bodily injury or serious damage to health or death.

A crime of violence is:

Any crime committed with intent and by force or by violating the sexual integrity of another person

Any crime which endangers life and property due to an action generally perceived as dangerous or using an instrument which caused the death, serious bodily injury or serious damage to health of one or more persons, and which has been provided by the Criminal Code as a grave form of fundamental intentional crime.

Which type of injury can I get compensation for?

There is no compensation for injuries in general. In order to be qualified for compensation, a violent crime must result in serious bodily injury or serious damage to health or death.

Immediate victims are entitled to compensation for loss of earnings up to HRK 35 000 if a violent crime resulting in serious bodily injury or serious damage to health has been committed, and if – given all the other terms and conditions in the Act are met – it can be proven that this resulted in a loss of earnings.

Immediate victims are entitled to reimbursement of medical expenses if a violent crime resulting in serious bodily injury or serious damage to health has been committed, and if – given all the other terms and conditions in the Act are met – it can be proven that this resulted in medical expenses which the victim had to pay themselves. These medical expenses can be claimed up to the health care threshold laid down in the regulations on compulsory health care insurance in the Republic of Croatia, provided that these expenses are recognised only if the immediate victim is not entitled to reimbursement of expenses on the basis of health insurance.

Indirect victims are entitled to compensation due to loss of statutory maintenance if the immediate victim died from the consequences of the violent crime and if – given all the other terms and conditions in the Act are met – it can be proven that the indirect victim has lost this statutory maintenance. If the indirect victim is entitled to benefits from the compulsory pension insurance scheme, then they are not entitled to compensation due to loss of statutory maintenance. Compensation due to loss of statutory maintenance can be recognised for up to HRK 70 000 in total for all indirect victims.

Persons who paid for the funeral expenses of a person who died as the immediate victim of a violent intentional crime are entitled to reimbursement of funeral expenses, and if – given all the other terms and conditions in the Act are met – it can be proven that they covered the funeral expenses. Funeral expenses can be recognised up to HRK 5 000.

Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

YES, relatives or dependants of deceased crime victims can get compensation due to loss of statutory maintenance and reimbursement of standard funeral costs.

The law calls these relatives or family members "indirect victims". Relatives or family members (i.e. Indirect victims by law) are: spouses, partners, children, parents, adoptees, adopters, stepmothers, stepfathers, stepchildren and same-sex partners with whom the immediate victim was living with; grandparents and grandchildren only if they are immediate victims themselves, when they were permanently living together and the grandparents replaced the parents of the immediate victim.

The existence of non-marital and same-sex partnerships is assessed under the law of the Republic of Croatia.

Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

NO, relatives or dependant family members cannot get compensation if the victim survived the attack.

Can I get compensation if I'm not a national of an EU country?

Compensation is only eligible for victims who are Croatian nationals or who reside in the Republic of Croatia, i.e. if they are citizens of an EU member state or have a permanent residence in its territory.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

NO, the victim cannot claim compensation from the Republic of Croatia if the crime was committed in the territory of another state. The Republic of Croatia only pays compensation provided that the conditions and requirements laid down in the Act are met, and only if the violent crime was committed in its territory (in that regard, the Republic of Croatia does not pay compensation for crimes committed in another country).

Do I have to have reported the crime to the police first, to be able to claim compensation?

YES, in order to be able to claim compensation, the crime has to be reported or registered with the police or the public prosecutor's office as a crime.

A police certificate that the incident was registered or reported as a crime must be submitted with the compensation claim.

On the victim's request, the police is obliged to issue a certificate confirming that the incident in question was reported or registered as a crime.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

NO, you do not have to await the outcome of any police investigations or criminal proceedings.

The right to claim can be exercised irrespective of the fact whether the offender is known and whether criminal proceedings have been initiated.

Do I have to first seek compensation from the offender – if they have been identified?

NO, you do not have to first seek compensation from the offender.

Submitting a claim under the Crime Victim Compensation Act (*Zakon o novčanoj naknadi žrtvama kaznenih djela*, hereinafter: Act) does not exclude the victim's right to exercise the right to receive compensation from the offender;

Where the victim has submitted a claim pursuant to the Act, and has exercised the right to receive compensation directly from the offender, this compensation is included in the compensation claimed by the victim pursuant to the Act;

If the compensation received from the offender satisfies the claim completely, the claim submitted pursuant to the Act is rejected. If the proceedings regarding this claim have already been concluded, but the payment has not yet been made, a decision will be reached for the compensation not to be paid; If the state has already made payment to the victim pursuant to the Act, and the victim receives full or partial compensation from the offender, then the state has the right of recourse against the victim, for the amount of principal received directly from the offender, but up to a maximum of the amount it paid to the victim.

Upon receiving payment of compensation from the state pursuant to the Act, the victim is no longer entitled to claim this compensation from the offender, since now the state has the right of recourse against the offender.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

YES, the applicant has to attach all the generally required documents to support their claim for compensation, which are listed in the official claim form which is submitted irrespective of the fact whether the offender has been identified or convicted or the criminal proceedings initiated.

In general, the claim is supported by: a police certificate that the incident has been registered or reported as a crime, proof of nationality, certificate of residence, death certificate of the victim, certified statement of the applicant that the right to receive compensation pursuant to the Crime Victim Compensation Act has not been exercised on a different legal basis, victim's medical documents on the basis of which compensation is claimed (hospital application form, medical findings and reports, hospital discharge report, sick leave report, health-related receipts), receipts for the standard funeral expenses, other relevant certificates or documents that might be significant when deciding on the compensation.

Is there a time limit within which I have to claim compensation?

YES, the claim must be submitted at the latest within six months from the day when the crime stated in the application was committed.

If the victim was unable to submit the claim in said period of time on justified grounds, the claim must be submitted at the latest within 3 months of the date when the justified grounds ceased, and at the latest within 3 years from the day the crime was committed. (The victim must state and demonstrate the justified grounds)

If the victim is a minor or a person deprived of legal capacity and their legal representative did not submit a claim within 6 months of the date the crime was committed, the 6-month deadline begins from the day the person reaches the age of 18 or from the day when, after the victim has become an adult, the criminal proceedings were initiated, or from the day the person's legal capacity was restored.

Which losses and expenses are covered by the compensation?

(a) For the victim of the offence:

- Material (non-psychological) damage:

medical costs of injury (medical treatment — ambulant and hospital treatment, recovery)

The immediate victim has the right to compensation of healthcare costs amounting to the health care threshold laid down in the regulations on compulsory health care insurance in the Republic of Croatia. These expenses are recognised only if the immediate victim is not entitled to reimbursement of expenses on the basis of health insurance.

additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, .adaptation of housing, special aids, etc.)

See response to first item (right to compensation of healthcare costs amounting to the health care threshold laid down in the regulations on compulsory health care insurance in the Republic of Croatia.).

permanent injury (e.g. invalidity and other permanent disabilities)

loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.).

Immediate victims are entitled to a compensation for lost earnings, which is granted as a single payment amounting to a maximum of HRK 35 000.

loss of opportunity

expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs)

compensation for stolen or damaged personal property

Other.

- Psychological (moral) damage:

NO

pain and suffering of the victim

NO

(b) For entitled people or relatives of a victim:

- Material (non-psychological) damage:

funeral costs

Standard funeral costs amounting to a maximum of HRK 5 000.

medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)

loss of maintenance or of opportunity

Indirect victims maintained by the **immediate victim who died as a result of the consequences of the violent crime** have the right to compensation due to loss of legal maintenance. This compensation is granted as a single payment on the basis of actuarial calculations starting from the lowest family pension under the Pension Insurance Act (*Zakon o mirovinskom osiguranju*) calculated according to a 5-year occupational record and the expected period of maintenance of the indirect victim. The compensation is granted only if the indirect victim is not entitled to benefits from the statutory pension insurance. The compensation may be granted up to a maximum of HRK 70 000 for all indirect victims.

- Psychological damage:

NO

pain and suffering of relatives or entitled people/compensation to survivors if the victim died

NO

Is the compensation paid out in a single payment or monthly instalments?

The compensation is made in a single payment.

In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

When deciding on the right to compensation, the actions of the immediate victim before, at the moment of, and after the crime was committed are taken into account; the role of the immediate victim as regards the occurrence and extent of the damage; whether the immediate victim and within what period of time

reported the crime to the competent authorities, unless prevented to do so due to justified grounds; cooperation of the immediate victim with the police and competent authorities so as to bring the offender to justice; the immediate victim who contributed to the damage occurring or who increased the extent of the damage is entitled only to a proportionally reduced compensation.

The compensation claim shall be rejected where it is found that the victim is involved in organised crime, or associates with a criminal organisation;

The compensation may be rejected or decreased where granting full compensation would oppose the principle of fairness, moral or law and order;

The immediate victim's behaviour will be taken into account when deciding on the indirect victim's right to compensation.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

NO

The financial, i.e. existential, circumstances of the applicant do not, in principle, affect the decision on the application, however, when deciding on the compensation for loss of legal maintenance financial circumstances might affect the chances of receiving compensation.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

YES

When deciding on the right to compensation, the actions of the immediate victim before, at the moment of, and after the crime was committed are taken into account; the role of the immediate victim as regards the occurrence and extent of the damage; whether the immediate victim and within what period of time reported the crime to the competent authorities, unless prevented to do so due to justified grounds; cooperation of the immediate victim with the police and competent authorities so as to bring the offender to justice; the immediate victim who contributed to the damage occurring or who increased the extent of the damage is entitled only to a proportionally reduced compensation.

The compensation claim shall be rejected where it is found that the victim is involved in organised crime, or associates with a criminal organisation;

The compensation may be rejected or decreased where granting full compensation would oppose the principle of fairness, moral or law and order.

The immediate victim's behaviour will be taken into account when deciding on the indirect victim's right to compensation.

How will the compensation be calculated?

Financial compensation is calculated by taking into account the circumstances of each individual case, the applicant must prove the fulfilment of legal requirements and that specific expenses or losses, i.e. damages, have been incurred.

Is there a minimum/maximum amount that can be awarded?

The law does not provide for a minimum amount that can be awarded (but the law does limit the maximum amount that can be awarded).

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

YES, applicants are expected to quote the amount they are claiming.

Instructions on how to calculate the amount are not given (the applicant must demonstrate the expenses or losses claimed).

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

In some cases YES, in others NO, depending on the source of the received compensation.

Compensation received on the basis of health, pension or other insurance and other sources is calculated into the appropriate compensation basis, so that the compensation awarded to the victim consists of the difference between the total compensation the victim is entitled to pursuant to the Crime Victim Compensation Act (hereinafter Act) and what the victim receives on one or more grounds.

Voluntary insurance paid for by the immediate or indirect victim is not included in the compensation amount.

Once the victim receives compensation directly from the offender, it will be included in the compensation claimed from the Republic of Croatia; Where the compensation received from the offender completely satisfies the claim, the claim will be rejected; Where the compensation received from the offender completely satisfies the claim, if the proceedings have been concluded, but the payment has not yet been made, a decision will be reached for the compensation not to be paid to the victim.

When the Republic of Croatia has paid the compensation pursuant to the Act, and the victim has exercised the right to receive compensation from the offender, the Republic of Croatia has the right of recourse against the victim, by the amount of principal received directly from the offender, but up to a maximum of the amount the state paid to the victim.

Can I get an advance on the compensation? If so under what conditions?

NO

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

The Crime Victim Compensation Act does not provide for complementary or additional compensation.

What supporting documents do I need to include with my claim?

The supporting documents to be included with the claim are listed in the official form. The claim is supported by: proof of nationality, certificate of residence, death certificate of the victim, police certificate that the incident has been registered or reported as a crime, certified statement of the applicant that the right to receive compensation pursuant to the Crime Victim Compensation Act has not been exercised on a different legal basis, victim's medical documents on the basis of which compensation is claimed (hospital application form, medical findings and reports, hospital discharge report, sick leave report, health-related receipts), receipts for the standard funeral expenses, other relevant certificates or documents that might be significant when deciding on the compensation.

The aforementioned documents are submitted in the original or by way of certified copy.

Are there administrative or other charges to be paid when the claim is received and processed?

There are no administrative or other charges to be paid in the claim process under the Crime Victim Compensation Act.

Which authority decides on compensation claims (in national cases)?

The authority competent to decide on compensation claims by crime victims pursuant to the Crime Victim Compensation Act, where compensation is paid from the national budget is the "Committee for the Compensation of Crime Victims" (*Odbor za novčanu naknadu žrtvama kaznenih djela*).

If the victim seeks compensation from the offender, the complaint seeking to join a civil action to proceedings, i.e. compensation from the offender, the victim can do so in criminal proceedings before the criminal court with jurisdiction.

However, the victim may also choose to bring an action to seek compensation from the offender in a lawsuit before the competent court.

Where do I send the claim (in national cases)?

The claim for compensation of crime victims pursuant to the Crime Victim Compensation Act is submitted to the Committee for the Compensation of Crime Victims, i.e. the ministry responsible for justice.

Republic of Croatia

Ministry of Justice (Ministarstvo pravosuđa)

Ulica Grada Vukovara 49

10000 ZAGREB

If compensation from the offender is sought through legal action in the course of criminal proceedings, then the complaint seeking to join a civil action to proceedings for damages, is submitted to the competent court before which the criminal proceedings against the offender are pending.

The victim may also choose to bring an action to seek compensation from the offender in a lawsuit before the competent court.

Do I need to be present during the procedure and/or when my claim is being decided?

As a rule, in the claim procedure for crime victims the answer is NO, however, depending on the case, the competent authority, i.e. the "Committee", may by way of derogation require, if it needs to in order to reach a decision, the parties, witnesses or court appointed experts to give evidence before the court.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

The competent authority will reach a decision on a claim within 60 days if the claim is complete and in order (if all the required documents were obtained and submitted, all information and evidence necessary to reach a decision). However, if the claim is incomplete, the time necessary to reach a decision may be longer.

If I'm not satisfied with the authority's decision, how can I challenge it?

No appeal can be lodged against the decision, however, the applicant may lodge an administrative appeal by submitting an administrative complaint to the competent administrative court within 30 days of the decision being served.

Where can I get the necessary forms and other information on how to claim?

The form and information are available at any police station, public prosecutor's offices, municipal and county courts and in electronic form on the official site of the Ministry of Justice (*Ministarstvo pravosuđa*), Ministry of the Interior (*Ministarstvo unutarnjih poslova*), State's Attorney Office of the Republic of Croatia (*Državno odvjetništvo RH*) and municipal and county courts.

Information can be obtained by calling the hotline of the National Call Centre for Victims of Crimes and Misdemeanours (*Nacionalni pozivni centar za žrtve kaznenih djela i prekršaja*) 116-006.

The police, public prosecutor's offices and courts must provide information on the right to compensation and the body to which the party may apply to exercise these rights to all persons who, under the Crime Victim Compensation Act, have the right to seek compensation from the Republic of Croatia.

The police, public prosecutor's offices and the ministry responsible for justice must issue the necessary forms to submit a claim to all persons who under the Act have the right to compensation, and upon request must provide general instructions and information on how to complete the claim and which supporting documents are to be included in the claim.

The Ministry of Justice has issued a leaflet available in Croatian and English which contains all the information on the right to compensation, the requirements and how to exercise this right. The fliers and claims forms have been published in Croatian and English on the websites of the Ministry of Justice and the Ministry of the Interior.

Is there a special helpline or website I can use?

YES (website of the Ministry of Justice of the Republic of Croatia)

<https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

Information can be obtained by calling the hotline of the National Call Centre for Victims of Crimes and Misdemeanours (*Nacionalni pozivni centar za žrtve kaznenih djela i prekršaja*) 116-006.

Can I get legal aid (help from a lawyer) when preparing the claim?

If the claim is incomplete, incomprehensible or illegible it will not be rejected on these grounds, but the applicant will be informed on how to improve it. In that sense, this can be considered as aid/assistance to the applicant.

The applicant may hire an authorised person or a lawyer when preparing the claim or for representation in the proceedings (at their own cost).

Information and aid for completing the Victim Compensation Claim Form is available in every police station, public prosecutor's offices, municipal and county courts or by calling the free helpline of the National Call Centre for Victims of Crimes and Misdemeanours 116-006.

Are there any victim support organisations that can help me claim compensation?

YES

<https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

What is the role of the assisting authority?

The assisting authority is the Ministry of Justice of the Republic of Croatia and the applicant may submit a claim to this authority in such events (called cross-border cases (*prekogranični slučajevi*) under Croatian law)

This assisting authority will, as quickly as possible, submit the claim and its attachments to the competent authority of the country in which the applicant seeks compensation, in the official language of the country or in another language deemed acceptable by the country in question.

The aforementioned claim will be submitted using the form prescribed by the European Commission.

If the authority responsible for deciding on the claim in the country in question requests that the applicant, witnesses, court-appointed experts or other persons be heard in the Republic of Croatia, this is done by the Committee for the Compensation of Crime Victims, which then submits a report on the hearing to the other country's authority responsible for reaching a decision on the claim.

If the other country's authority which is responsible for reaching a decision on the claim requests that the hearing take place using technical aids, the hearing will take place in cooperation with the Ministry of Justice of the Republic of Croatia on condition that the person to be heard agrees to this procedure.

Will this authority translate the supporting documents, if the outgoing claim needs this? If so, who pays for this?

The Ministry of Justice of the Republic of Croatia, as the assisting authority, shall translate the claim into the language of the country from which compensation is claimed, or into another language designated as the language of communication by the country in question.

Are there administrative or other charges to be paid when the claim is sent abroad?

There are no administrative or other charges to be paid when sending the claim abroad.

Which authority decides on a claim for compensation in cross-border cases?

<https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>

Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

Yes, by submitting the claim to the Ministry of Justice of the Republic of Croatia directly or by registered mail.

In which language(s) do the compensation authorities(s) accept the:

Claim?

Supporting documents?

The claim and the supporting documents must be in Croatian. If the claim and supporting documents are in a foreign language, then they must be submitted together with their certified translation issued by a licensed court translator.

If the compensation authority translates the claim/supporting documents from another EU country, who pays for this?

The deciding authority does not translate the claim or the supporting documents and does not the translation costs.

Are there administrative or other charges to be paid in this country for processing my claim (received from another EU country)? If so, how can I pay these?

No administrative or other charges are to be paid in the proceedings regarding this claim.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How can I claim them? Who do I have to contact?

If the Committee for the Compensation of Crime Victims decides to summon the applicant to a hearing or to participate in the proceedings in person, the applicant's travelling costs will be reimbursed.

As a rule, throughout the proceedings and while reaching a decision the applicant's presence is not required, and if the applicant, witnesses, court-appointed experts or other persons must be heard, the Committee for the Compensation of Crime Victims as the deciding authority can request the competent authority of the other EU member state, in which the compensation claim was submitted, to carry out these actions.

Furthermore, the hearing required by such a procedure can be carried out by using technical aids, including computer technology, electronic communications networks and other image and sound transmission aids. In that case the hearing will be conducted by the Committee for the Compensation of Crime Victims, i.e. the deciding authority.

Is an interpreter provided, in case I have to be personally present?

Yes

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

Foreign medical documents are accepted, however, the Committee for the Compensation of Crime Victims as the deciding authority checks and evaluates the medical documents and, if necessary, may order that a medical expert's report be obtained.

Will I be reimbursed for my travelling costs, if I have to undergo a medical examination in this country?

No

How long does it take approximately to get a decision on compensation from the authority/body?

The competent authority will reach a decision on a claim approximately within 60 days if the claim is complete and in order (if all the required documents were obtained and submitted, all information and evidence necessary to reach a decision). However, if the claim is incomplete, the time necessary to reach a decision may be longer.

In which language will I receive the decision on my claim?

The decision on the claim will be in the Croatian language.

If I am not satisfied with the decision, how can I challenge it?

No appeal can be lodged against the decision, however, the applicant may lodge an administrative appeal by submitting an administrative complaint to the competent administrative court within 30 days of the decision being served.

Can I get legal aid (help from a lawyer) under the other country's rules?

No

Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

Yes

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