

HANDBOOK FOR VICTIMS OF CRIME



ZAGREB, 2018.

DOCUMENTA – CENTRE FOR DEALING WITH THE PAST
CENTER FOR NON-VIOLENCE AND HUMAN RIGHTS
WHITE CIRCLE OF CROATIA
VICTIMS AND WITNESS SUPPORT SERVICE



PUBLISHERS:

Documenta – Centre for dealing with the past
Victims and Witness Support Service

**FOR THE PUBLISHER:**

Miren Špek

EDITORS:

Đino Đivanović,
Ana Šeničnjak,
Milena Čalić-Jelić

AUTHORS:

Matea Anić,
Mia Božić Mihanović,
Natalija Havelka,
Veselinka Kastratović,
Jelena Đokić Jović

EXPERT ADVISOR:

Lana Petö Kujundžić

DESIGN:

Barbara Blasin

PRINTING HOUSE:

Intergrafika d.o.o.

PRINT RUN:

500 kom

It is allowed to transfer texts with quoting source references.

Zagreb, 2018.

978-953-7872-17-5 (Documenta – Centre for dealing with the past)

ISBN: 978-953-56590-2-0 (Victim and witness support service)

CIP record is available in the computer catalogue of the National and University Library in Zagreb under the number 000986864



HANDBOOK FOR VICTIMS OF CRIME





TABLE OF CONTENTS

09	INTRODUCTION
11	QUICK GUIDE THROUGH CRIMINAL PROCEEDING
13	ACUTE MEASURES
15	THE RIGHTS OF CRIME VICTIMS
17	THE RIGHTS OF ALL VICTIMS
24	THE RIGHTS OF THE INJURED PARTY
31	THE VICTIM IN RELATION TO WHICH SPECIAL PROTECTION MEASURES HAVE BEEN ESTABLISHED
35	THE RIGHTS OF WITNESS
41	SPECIALLY SELECTED CATEGORIES OF RIGHTS OF CRIME VICTIMS
41	CHILD AS A VICTIM OF CRIME
46	VICTIMS OF CRIMES AGAINST SEXUAL FREEDOM AND HUMAN TRAFFICKING
52	VICTIMS OF DOMESTIC VIOLENCE
59	VICTIMS OF HATE CRIME
62	VICTIMS OF TERRORISM
65	VICTIMS OF CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW
68	VICTIMS OF PROPERTY CRIMES
71	THE RIGHTS OF THE RELATIVES OF VICTIMS IN CRIMINAL PROCEEDING
75	FINANCIAL COMPENSATION TO VICTIMS OF CRIME COMMITTED WITH INTENT
85	COMPENSATION FOR DAMAGE TO VICTIMS OF CRIME
87	SPECIAL CATEGORIES OF COMPENSATION FOR DAMAGE TO VICTIMS OF CRIME
87	COMPENSATION FOR DAMAGE TO VICTIMS OF TERRORISM
89	COMPENSATION FOR DAMAGE TO VICTIMS OF SEXUAL VIOLENCE DURING THE CROATIAN WAR OF INDEPENDENCE





INTRODUCTION

If you have been subjected to crime, this handbook is intended for you. The goal is to make it easier for you to exercise your rights guaranteed by national laws.

The handbook will help you to answer the questions: whom to contact, whom to ask for help and what rights you are entitled to.

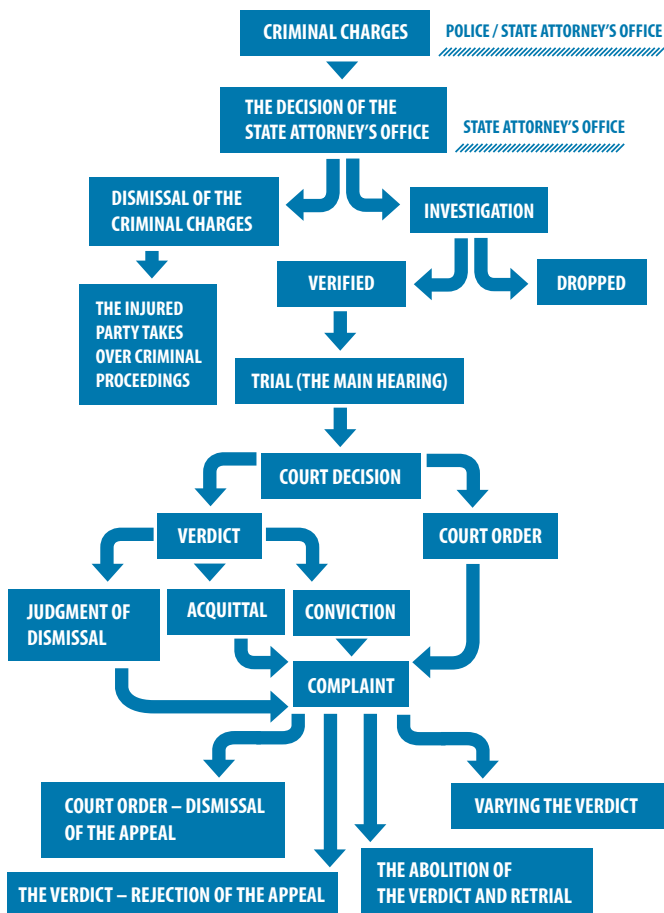
The first part of the handbook consists of general information useful for the victims of all crimes, while the second part deals more closely with the victims of certain crimes, which are recognized by law as particularly vulnerable. In that sense, the categories which were singled out are dealing with children as victims of crime, victims of crimes against sexual freedom and human trafficking, victims of hate crime, victims of terrorism, victims of crimes against humanity and international law, victims of property crimes and relatives of victims in criminal proceeding.

The handbook is published as a part of the project “Rights, support, protection and compensation of victims of crimes” conducted by Documenta – Centre for Dealing with the Past, Center for Peace and Human Rights Osijek, White Circle of Croatia from Split and Victims and Witness Support Service from Vukovar. The project is funded under the Justice Program of the European Union, co-financed by Office for Cooperation with NGOs of the Government of the Republic of Croatia and implemented with support of the city of Zagreb.

We hope that this handbook will be of assistance to all victims of crime, who are daily faced with procedural and other ambiguities.



QUICK GUIDE THROUGH CRIMINAL PROCEEDING





ACUTE MEASURES

If you are injured – seek medical help! In case of injury, call Emergency Service - **112**, Emergency Medical Assistance - **194** or look for the nearest equipped Emergency center or hospital.

If the crime is still taking place – call the Police - **192** or visit your nearest police station.

Report the crime at your nearest police station, on the phone number **192** or at the State Attorney's Office.

In case you need emotional support, informations about your rights and other practical informations, call the national call center for victims of crime on the phone number **116 006** which is free and anonymous, every working day from 8:00 to 20:00.





THE RIGHTS OF CRIME VICTIMS

The victim of crime is a person who has suffered physical and mental consequences, property damage or substantial violation of fundamental rights and freedoms that are the direct consequence of a crime. Besides the direct victim, a spouse, common-law spouse, a life partner or an informal life partner and descendant, and if there are none, ancestor, brother and sister of the person whose death was directly caused by the crime, and the person that was, according to law, supported by a victim – are also considered victims of crime (relatives – more details will be provided later in this handbook).

The rights of crime victims are regulated by the Criminal Procedure Act (CPA) (Official Gazette OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, available at: <https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>)

- the basic directory of all victims' rights is contained in Article 43. Of CPA
- the victim has the right **before, during and after** the criminal proceedings, **and regardless of reporting a criminal offense**
- from taking the initial actions in which the victim participates, the court, the State Attorney's Office, the Investigator and the Police, are obliged to notify the victim in an understandable manner about his/her rights and to make sure whether the victim understood the information.

- **Apart from the role of the victim, during the court proceedings the victim can participate in the role of the injured party (more details will be provided later on in this handbook).**

The victim and the legal person, against whom a crime has been committed, have the right to register as an injured party:

- until the indictment is raised: at the police or the State Attorney's Office
- from the confirmation of the indictment to the verdict: at the court

The court, State Attorney's Office, the investigator or the police will instruct the victim on the meaning of participation in the capacity of the injured party and make a note about **the information and the victim's statement**, whether he/she wants to participate in the court proceedings as an injured party.

As an injured party, the victim has a more active role in the court proceedings, since he/she participates in it (without the obligation to use "the additional rights"). That is, the person is a victim by the fact that a crime has been committed against him/her, while he/she becomes an injured party by proactive statement that he/she wants to participate as an injured party in the court proceedings and thus upgrade the list of rights that he/she may require and achieve.

THE RIGHTS OF ALL VICTIMS

(Including indirect victims if the direct victim died from the consequences of a crime, Art. 43 of the Code on the criminal proceedings)

1. Right of access to support services for victims of crime

HOW?

- the aforementioned right can be realized by direct contact with the services for the support of the victims of crime, namely victims' and witness support departments in 7 County Courts (Zagreb, Osijek, Vukovar, Split, Rijeka, Zadar, Sisak), and contact with civil society organizations in counties where these departments are not established: **Victim and Witness Support Service** (Varaždin and Međimurje county); **Center for Civic Initiatives Poreč** (Istria county); **Center for Support and Development of Civil Society Delfin** (Požega-Slavonia county and Bjelovar-Bilogora county); **DEŠA – Dubrovnik** (Dubrovnik-Neretva county); **HERA Križevci - for the protection and promotion of human rights** (Koprivnica-Križevci county and Bjelovar-Bilogora county); **Informative Legal Centre** (Brod-Posavina county); **Women's Group Karlovac Korak** (Karlovac and Lika county); **S.O.S. Virovitica** (Virovitica-Posravina county); **SOS Phone for Women Victims of Violence in Krapina-Zagorje county** (Krapina-Zagorje county); **Association ZvoniMir**

(Šibenik-Knin county) - whose contact information is listed in this handbook.

- When it comes to this right and the way of its realization, the competent authorities are obliged to inform the victim (police, State attorney's Office, court or social welfare centers)



2. The right to effective psychological and other professional assistance and support of bodies, organizations or institutions for assistance to victims of crimes in accordance with the law

HOW?

- by addressing civil society organizations, general practitioners (searching for a medical referral), victims' and witness support departments on courts, centers for social welfare, polyclinics, hospitals and other healthcare institution



3. The right to protection from intimidation and retaliation

HOW?


- for example, by seeking precautionary measures and/or protective measures that can be requested from a State Attorney's office or court, depending on the stage of the court proceedings (for example, removal from home) – more information on protective measures is provided later in the handbook



4. The right to protection of dignity during the examination of the victim as a witness

HOW?

- for example, by requesting examination by a person of the same sex, requesting examination in a sensitized manner (taking into account the victim's trauma), requesting to avoid asking strictly personal questions unrelated to the crime, and questions related to the sexual life, when it comes to crimes against sexual freedom



5. The right to be heard without unjustified delay after the filing of the criminal report, and that further hearings are conducted only to the extent necessary for the purpose of criminal proceedings

HOW?

- this right refers to all hearings, in particular the police hearing after the filing of the criminal report



6. The right to be accompanied by a person of trust in undertaking the procedural actions

HOW?

- a person of trust is any adult person for whom the victim expressed a wish to be present during the criminal proceedings
- a person of trust can be a representative of a CSO, a parent, a friend, a colleague...
- a person of trust can be with a victim since the moment of filing the report at the police station and throughout the proceedings, including presence in the court (has the right to be in the courtroom with the victim)



7. The right that medical treatments of the victim be undertaken to the minimum extent, and only when they are necessary for the purpose of criminal proceedings

- for example, gynecological examination with consent and in connection with a crime



8. The right to file a motion for prosecution and a private lawsuit

- depending on the criminal offense (whether prosecuted by private lawsuit / upon proposal / ex officio)
- information on the way of criminal prosecution is contained in the Criminal Code
- the proposal for the lawsuit is submitted to the competent state attorney
- a private lawsuit is submitted to the competent court



9. The right to participate in the proceedings as an injured party

HOW?

- to give a statement during the criminal proceedings (from the moment of filing a criminal report until the end of trial)



10. The right to be informed of the dismissal of the criminal charge and withdrawal of the State Attorney's office from the criminal prosecution

HOW?

- together with notice, to obtain the information on the right to take over the criminal prosecution instead of State Attorney's Office
- after obtaining a notice of withdrawal of the State Attorney's office from the criminal prosecution, the person also has to obtain the State Attorney's instruction containing the actions already taken and those to be taken



11. The right to be notified from the State Attorney about actions taken, and the right to file a complaint to a senior State Attorney

HOW?

- the victim may request an information from the State Attorney about the

actions taken two months after the filing of the criminal charge

- in the case of an unjustified delay the victim may file a complaint to the Senior State Attorney, concerning the work of the State Attorney



12. The right to be informed upon request and without unnecessary delay about the termination of custody or investigation prison, the escape of the defendant or release of the convicted person from serving the sentence and the measures taken to protect the victim

HOW?

- the request for information about the termination of custody/investigative prison should be filed to the police, and request for information on release from prison should be filed to the Ministry of Justice – Victim and Witness Support Service



13. The right to be informed upon request of any decision terminating the criminal proceedings definitively

HOW?

- by submitting a request to the body conducting the decision-making process (Decisions, Verdicts)



14. Other rights prescribed by law

- eg. removal of the defendant from the courtroom during testimony



15. Individual assessment of the victim

- (see more in the chapter **Victim in relation to which special protection measures have been established**)



Additional rights of all victims of crimes (and misdemeanors): upon the filing of the criminal report, a confirmation that the criminal offense is reported. The police is obliged to hand over the victim the confirmation of the reported criminal offense FREE OF CHARGE! Also, we should note that all victims of crime of violence (without determining property status of a person) have a right to attorney in the procedure for exercising the right to compensation for damage caused by the crime (The law on free legal aid).



THE RIGHTS OF THE INJURED PARTIES

The injured party is a person whose personal right (eg the right to life, to freedom or on the inviolability of home) or property right, is violated or threatened by a criminal offense (victim of a crime). In the criminal proceedings, the injured party has certain procedural rights. This means that the injured party in a criminal proceeding may, along with the physical, be a legal person. The injured party may act as a private prosecutor for criminal offenses that are prosecuted by private lawsuits or as a prosecutor if a State Attorney refuses to pursue with a criminal prosecution or gives up from it. The principal right of an injured party is the right to file a property claim.

If the victim declares as an injured party in the criminal proceedings, he/she also acquires the following rights:



1. Right to own language

- the right to use own language, including the sign language of the deaf and deafblind, the interpreter's help if the victim does not speak or understand the Croatian language, or translator/interpreter of the sign language in the case of a deaf or deaf-blind injured party.
- if the injured party does not speak the language, he/she will be provided

with the translation on the language he/she understands at the expense of budget funds, in order to achieve the rights of the injured party in criminal proceedings.



2. Right to submit a proposal for a property claim and provisional security measures

TO WHOM?

- up to the filing of the indictment - to the police or to the State Attorney's Office, until the end of the hearing - to the court
- the victim of a crime for which a punishment of imprisonment is more than 5 years, if he or she is suffering from hard consequences, is entitled to the expert assistance of an advisor, at the expense of budget funds when filing the property claim
- the property claim is filed in order to, except for guilt, decide on the compensation for the damages, which is otherwise in the jurisdiction of the civil courts
- compensation for the damages can be claimed for:
 1. suffered non-pecuniary damage (emotional distress, fear, impairment of life abilities ...)
 2. property/material damage



3. Right to an assignee

HOW?

- by own engagement, NOT at the expense of budget resources (except if you are not a victim of crime against sexual freedoms and human trafficking or a child who is a victim - see more in a separate section later in this handbook)



4. Right to warn about the facts and suggest evidence



5. Right to attend the evidentiary hearing

- not mandatory



6. The right to attend the hearing, to participate in the evidence procedure, to present the final speech

- the injured party and his/her assignee may, in the closing speech, warn about the evidence of the guilt of the defendant



7. The right to inspect the case files

WHEN?

- the right is acquired after the examination



8. The right to request the information from a State Attorney about the actions taken and the right to file a complaint to a Senior State Attorney

WHEN?

- within two months of the filing of the criminal report



9. The right to file an appeal

HOW?

- in accordance with the written instructions on the remedy on the received decision (pay attention to the deadline and the competent authority to which the appeal is filed)



10. The right to claim a return to the previous state

- if the injured party has not pleaded about taking over the criminal prosecution for justified reasons, after the dismissal of the criminal charge or if the State Attorney withdraws from the process



11. The right to be informed of the outcome of the criminal proceedings

- decisions related to the outcome of the criminal proceedings (decisions and judgments) should be sought from the competent authorities, the state attorney's office and the court



THE CHILD AS AN INJURED PARTY

- if the interests of the child are in conflict with the interests of the parent, the expert body that guides the procedure informs the Social Welfare Center, which will appoint a special custodian
- an injured party who is 16 years of age may make statements and take action alone



THE INJURED PARTY AS A PLAINTIFF



1. A victim whom a state attorney informs that there is no basis for persecution

WHEN?

- when the State Attorney determines that there are no grounds for prosecution, he/she is obliged to notify the victim within eight days that he or she may take over the prosecution process
- the victim has the right to continue prosecution within 8 days of receipt of the notice from the State Attorney
- the victim can raise a new indictment or remain with the old indictment

////////////////////////////////////

2. A victim who is not aware that State Attorney's Office has not started the prosecution or that has withdrawn from it can make a statement that he/she continues with the prosecution before the competent court

WHEN?

- within three months of the decision on suspension
- within six months since the State Attorney's Office rejected the application

////////////////////////////////////

3. If the State Attorney withdraws from the charges at the hearing

WHEN?

- the injured party has to make a statement on the continuation of the prosecution immediately (if he/she is not at the hearing, it is considered that he/she does not want to continue with the prosecution)
- if he/she is not invited for justified reasons, the injured party will be allowed a return to his/her previous state of the process
- deadline for the return in the previous state: 8 days from the missed action

HOW?

- with the delivery of instructions from State Attorney (the instructions contain actions that can be taken)
- has the rights to inspect the file
- has the rights of a State Attorney (except those the State Attorney has as a body of Government)

CONSEQUENCES?

- if he does not continue persecution or does not attend the hearing within the statutory deadline it shall be considered that the victim withdrew from the prosecution

ADDITIONAL RIGHTS?

- if a criminal offense is one for which imprisonment of more than five years can be imposed, the injured party can file a claim for an assignee

WHO DECIDES?

- the court estimates whether it is in the interest of the proceedings and whether the victim as an injured party and a plaintiff can pay the costs regarding his/her financial condition



A VICTIM IN RELATION TO WHICH SPECIAL PROTECTION MEASURES HAVE BEEN ESTABLISHED

An assessment of needs is carried out with participation of the victim and taking into account his/her wishes, including the desire not to use special protection measures. Along with the rights belonging to all victims, the victims in respect of which special protection measures have been established also have additional rights (including indirect victims, if the direct victim died from the consequences of the crime, Art. 44/5 of the Criminal Procedure Act):



1. The right to talk with the counselor at the expense of the budget funds before the examination

HOW?

- request the police, investigators, judges, state attorneys (depending on the stage of the proceedings)
- the counselor may be a lawyer or one of listed professionals (psychologist, social worker, social pedagogue)
- the request for a person in the role of counselor depends on the victim's needs – the victim him/herself needs to formulate which counselor is his/her choice

- **RECOMMENDATION:** to ask for a lawyer (since the victims in respect of which special protection measures have been established do not have the right to an assignee at the expense of budget funds)



2. The right to be examined by a person of the same sex in the State attorney's Office and police, and that in the case of re-examination the same person conducts the examination.



3. The right to refuse to answer questions that are not related to the crime, and that are strictly related related to the personal life of the victim.

- e.g. questions about earlier sexual life, the number of sexual partners



4. The right to request examination through an audio-video device

HOW?

- by submitting the request to the judge



5. The right to privacy of personal data



6. The right to request the public to be excluded from the court hearing

HOW?

- by submitting the request to the judge

According to the Regulations on the conduct of individual assessment of the victims (https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_106_2426.html):

WHO IS CONDUCTING?

- all bodies of criminal proceedings (police officers, the public prosecutor and judges) who come into contact with the victim
- they can obtain the necessary information from social welfare centers and other organizations and institutions, providing support to victims of criminal offenses, in particular from the departments for support of the victims and witnesses at the county courts
- during the assessment, recommendations of civil society organizations, bodies, organizations and institutions providing support and assistance to victims which are stating that it is necessary to determine the victim protection measures, will be considered
- the assessment is carried out with participation of the victim, by respecting her wishes and respecting her dignity, psychophysical condition and all the circumstances of the case

WHY?

- for the purpose of determining the victim's need for implementation of special measures of protection, and if there is a need, to determine which special protection measures need to be implemented to protect the victim and to reduce the risk of retraumatization and secondary victimization

HOW?

By taking into account:

- personal characteristics of the victim
- type/nature of the crime
- the circumstances of the committed crime
- the victim's relationship with the perpetrator
- by filling out the application form on the conducted procedure of the individual assessment of the victim's need for protection

WHEN?

- before the victim's examination
- reduce the number of examinations to a minimum
- the State Attorney may propose an examination at the probationary hearing

CONSEQUENCES?

- proposing and/or implementing special protection measures for the victim
 - measures of protection during the proceedings (special way of examination, audio/video link, exclusion of the public, examination by the same person, being accompanied by the person of trust, protection of confidentiality of personal data)
 - enabling conversation with a counselor at the expense of budget funds
- assessment of the need for additional support and assistance and referral to the appropriate institution and/or organization providing the special way of support and/or assistance needed for the victim
- **ADDITIONAL INFORMATION:** You can request that the CSO you contacted for support, make a statement and proactively sends it to the competent authority.



WITNESS RIGHTS

A victim of a criminal offense will often be summoned as a witness in criminal proceedings

A witness in criminal proceedings is entitled to:

- not answer to certain questions if it is likely that he/she will expose him/herself or a close relative to criminal prosecution, severe shame or considerable material damage
- to use his/her own language or to have an interpreter if a person is deaf, deaf-blind or speech-impaired person
- in cases where so provided by the law, witness has the right to protection of physical security, privacy (testifying under the pseudonym or via audio/video link with voice and image modification), inclusion in the protection program if his/her life is threatened
- to express unease to the judicial council when giving testimony before the public or the defendant
- the reimbursement of costs incurred due to the arrival on court

The witness must obey the summons issued by the State Attorney's Office and the court (during the investigation and during the hearing).

The witness must give his/her testimony at the court which must be true. The State Attorney and the President of the Judicial Council are obliged to warn the witness about the consequences of giving a false testimony. The witness must inform the court of the inability to arrive due to his/her psycho-physical condition and justify his/her absence.

When taking statements, the officials should pay particular attention to vulnerable witnesses: children, witnesses who because of their age or health, can not respond to the summons, or victims of a criminal offense against sexual freedom, criminal offense of trafficking and crimes committed in the family.

The victim and/or a witness have the right to be assisted by Department for Support of Victims and Witnesses or by civil society organizations involved in victim support, during the criminal proceedings.

If they live in remote locations and do not have public transport to the place where criminal proceedings are conducted they are entitled to compensation for costs in the amount of price of the public transport. For the elderly and the severely disabled person, it is possible to arrange transportation to the court.



TESTIFYING VIA VIDEO LINK

Witnesses who are unable to respond to a court call due to age, health or disability can be examined in their apartment or other place in which they reside.

- they can be examined via audio/video device
- if it is required by the state of the witness, the examination will be conducted in such way that included parties can ask questions without being in the same room where the witness is present

At the request of a witness who is a victim of a crime against sexual freedom or human trafficking, or if the crime is committed in the family, the examination will be conducted via audio/video device.

- Such a witness can only be re-examined with exceptions

Upon request of the victim in relation to which special protection needs have been established (individual victim assessment), the examination can be carried out via audio-video device.

DEPARTMENTS FOR SUPPORT TO VICTIMS AND WITNESSES

SISJEK COUNTY COURT Europska avenija 7, 31 000 Osijek 031 / 228-500 podrska-svjedocima@zsos.pravosudje.hr	VUKOVAR COUNTY COURT Županijska 33, 32 000 Vukovar 032 / 452-529 podrska-svjedocima-vu@pravosudje.hr
RIJEKA COUNTY COURT Žrtava fašizma 7, 51 000 Rijeka 051 / 355-645 podrska-svjedocima-ri@pravosudje.hr	ZADAR COUNTY COURT Borelli 9, 23 000 Zadar 023 / 203-640 podrska-svjedocima@pravosudje.hr
SISAK COUNTY COURT Trg Ljudevita Posavskog 5, 44 000 Sisak 044 / 524-419 podrska-svjedocima-sk@zssk.pravosudje.hr	ZAGREB COUNTY COURT Trg N.Š. Zrinskog 5, 10 000 Zagreb 01 / 4801-062 podrska-svjedocima-zg@pravosudje.hr
SPLIT COUNTY COURT Gundulićeva 29a, 21 000 Split 021 / 387-543 podrska-svjedocima-st@pravosudje.hr	



CIVIL SOCIETY ORGANIZATIONS – PROVIDERS OF SUPPORT TO VICTIMS AND WITNESSES

VICTIM AND WITNESS SUPPORT SERVICE Graberje 33/II, 42 000 Varaždin 095 / 116-0066	KORAK KARLOVAC Vladka Mačeka 6, 47 000 Karlovac 047 / 600-392 zeka@ka.t-com.hr
CENTER FOR CIVIC INITIATIVES POREČ Partizanska 2d, 52 440 Poreč 052 / 452-746; 052 / 428-586 cgiporec@cgiporec.hr	SOS VIROVITICA Trg fra Bonifacija Gerbera bb, 33 000 Virovitica 033 / 721-500 sos.vt@email.t-com.hr
DELFIN Braće Radić 13, 34 550 Pakrac 034 / 411-780 delfin.zamir@gmail.com	SOS TELEPHONE AND ADVISORY FOR WOMEN VICTIMS OF VIOLENCE OF KRAPINA-ZAGORJE COUNTY Trg hrvatske kraljice Jelene 6, 49 210 Zabok 049 / 639-281 sos@cesi.hr
DEŠA – DUBROVNIK Frana Supila 8, 20 000 Dubrovnik 020 / 420-145; 020 / 311-625 desa@du.t-com.hr	ASSOCIATION ZVONIMIR KNIN Domagojeva 12, 22 300 Knin 022 / 662-554 zvonimir@zvonimir.hr
ASSOCIATION HERA KRIŽEVCI I. Z. Dijankovečkog 5, 48 260 Križevci 048 / 711-077; 048 / 271-335 info@udruga-hera.info	
INFORMATIVE LEGAL CENTER Ante Starčevića 63, 35 000 Slavonski Brod 035 / 448-533 ipc-slav-brod@sb.t-com.hr	



SELECTED CATEGORIES OF VICTIMS OF CRIME

CHILD AS A VICTIM OF CRIME

RIGHTS OF A CHILD VICTIM OF VIOLENCE IN THE FAMILY ACCORD- ING TO LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE:

The court, the State Attorney's office, the investigator and the police are obliged to treat the child victim of a crime particularly carefully, keeping in mind the age, personality and other circumstances in order to avoid adverse consequences for the upbringing and development of child. In the treatment of the child victims, the competent authorities will primarily be guided by the best interest of a child.

If a child is a victim of domestic violence, and interests of a child are in conflict with the parents' interests, the competent authorities will contact the social welfare center to appoint a special guardian. A special guardian is authorized to make all statements and to undertake all actions that the victim is entitled to.

The right of a child victim of crime is regulated by the Criminal Procedure Act (Article 44).

It is important to emphasize that with the rights belonging to all victims (listed in the chapter The rights of crime victims), the child as a crime victim also has the following rights:



1. The right to an assignee at the expense of the budgetary funds

HOW?

- Ask the police, investigators, State Attorney, judge (depending on the stage of proceedings)

WHO?

- The assignee is a lawyer on the list of Croatian Bar Association, as an assignee for the children



2. The right to be accompanied by a person of trust when participating in criminal proceedings

HOW?

- Ask the police, investigators, State Attorney, judge (depending on the stage of proceedings)

WHO?

- A relative of a child, a friend or any person designated by the victim as a person of trust



3. The right to privacy of personal data



4. The right to exclusion of the public

- Child will be examined by a counselor-expert – an expert associate of the court or other expert who provides the child with information about the proceedings and the room where testifying will take place, strengthens the child and is with the child during the testimony.
- Child is examined via audio/video device – considerate examination is conducted in a separate room with the help of social pedagogue, a psychologist, a social worker, a pedagogue or other expert, so that examination would not adversely affect the child's psychological condition (expert associate of the court).



MEASURES OF PROTECTION:

When the victim of crime is a child, it will be assumed that there is a need to apply special protection measures and to identify which special protection measures shall be applied (a special way of victim examination, the use of communication technologies in order to avoid visual contact with the perpetrator and other measures prescribed by the law).

- The court, the State Attorney's office, the investigator and the police are obliged to treat the child victim of crime in a especially considerate manner, keeping in mind the age, personality and other circumstances in order to avoid adverse consequences for the child's upbringing and development.
- In dealing with child victim of crime, the competent authorities will primarily be guided with the best interest of a child
- Children victims and witnesses are examined by the investigative juvenile judge at the probation hearing, or a juvenile judge, and a court call for a child as a witness is made through his/her parents or guardian.
- If the age of victim is not known, it will be assumed that it is a child, if a victim did not reach the age of eighteen. Exceptionally, a child victim of domestic violence who has reached the age of 16 can independently make statements and take action in the proceedings.



WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to children victims of crime, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- Police **192**
- Emergency assistance **194**
- Centres for Social Welfare

- The Ombudsperson for Children – Zagreb: **01/4929-669, 01/4921-278**; Osijek – **031/213-098, 031/213-072**; Rijeka – **051/311-121, 051/311-110**; Split – **021/488-462, 021/488-495, info@dijete.hr**
- National Call Centre for Victims of Crime **116006** (working days 08:00-20:00) – Victim and Witness Support Service **pzs@pzs.hr**
- Women's Help Now (for women and children victims of crime) **0800 655 222**
- White Circle of Croatia – Ljudevita Posavskog 14, 21000 Split, **021/783-449, bijeli.krug@gmail.com**, SOS line **0800 63 29** (working days 07:30-19:30)
- The Brave Telephone – children's helpline **116 111**
- The Brave Telephone – parent helpline **0800 0800**
- Blue Telephone **01/4833-888**
- Center for Missing and Abused Children Osijek, J. J. Strossmayera 1/I, 31000 Osijek, **116 000, 031/ 272-943, 091/1116-010**, e-mail: **info@cnzd.org**
- Psychological Center TESA **01/4828-888**
- SOS RIJEKA – Center for Non-Violence and Human Rights, Verdieva 11, 51000 Rijeka, **051/211-888**, e-mail: **centar@sos-rijeka.org, pomoc@sos-rijeka.org**

VICTIMS OF CRIMES AGAINST SEXUAL FREEDOM AND TRAFFICKING

What is a crime against sexual freedom?

Crimes against sexual freedom defined by the Criminal code are:

- sexual intercourse without consent
- rape
- serious criminal offenses against sexual freedom:
 - against a family member
 - against a victim particularly vulnerable due to his/her age, illness, addiction, pregnancy, disability, severe physical or mental disability
 - in a particularly cruel or humiliating way
 - hate crime
 - together with one or more perpetrators, where the same person was subjected to multiple sexual intercourses or equal sexual activities
 - with the use of weapons or dangerous instruments
 - in such a way that the raped person is heavily injured or has remained pregnant, and if the criminal offense caused the death of the raped person.
- salacious acts
- sexual harassment
- prostitution



What is a crime of trafficking?

The Criminal code defines trafficking as

- use of force and threat, deceit, fraud, kidnapping, abuse of power or difficult position or relationship of dependency, giving or receiving a cash benefit or other benefit for the purpose of obtaining the consent of a person who has control over another person, or recruiting in a different manner, transport, hiding or receiving a person or exchanging or transferring supervision over a person for the purpose of exploiting his/her labor through forced labor or service, establishing slavery or having a similar relationship, or for the purpose of exploiting the victim for prostitution or other forms of sexual exploitation, including pornography, or for the purpose of involuntary or forcible marriage, or for the purpose of taking parts of victim's body or for its use in armed conflicts or for the purpose of acting unlawfully, the recruitment, transporting, hiding or receiving the child, exchanging or transferring supervision over a child for the purpose of exploiting his/her work through forced labor or service, by establishing slavery or similar status, or for the purpose of exploiting it for prostitution or other forms of sexual exploitation, including pornography, for the purpose of involuntary or forcible marriage, or for the purpose of illegally adopting, or for the purpose of taking parts of his/her body, or for its use in armed conflicts.
- knowing that a person is a victim of trafficking, and using victim's services which are result of one of the forms of his/her exploitation
- retaining, removing, hiding, damaging or destroying travel documents or identity documents of another person with the purpose of the crime of trafficking



It is important to emphasize that with the rights belonging to all victims (listed in the chapter The rights of crime victims), the victims of crimes against sexual freedoms and victims of human trafficking, also have the following rights:



1. Before the examination, talk to counselor at the expense of the budget funds

HOW?

- ask the police, investigator, the State Attorney, judge (depending on the stage of proceedings)
- RECOMMENDATION: do not ask for a lawyer as a counselor because the victim has the right to an assignee (a lawyer) at the expense of budgetary funds, but ask for a psychologist, pedagogue, social worker...



2. Right to an assignee at the expense of budgetary funds

HOW?

- ask the police, investigator, judge, State Attorney (depending on the stage of proceedings), victim can also hire his/her lawyer to be paid from the budget

WHO?

- the assignee is a lawyer on the list of Croatian Bar Association

////////////////////////////////////

3. The right to be examined by the person of the same sex, or in the case of re-examination by the same person

////////////////////////////////////

4. The right to deny to answer the questions that are not related to the crime, while they strictly relate to a personal life of a victim

- e.g. questions concerning earlier sexual life, number of sexual partners...

////////////////////////////////////

5. The right to be examined via audio-video device (considerate examination conducted in a separate room with the assistance of a social pedagogue, a psychologist, a social worker, a pedagogue or other professional, in order to avoid adverse effect on the mental state of a victim)

HOW?

- by submitting a request to a State Attorney, investigator or court (depending on the stage of proceedings)

////////////////////////////////////

6. The right of confidentiality of personal data

HOW?

- through assignee, ask before the examination



7. The right to request exclusion of the public from the court hearing

HOW?

- by filing a request to the judge



WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to victims of crime against sexual freedom and human trafficking, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- Police **192**
- Emergency assistance **194**
- National Call Centre for Victims of Crime (working days 08:00-20:00) **116 006** – Victim and Witness Support Service [**pzs@pzs.hr**](mailto:pzs@pzs.hr)
- Women's Room – Center for Victims of Sexual Violence: **01/6119-444**, [**savjetovaliste@zenskasoba.hr**](mailto:savjetovaliste@zenskasoba.hr)
- Center for Women Victims of War ROSA: **01/4551-128**, [**cenzena@zamir.net**](mailto:cenzena@zamir.net)

- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, **bijeli.krug@gmail.com**, SOS line **0800 63 29** (working days 07:30-19:30)
- Ombudsperson for Gender Equality : Preobraženska 4/1, 10 000 Zagreb, **01/4848-100**, email: **ravnopravnost@prs.hr**
- SOS Line for Suppression of Human Trafficking: **0800 77 99**
- B.a.B.e.! “Be active. Be emancipated!”, **0800 200 144**, **babe@babe.hr**
- Organization for Integrity and Prosperity Split **0800 77 99** (24 hour telephone line for suppression of human trafficking), **organizacija.za.integritet.i.prosperitet@st.t-com.hr**
- Autonomous Women’s House Zagreb - Women’s Counseling Center for Victims of Violence: **0800 5544**
- Blue Telephone **01/4833-888**
- SOS RIJEKA – Center for Non-Violence and Human Rights, Verdieva 11, 51 000 Rijeka, **051/211-888**, e-mail: **centar@sos-rijeka.org**, **pomoc@sos-rijeka.org**



VICTIMS OF DOMESTIC VIOLENCE



What is domestic violence?

Law on protection from domestic violence defines domestic violence as:

- physical violence
- bodily punishment or other forms of humiliating treatment of children
- psychological violence which caused violation of dignity or anxiety to a victim
- sexual harassment
- economic violence, such as banning or disabling the use of joint or personal property, disposition of personal income or property acquired through personal work or inheritance, disabling employment, denying means for maintaining a common household and child care
- neglecting the needs of a person with a disability or an elderly person which leads to her distress or violates her dignity and thereby causes her bodily or mental suffering

Persons to whom the Law on protection against domestic violence applies are:

- a spouse, an extramarital partner, a life partner, an informal life partner, their common children and the children of each of them, blood relatives in direct line, relatives in the collateral line up to the third degree, relatives by marriage in marital and extramarital community up to second degree, adoptive parent and adoptee.

- a former spouse, a former extramarital partner, a former life partner, a former informal life partner, persons with a common child, and persons living in a common household.
- persons with disabilities and elderly persons as victims of domestic violence have special protection under this Act.



All governing bodies dealing with domestic violence are obliged to act urgently, and all proceedings initiated under this Act are urgent

- the penal code states that anyone who violates the regulations on protection against domestic violence and therefore causes a family member and a close person to fear for his/her safety or safety of persons close to him/her or bring him/her into a humiliating position, thereby not committing serious criminal offense, shall be punished by imprisonment for a term of three years.
- misdemeanor sanctions for protection against domestic violence are protective measures, fines, imprisonment and other misdemeanor sanctions prescribed by the law which regulates misdemeanors.

Pursuant to the Law on protection against domestic violence, a special obligation to report domestic violence for which they learned while performing their jobs, have:

- health workers
- employees in social welfare institutions
- persons employed in educational institutions
- professionals employed in religious institutions, humanitarian organizations or civil society organizations
- all other professionals who come into contact with victims of violence in their work



TYPES OF MISDEMEANOR SANCTIONS FOR PROTECTION FROM DOMESTIC VIOLENCE:

- protection measures
- money fine
- prison sentence
- other misdemeanor sanctions prescribed by the law governing the misdemeanors



TYPES OF PROTECTIVE MEASURES:

- mandatory psychosocial treatment
- prohibition of rapprochement, harassment or stalking victims of domestic violence
- removal from the common household
- compulsory addiction treatment

The court may impose a prohibition of rapprochement, disturbing or threatening the victims of domestic violence and the protective measure of removal from common household before commencing misdemeanor proceedings at the proposal of the victim or other authorized prosecutor.



Victims of domestic violence have all the general rights of victims of crime, and if the individual assessment identified specific vulnerability, they also have additional rights described

in the chapter Victim in relation to which the special needs of protection have been established (in accordance with the individual victim's assessment).



WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to victims of domestic violence, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- Police **192**
- Emergency assistance **194**
- National Call Centre for Victims of Crime **116 006** (working days 08:00-20:00) – Victim and Witness Support Service , **pzs@pzs.hr**
- Centre for Social Welfare - Zagreb: info phone free of charge **0800-200090**, Split: **021/350-600**, Rijeka: **051/499-101**, Osijek: **031/212-400**
- Ombudsperson for Children: Teslina 10, 10 000 Zagreb, faks **01/4921-277**, **info@djete.hr**, special e-mail only for children **mojglas@djete.hr**
- Ombudsperson for Gender Equality: Preobraženska 4/1, 10 000 Zagreb, **01/4848-100**, e-mail: **ravnopravnost@prs.hr**

- People's Ombudsperson, Trg Hrvatskih velikana 6, 10000 Zagreb, 01/4851-855, 01/4851-853, Ured u Rijeci - Korzo 2a/1, 051/563-786, Ured u Osijeku – Hrvatske republike 19, **031/628-054**, Ured u Splitu – Mažuranićevo šeta-lište 8a, **021/682-981**, e-mail: info@ombudsman.hr
- Ombudswoman for persons with disabilities, Savska cesta 41/3, 10000 Zagreb, **01/6102-170, 01/6177-901**, e-mail: ured@posi.hr
- Women's Help Now (for women and children victims of violence) **0800 655 222**
- B.a.B.e. Be active. Be emancipated! – Selska Cesta 112a, 10 000 Zagreb, **01/4663-666**, babe@babe.hr; Safe house of Vukovar-Srijem County, P.P. 80, 32 001 Vukovar, **032/414-910, 098/9824-641**, b.a.b.e@vu.t-com.hr
- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, bijeli.krug@gmail.com, SOS line **0800 63 29** (working days 07:30-19:30)
- Center for Peace Osijek – Trg Augusta Šenoje 1, 31 000 Osijek, **031/206-886**, centar-za-mir@centar-za-mir.hr
- Autonomous Women's House Zagreb - **0800 55 44** (working days 11:00-17:00), azkz@zamir.net
- Domine - Organization for the Promotion of Women's Rights - Bosanska 4, 21 000 Split, **021/537-272**, domine@domine.hr
- Women's Association Izvor – V. Mačeka, 31 207 Tenja, **031/290-433**, SOS phone **0800 200 151**, zenska.udruga.izvor@gmail.com
- Center for Woman Victims of Sexual Violence **01/6119-444** (working days 8:00-17:00), savjetovaliste@zenskasoba.hr
- Women's Center Adela – S. S. Kranjčevića 6, 41 000 Sisak, 24h SOS phone **044/888-888**, <http://www.centar-adela.org/>

- Safe House Čakovec – p.p. 160, 40 000 Čakovec, **099/8357-335**, **sigurna1kuca@gmail.com**
- Dom Duga Zagreb – Home for Children and Adults Victims of Family Violence, P.P.133, 10 001 Zagreb, **01/6383-503**, **info@duga-zagreb.com**
- Shelter for Victims of Domestic Violence in Osijek - p.p. 727, 31 000 Osijek, **skloniste.osijek@gmail.com**
- Association Brod - A Group for Women's Human Rights – Petra Krešimira IV. br. 47, 35 000 Slavonski Brod, **035/449-180**, **udruga.brod1@gmail.com**
- Safe House Istria – **052/500-148** (weekdays 9-13h, Monday and Friday 9-13 and 17-19h)
- Rainbow – Association for Help of Woman and Child Zadar, free and anonymous psychological and legal advice **023/332-059** Monday, Wednesday and Friday 18 - 20 h **095/5292-416; 095/5245-166; 098/819-757**, **duga.zd@zd.t-com.hr**, **udruga.duga@optinet.hr**
- U.Z.O.R – Association for the Protection of the Family, Rijeka - Blaža Polića 2/1, 51 000 Rijeka, **051/321-130**, fax **051/321-151**, **uzor@udruga-uzor-rijeka.hr**
- SOS RIJEKA – Center for Nonviolence and Human Rights, Verdieva 11, 51000 Rijeka, **051/211-888**, e-mail: **centar@sos-rijeka.org**, **pomoc@sos-rijeka.org**
- Smile Bjelovar - Association for the Development of Civil Society, Fortuna Pintarića 31, 43 000 Bjelovar, **043/231-400**, **091/1622-627**, **osmijeh@osmijeh-bj.hr**
- Women's Group Karlovac – KORAK - Vladka Mačeka 6, 47 000 Karlovac, **047/600-392**, Fax **047/616-120**, SOS telefon **047/655-925**, **zeka@ka.t-com.hr**

- Home for Victims of Domestic Violence – “Asylum St. Nicholas” – Varaždin, **042/234-050, 091/6833-333**
- Caritas of Zagreb Archdiocese: Kaptol 31, pp 71, 10 001 Zagreb, **01/4852-864, czn@czn.hr**; Caritas Split: Zrinsko-frankopanska 43, 21 000 Split, **021/318-740, caritas-split@st.t-com.hr**, ualso a shelter for women and children victims of domestic violence **sigurnakuca@caritas-split.com**; Caritas of Dubrovnik archdiocese – a shelter for victims of domestic violence - Dubrovnik; Tel: **020/ 322 – 054, caritas@dubrovacka-biskupija.hr**
- **<http://www.sigurnomjesto.hr/>**
- Brave Telephone for Children **116 111**
- Blue Telephone **01/4833-888**



VICTIMS OF HATE CRIME



What is hate crime?

Hate crime is a criminal offense committed due to racial or ethnic origin, color, religion, national or ethnic origin, language, disability, sex, sexual orientation or gender identity of another person.

Pursuant to **Article 325 of the Criminal Code**, anyone who, by means of **press, radio, television, computer system or network, publicly or otherwise publicly promotes or publishes publicly available leaflets, pictures or other materials** which call for violence or hatred directed towards a group of people or a member of a group because of their racial, religious, national or ethnic origin, language, color, sex, sexual orientation, gender identity, disability or other characteristics is committing a criminal offence of public incitement to violence and hatred, which is the most common form of hate speech. Also, anyone who publicly approves, denies or significantly reduces the criminal offense of Genocide, Crime of Aggression, Crimes against Humanity or War Crimes, directed towards a group of people or a member of a group because of their racial, religious, national or ethnic origin, language, color, sex, sexual orientation, gender identity, disability or other characteristics in a way that is conducive to inciting violence or hatred against members of that group or individual. This also refers to criminal offences committed through social networks such as Facebook, YouTube, Twitter, Google+ and others.



Victims of hate crime have all the general rights of victims of

crime, and if individual needs assessment determines their particular vulnerability, they also have additional rights described in the Chapter Victim in relation to which special protection needs have been established (in accordance with the individual victim's assessment).



WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to victims of hate crime, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- Police **192**
- Emergency assistance **194**
- National Call centre for Victims of Crime **116 006** (working days 08:00-20:00) – Victim and Witness Support Service **pzs@pzs.hr**
- Center for Peace Osijek – Trg Augusta Šenoje 1, 31 000 Osijek, **031/206-886, centar-za-mir@centar-za-mir.hr**
- Documenta – Centre for Dealing with the Past, **01/457-2398, kontakt@documenta.hr**
- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449, bijeli.krug@gmail.com**, SOS line **0800 63 29** (working days 07:30-19:30)

- Serb National Council, Gajeva 7, 10 000 Zagreb, **01/4886-368**, e-mail: **ured@snv.hr**
- Lesbian Group Kontra, **01/4573-372**, **kontra@kontra.hr**, **savjetovaliste@kontra.hr**, **pravnitim@kontra.hr**
- Zagreb Pride, Andrije Žaje 43a, 10 000 Zagreb, **info@zagreb-pride.net**
- Lesbian Organization Rijeka „LORI“ – Janeza Trdine 7/IV, 51 000 Rijeka, **051/212-186**, **091/5934-133**, **091/4934-133**, **loricure@yahoo.com**
- Center for Women Victims of War ROSA: **01/455-1128**, **cenzena@zamir.net**
- Better Future – Association of Roma Women from Croatia, Avenija Marina Držića 4, 10 000 Zagreb, **01/6110-311**, **uzrh.boljabuducnost@yahoo.com**, **ramiza.memedi@zg.t-com.hr**
- SOS RIJEKA – Center for Nonviolence and Human rights, Verdieva 11, 51 000 Rijeka, **051/211-888**, e-mail: **centar@sos-rijeka.org**, **pomoc@sos-rijeka.org**
- Center for Peace Studies, Selska cesta 112a, 10 000 Zagreb, **01/4820-094**, **091/3300-181**, e-mail: **cms@cms.hr**



VICTIMS OF TERRORISM



What is a crime of terrorism?

Acts of seriously intimidating the population, or forcing a state or an international organization to do something or not, or to seriously disturb or destroy fundamental constitutional, political, economic or social structures of a state or an international organization, to commit one of the following acts that may seriously harm a state or international organization: 1. attacks on a personal life which may cause death, 2. attack on another's body, 3. kidnapping or taking hostages, 4. destruction of public and state facilities, traffic system, infrastructure, including information systems, stationary platforms on the epicontinental belt, public places or private property that may endanger human lives or cause significant economic damage, 5. abduction of aircraft, ships or other means of public transport or transportation, 6. creation, possession, acquisition, transportation, supply or use of weapons, explosives, nuclear, biological or chemical weapons, as well as the manufacturing and development of nuclear, biological or chemical weapons, 7. release of dangerous substances or causing fire, explosion or flood, by doing so endangering people's lives, 8. disruption or suspension of supply with water, electricity or other basic natural resources, thereby endangering human life, 9. possessing or using radioactive substances or producing, possessing or using a device for activating, dispersing or emitting radioactive material or ionizing radiation, using or damaging the nuclear object so that it is released or that there is a danger of releasing radioactive

material or using force or threat to require a radioactive material, a device for activating, spraying or broadcasting a radioactive material or a nuclear object.

Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 on the establishment of minimum standards for the rights, assistance and protection of victims of crime, discusses victims of terrorism and states that: Victims of terrorism have suffered attacks that are intended ultimately to harm society. They may therefore need special attention, support and protection due to the particular nature of the crime that has been committed against them. Victims of terrorism can be under significant public scrutiny and often need social recognition and respectful treatment by society. Member States should therefore take particular account of the needs of victims of terrorism, and should seek to protect their dignity and security.



Victims of hate crime have all the general rights of victims of crime, and if individual needs assessment determines their particular vulnerability, they also have additional rights described in the chapter Victim in relation to which special protection needs have been established (in accordance with the individual victim's assessment). At the same time, it should be noted that victims of crime punishable by imprisonment for a term of more than five years, if they are suffering more serious consequences, have the right to a counselor at the expense of the state budget and that they can be compensated by a special law (more information further in the handbook).



WHERE TO GO FOR HELP:

- Police **192**
- Emergency assistance **194**
- National Call Centre for Victims of Crime **116 006** (working days 08:00-20:00) – Victim and Witness Support Service, **pzs@pzs.hr**
- Humanitarian Organization DORA, **01/5804-300**, **dora@dora.hr**
- Documenta – Centre for Dealing with the Past, **01/457-2398**, **kontakt@documenta.hr**
- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, **bijeli.krug@gmail.com**, SOS line **0800 63 29** (working days 07:30-19:30)
- SOS RIJEKA – Center for Nonviolence and Human Rights, Verdieva 11, 51 000 Rijeka, **051/211-888**, e-mail: **centar@sos-rijeka.org**, **pomoc@sos-rijeka.org**




VICTIMS OF CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW

* Remark: This handbook is intended for victims of war crimes committed in the period from 1991 to 1995, which therefore are subject to the Basic Criminal Code that was in force during that period



What is a crime against humanity and international law?

Crimes against humanity and international law include: genocide, war crimes against civilian population, war crimes against patients and wounded, war crimes against prisoners of war as well as organizing a group and encouraging the perpetration of genocide and war crimes. These are the most serious crimes for which, according to the international agreements, limitation can not take place.



Victims of war crimes have all the general rights of victims of crime, and if the particular vulnerability is determined based on the individual needs assessment, they also have additional rights described in the chapter Victim in regard to which special protection needs have been established (in accordance with the individual needs assessment which was carried out). Equally, it needs to be noted that victims of crimes that are punishable by imprisonment for more than five years have the right to a counselor at the ex-

pense of the state budget, if they are suffering from the most serious consequences.



SUPPORT FOR VICTIMS IN CROSS-BORDER CASES OF WAR CRIMES:

- victims invited by international legal aid to testify in criminal proceedings conducted by Croatian courts, residing outside the Republic of Croatia as well as victims residing in the Republic of Croatia, and which are invited to testify in the competent judicial bodies outside the Republic of Croatia, are entitled to support provided by Victim and Witness Support Services, established within the Ministry of Justice;
- the support includes providing physical protection when needed and assistance in preparing the departures and organizing access to the competent judicial body.
- **contact information:** Service for Victim and Witness Support, Ministry of Justice, Ulica grada Vukovara 49, 10 000 Zagreb



WHERE TO GO FOR HELP:

Detailed information on the rights, ways of exercising rights, the possibilities of providing assistance and reporting violence, victims of crimes against humanity and international law can get by calling the following numbers and contacting the following e-addresses:

- Documenta – Centre for Dealing with the Past, 10 000 Zagreb, Croatia, Selska cesta 112c, **01/4572-398**, kontakt@documenta.hr

- Center for Peace, Nonviolence and Human Rights Osijek, Trg Augusta Šenoje 1, 31 000 Osijek, Croatia, **031/206-886**, centar-za-mir@centar-za-mir.hr
- National Call Centre for Victims of Crime **116 006** (working days from 8 am to 8 pm) pzs@pzs.hr
- Helsinki Committee for Human Rights in Serbia, Kneza Miloša, 11 000 Beograd, Serbia, Tel: **+381 11 3349170**, http://www.helsinki.org.rs/serbian/index_s.html
- TRIAL International BiH - Čobanija 19, 71 000 Sarajevo, BiH, **+387 33 219-873**, <http://www.trial.ba/>
- YUCOM - Lawyers' Committee for Human Rights - Kneza Miloša 4, 11 000 Beograd, Serbia, **+381 11 33-444-25; 33-44-235**, office@yucum.org.rs
- BIRN Sarajevo - Hamdije Kreševljakovića 8/III, 71 000 Sarajevo, BiH, **+387 33 237-269, +387 33 237-292**, office.bih@birn.eu.com
- Humanitarian Law Center Belgrade - Dečanska 12, 11 000 Beograd, Serbia, **+381 11 3349600**, www.hlc-rdc.org
- Humanitarian Law Center Kosovo - Eqrem Çabej 7A Pristina, **+381 38 243 488, +381 38 243 490**, <http://www.hlc-kosovo.org/>
- Centre for Civic Education, Bulevar Svetog Petra Cetinjskog 96, III/6, 81 000 Podgorica, Montenegro, **+382 20 228 479**, info@cgo-cce.org
- Human Rights Action, Bulevar Sv. Petra Cetinjskog 130, 81 000 Podgorica, Montenegro **+382 20 232 384/232 358**, hra@t-com.me
- White Circle Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, bijeli.krug@gmail.com, SOS line **0800 63 29** (working days 07:30-19:30)



VICTIMS OF CRIMES AGAINST PROPERTY

Crimes against property can be divided into two groups:

- 1. Crimes against property:** theft, heavy theft, robbery, robbery theft, unauthorized use of someone else's mobile things
- 2. Crimes against property rights:** fraud, misuse of insurance, misuse of payment and payment cards, abuse of trust, violation of other rights, usurious contract, extortion, concealment



CRIMINAL PROSECUTION OF CRIMES AGAINST PROPERTY:

It is important to know that the theft where the value of stolen things is small (Article 228, paragraph 2), theft of trusted or found movable things which value is small (Article 232, paragraphs 1, 2, 4), embezzlement of things or property rights of small value (Article 233, paragraph 3), a fraud resulting in a small amount of property gain (Article 236 (3) and abuse of trust (Article 249, paragraph 1), are prosecuted by a private lawsuit, unless the crimes were committed against state property.

Unauthorized use of someone else's movable property (Article 234), damages of someone else's things (Article 235), fraud (Article 236), unauthorized game of chance (Article 237), the abuse of insurance (Article 238) are criminal offences which are prosecuted upon the motion of the injured party.

Furthermore, the victim of a crime punishable by imprisonment of more than five years, (eg heavy theft where the value of stolen goods is high - Article 229, paragraph 2, robbery - Article 230, robbery theft - Art. 231), has to be informed while taking the first steps in the proceedings, that he/she is entitled to:

(1) the counselor at the expense of the budget funds before testifying in the criminal proceedings and while filing a property claim, if the victim is suffering from more severe psycho-physical damages or more serious consequences of a crime.

(2) compensation for material and non-pecuniary damage from the budget fund if he/she is suffering from severe bodily injury or impairment of health in a manner regulated by a special law – Law on financial compensation to crime victims – for more information, see the handbook below.



Victims of crimes against property have all the general rights of victims of crime, and if individual needs assessment determines their particular vulnerability, they also have additional rights described in the chapter Victim in relation to which special protection needs have been established (in accordance with the individual victim's assessment). At the same time, it should be noted that victims of crime punishable by imprisonment for a term of more than five years, if they are suffering more serious consequences, have the right to a counselor at the expense of the state budget and that they can be compensated by a special law (more information further in the handbook).




WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to victims of crimes against property, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- National Call centre for Victims of Crime **116 006** (working days 08:00-20:00) – Victim and Witness Support Service, pzs@pzs.hr
- Police – **192**
- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, bijeli.krug@gmail.com, SOS line **0800 63 29** (working days 07:30-19:30)
- Documenta – Centre for Dealing with the Past, 10 000 Zagreb, Croatia, Selska cesta 112c, **01/4572-398**, kontakt@documenta.hr
- Center for Peace Osijek, nenasilje i ljudska prava Osijek, Trg Augusta Šenoje 1, 31 000 Osijek, Croatia, **031/206-886**, centar-za-mir@centar-za-mir.hr



THE RIGHTS OF THE VICTIM'S RELATIVES IN THE CRIMINAL PROCEEDINGS



Who is considered to be victim's relatives who can exercise the rights prescribed by the law?

Victim's relatives in the criminal proceedings are persons who, if the victim dies during the criminal proceedings, may continue or start the criminal proceedings: a spouse, common-law partner, an informal life partner and a descendant, and if there are none, ancestor, brother, sister and a person whom the victim was obliged to support based on the law, can within a period of three months from the date of the victim's death make a statement that they will take over or continue prosecution.

A spouse, common-law partner, a life partner or an informal partner and a descendant are considered victims of crime, and if there are none, ancestor, brother and sister of those persons whose death was directly caused by a crime, and a person whom the victim was obliged to support, based on the law.



THE RIGHTS OF VICTIM'S RELATIVES:

If the direct victim has died, the relatives of the victim (indirect victims)

have all the rights as victims or injured parties (the rights are described at the beginning of the handbook). Relatives of the victims have the right to monitor the course of the hearing, but if they are witnesses – only after giving their testimony, the President of the Court Council must inform them of their right, that they can follow the continuation of the proceedings in the courtroom. Also, if the victim's relatives have the status of the injured party, the President of the Court Council must inform relatives of the victims of their right to file a property claim during the proceedings or refer them to the possibility of exercising that right after the final completion of the procedure, in a civil lawsuit.



If the individual assessment of victims needs has established their particular vulnerability, victim's relatives also have additional rights described in the chapter Victim in relation to which the special needs of protection have been established (in accordance with the individual victim's assessment). Also, it should be noted that that victims of crime punishable by imprisonment for more than five years, if they are suffering more serious consequences, are entitled to a counselor at the expense of the state budget.



WHERE TO GO FOR HELP:

More detailed information on rights, the way of exercising rights, the possibilities of providing assistance and reporting violence when it comes to

the relatives of victims of crime, can be obtained by calling the following telephone numbers and by contacting the e-mail addresses listed below:

- National Call Centre for Victims of Crime **116 006** (working days 08:00-20:00) – Victim and Witness Support Service, **pzs@pzs.hr**
- Police – **192**
- White Circle of Croatia – Ljudevita Posavskog 14, 21 000 Split, **021/783-449**, **bijeli.krug@gmail.com**, SOS line **0800 63 29** (working days 07:30-19:30)
- Documenta – Centre for Dealing with the Past, **01/4572-398**, **kontakt@documenta.hr**
- Center for Peace Osijek, Trg Augusta Šenoje 1, 31 000 Osijek, Croatia, **031/206-886**, **centar-za-mir@centar-za-mir.hr**





FINANCIAL COMPENSATION TO VICTIMS OF A VIOLENT CRIME COMMITTED WITH INTENT



RIGHT TO SUBMIT A REQUEST FOR FINANCIAL COMPENSATION DUE TO CRIME COMPENSATION ACT

The victim of a violent crime committed with intent can achieve financial compensation from the budget funds, due to Crime Compensation Act (NN 80/08 and 27/11):

- if the victim is a citizen of the Republic of Croatia, or a citizen of an EU Member State or is domiciled on its territory
- if a victim has suffered grievous bodily harm or his/her health has deteriorated as a result of the crime
- if a crime is reported to or filed by the police or the public prosecutor's office within six months from the date of commission of the crime, regardless of whether the offender is known or not.

- if a victim submitted a written application on a official form and supplied necessary documentation (the form is available in every police station, public prosecutor's office, municipal and county courts, as well as in electronic form on the official website of the Ministry of Justice, Ministry of Interior, the Public Prosecutor's Office of the Republic of Croatia, and municipal and county courts.)

WHEN?

- application needs to be supplied **within six months from the date of the committal of the crime**
- it may be submitted later if the victim for was not able to submit an application within the previously mentioned deadlines for justified reasons, and no later than three months from the date the justified reasons ended. An application may not be filed once three years have lapsed from the crime commission date.
- if a victim is a minor or person without ability, and her legal representative did not file a claim within the deadline, deadline of 6 months starts from the day when a person turns 18, or from the day when after the coming of age of the victim the criminal proceeding starts, or from the day when the person is reinstated with the ability.

WHO HAS THE RIGHT FOR COMPENSATION?

- According to this Law, immediate and indirect victim are entitled to compensation. Immediate victim is a person who has suffered grievous bodily harm or his/her health has deteriorated as a result of the crime. Indirect victim is a married couple, a child, parent, foster child, adoptive parent, stepmother, stepfather, stepson and a person who lived with a imme-

diate victim in a same-sex community. Indirect victim is also grandfather, grandmother and grandson, if one of them is immediate victim, in case when they had a permanent community of life, while grandmother and grandfather were replacing parents.



DUE TO CRIME COMPENSATION ACT THERE IS NO RIGHT TO FINANCIAL COMPENSATION IN FOLLOWING CASES:

- crimes against traffic safety
- in a cases of damage caused due to terroristic acts and public demonstrations (more on rights of victims of terrorism in continuation)



VICTIM RIGHTS:

1. Compensation for the costs of health treatment (only immediate victim)

- victim is entitled to compensation for the costs of treatment up to the amount of health insurance in the Republic of Croatia (the height of health standards is determined individually for each case)
- the compensation for the health care costs is recognized only if the immediate victim has no right to
- in case that victim has mandatory health insurance but no additional health insurance, he/she still can not get financial compensation from the state

2. Compensation for loss of earnings (only immediate victim)

- compensation for loss of earnings includes cases when crime prevents a person to achieve his/her salary or fee up to the amount of HRK 35.000,00

3. Compensation for the loss of statutory maintenance (only indirect victim)

- a person who is a close relative of the deceased victim is entitled to compensation for the loss of statutory maintenance
- up to the amount of HRK 70.000,00

4. Compensation for the funeral expenses (indirect victim, the person who paid the funeral expenses)

- compensation for the funeral expenses
- up to the amount of HRK 5.000,00
- a person who paid for the funeral costs is entitled to compensation, which means that it is not necessary for the person to be a relative.



THE PROCEDURE FOR COMPENSATION

1. Victim has to fill application form which is available at Ministry of Justice, Ministry of Interior, the Public Prosecutor's Office of the Republic of Croatia, and municipal and county courts, also in electronic form on the official website.

2. The procedure is starts with a written application which should be submitted to the Ministry of Justice at the following address: Odjel za naknade u kaznenim postupcima, Ulica Grada Vukovara 49, 10 000 Zagreb.

3. The police, public prosecutor's office and the courts or the free helpline National call Center for Victims 116-006, and civil society organizations are required to give you general guidance and information on how to fill out an application and what supporting documents are required.



ADDITIONAL INFORMATION:

Rule book on confirmation of the application or record provides that police gives a confirmation of an application or record of a violent crime which is given in purpose of accomplishment right to financial compensation due to Crime Compensation Act. Confirmation of the application should be given at the police station where the violent crime is reported or recorded or if the victim has residence on that territory.

The police are obliged to give the confirmation of the application for free!



ADDITIONAL INFORMATION:

Application for compensation must contain:

- personal information of the applicant, or the victim if they are not the same person
- description of the crime
- description of the repercussions of the crime
- date when the victim reported the crime to the police or the public prosecutor

- information on when the offender was prosecuted, on which court and under which case number
- an indication of the type and amount of compensation the victim has received from other legal base
- type and requested amount of compensation for damages



REQUIRED DOCUMENT LIST:

- proof of statehood or residence
- confirmation of an application or record of a violent crime

CONFIRMATION OF AN APPLICATION OR A RECORD OF A CRIME IS FREE OF CHARGE

- medical documentation which proves that victim has suffered grievous bodily harm or his/her health has deteriorated as a result of the crime
- death certificate if the immediate victim died
- victim's statement regarding the payment of compensation for certain types of damages from other legal basis: THE ONLY THING THAT MUST BE DECLARED IS: CONTENT: "I (name), Personal identification number, do not receive compensation from other legal basis."
- other documents proving the existence of the conditions of this Act.
 - receipts for medical treatment costs
 - report of sick leave
 - list of payment of salaries for a period of three months prior to the harmful event

The costs of the procedure are settled from the State budget, the administrative fees are not charged, and all the translation and expertise fees are also settled from the State budget.



WHO PAYS THE FINANCIAL COMPENSATION?

Financial compensation is paid by the Republic of Croatia from the State budget.



WHO DECIDES ABOUT THE CLAIM AND IN WHICH TIME FRAME?

The Committee on Compensation to Crime Victims shall take a decision on the merits and the amount of compensation after the procedure and no later than 60 days from receipt of the full and complete application.

Payment of fees shall be made within 30 days after the victim received a decision ordering payment of compensation.

The committee meets every 2 months and, if necessary, more frequently.

If the applicant does not receive an answer within 60 days there is the right to write a rush note about which he/she must receive an answer within 8 days. If the applicant does not receive an answer, only administrative litigation can be initiated.

No appeal is allowed against the decision of the Committee but a victim can initiate administrative litigation (each party pays his/her own fees regardless of the outcome of the procedure)



HOW CAN CHILDREN ACHIEVE THE RIGHT TO FINANCIAL COMPENSATION?

The parents or other legal representatives submit the application on behalf of a child.

If the victim is a minor and his/her legal representative has not submitted the application within the deadline, the six month period begins to run from the day the person reaches the age of 18 or the day when criminal proceedings have been initiated upon the victim's full age.



WHAT ARE CROSS-BORDER CASES? WHAT HAPPENS WHEN A CROATIAN CITIZEN BECOMES A VICTIM OF A CRIME IN ANOTHER EU COUNTRY?

There are two types of cross-border cases; **domestic and foreign.**

A domestic cross-border case exists when a foreign citizen becomes a victim on the territory of the Republic of Croatia. The Committee on compensation to Crime victims decides about the application in that case.

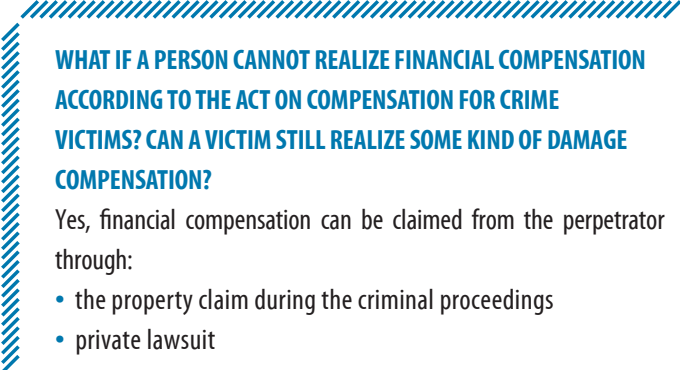
A foreign cross-border case exists when a Croatian citizen or a person residing in the Republic of Croatia becomes a victim of a crime on the territory of a member of the EU. These people send their applications to The Ministry of Justice of the Republic of Croatia. The Ministry of Justice is obliged to submit the application to the competent body of the State where the offence was committed. That body will decide about the application.



DOES THE CONDUCTING OF THE CRIMINAL PROCEEDINGS AFFECT THE PROCEDURE OF REALIZING THE VICTIM'S RIGHT TO A FINANCIAL COMPENSATION?

The victim can submit the application regardless of the criminal

proceedings and even when the **perpetrator is unknown**.



WHAT IF A PERSON CANNOT REALIZE FINANCIAL COMPENSATION ACCORDING TO THE ACT ON COMPENSATION FOR CRIME VICTIMS? CAN A VICTIM STILL REALIZE SOME KIND OF DAMAGE COMPENSATION?

Yes, financial compensation can be claimed from the perpetrator through:

- the property claim during the criminal proceedings
- private lawsuit



THE PROPERTY CLAIM

A person who has suffered damage as the consequence of the crime has the right to require financial compensation from the perpetrator.

When damage comes from criminal offences committed by a responsible person of a legal person by representing that legal person, the victim has the right to require financial compensation from a legal person.

The property claim allows the injured party to realize his/her civil claim, based on the fact that he/she has been subjected to a crime, in criminal proceedings against the defendant.

Damages can be material and non-material. Material damage is caused by destruction or breakage to property or the violation of property rights. Non-material damage exists in the case of the violation of non-property rights (for physical pain, mental pain, fear...).





COMPENSATION TO VICTIMS OF CRIME

In addition to the above-described right to financial compensation, all victims of crime may initiate civil proceedings for compensation for damage caused by a criminal offence against legally convicted perpetrators, and if they are signatories of different contracts with insurance companies and based on the insurance policy, eg life insurance, property insurance.



FINANCIAL COMPENSATION BASED ON INSURANCE:

In case you have insurance, it can cover part of the damage, if special conditions for insurance against theft and robbery are met.



COMPENSATION FOR DAMAGES BY FILING A LAWSUIT IN CIVIL PROCEEDINGS:

A victim of crime may file a claim for compensation, claiming a financial compensation for the suffered material and non-material damage. The

time limit for filing this lawsuit is 3 years from the day when the injured party learned of the damage and of the person who caused the damage (eg after completing the treatment of the injuries suffered, because at that moment the injured party learns about the extent of the damage).

Anyway, that claim will be out of the date in five years from the occurrence of the damage.

When the damage is caused by a crime, and for the criminal prosecution, a longer term of statute of limitations is envisaged, the claim for damages compensation to the responsible person will be out of date, when the time specified in the statute of limitations of criminal prosecution is expired.



SPECIAL CATEGORIES OF DAMAGE COMPENSATION TO CRIME VICTIMS



DAMAGE COMPENSATION FOR VICTIMS OF TERRORISM

Victims of terrorism cannot obtain damage compensation through damage compensation law, as other victims can. Rights of terrorism victims are regulated by a **special law - Law on responsibility for damage caused by terrorism acts and public demonstrations (ZOŠT; NN 117/2003)**.

This law regulates responsibility for damage caused by terrorism acts and other acts of violence taken in order to greatly disturb the public order via intimidation and provoking the feeling of insecurity in citizens, demonstrations and other forms of massive expressions of mood in public spaces.

Republic of Croatia is responsible for the damage on principles of social solidarity, equal bearer of public burden, fair and fast compensation.

Obligation for damage compensation by this law exists although the offender may not be established, prosecuted or declared guilty.

Injured party, in context of this law is anyone to whom damage has been inflicted or who has suffered damage due to prevention of damaging act or providing help to victims.

Right to damage compensation is not granted to injured party that caused damage by participating in organisation, execution, encouragement, helping or preparing of damaging act, injured party who is regardless of the concrete damaging act a member of the terrorist organisation, respectively member of the group that caused the damage, nor to persons who unjustifiably withheld notification important to prevention and arrest of the offender.

Injured party has the right to compensation just for the damages caused by death, bodily injury or health impairment.

The injured party has the right to a compensation that equals 60% of the amount of the established damage; the overall damage cannot be compensated in the amount that is greater than 350.000,00 HRK.

By the payment of the compensation, Republic of Croatia gets all the injured party rights regarding the offender or Croatian Health Insurance Fund (HZZO) till the amount of paid compensation.

The injured party submits the request for the damage compensation to the DORH who will, if considers the request justified, make an out-of-court settlement with the victim, and that settlement has the strength of an enforceable document.

If the request is denied, or the DORH does not make a decision in a time limit of 60 days, the injured party can carry out his/her right to damage compensation through proceedings in front of the competent court.



DAMAGE COMPENSATION FOR VICTIMS OF SEXUAL VIOLENCE DURING THE CROATIAN WAR OF INDEPENDENCE

Victims of sexual violence in context of the law about rights of the victims of sexual violence during the Croatian war of independence is a person against whom one or more acts of sexual violence have been committed (vaginal, anal, oral, mutilation, violent pregnancy, abortion...) by police, military or civilian who was forced or persuaded.

Conditions and ways to acquire status and rights of victims of sexual violence:



REQUEST:

Submit to:

Ministarstvo Hrvatskih branitelja, Trg Nevenke Topalušić 1, 10000 Zagreb, via mail or email.

https://www.documenta.hr/assets/files/objave/2015-06/Obrazac_Z.pdf



VICTIMS OF SEXUAL VIOLENCE DURING THE CROATIAN WAR OF INDEPENDENCE HAVE RIGHTS TO:

- financial compensation
- psychosocial help
- legal help
- medical help
- medical rehabilitation
- general medical examination
- compulsory and supplementary health insurance
- accommodation in a facility that provides support and services to the veteran-sufferer population
- compensation for transport costs due to carrying out rights



BASIC CONDITIONS FOR EXERCISING THE STATUS AND RIGHTS OF VICTIM OF SEXUAL VIOLENCE

- citizenship of the Republic of Croatia or other EU country
- document proving that the victim had residence in Republic of Croatia in the period when sexual violence occurred

This handbook is realized within the Justice Program of the European Union and co-financed by the Office for Cooperation with NGO-s of the Government of the Republic of Croatia. The content of the handbook is the sole responsibility of the publisher and under no circumstances can it be considered to reflect the attitude of the European Union and the Office for Cooperation with NGO-s of the Government of the Republic of Croatia.



VLADA REPUBLIKE HRVATSKE
Ured za udruge

www.documenta.hr
www.centar-za-mir.hr
www.bijelikrug-hrvatske.hr
www.pzs.hr



***Documenta – Centre for dealing with the past
Victims and Witness Support Service***

ISBN: 978-953-7872-17-5

ISBN: 978-953-56590-2-0