



# STATE OF IMPLEMENTATION OF THE VICTIM'S RIGHTS DIRECTIVE (2012/29/EU) IN CROATIA

Ministry of Justice, Independent Service for Victim and Witness Support,  
Republic of Croatia

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## PROVISION OF INFORMATION AND SUPPORT

### Article 4 – Right to receive information from the first contact with the competent authority

- **Police** – provision of written information on the victim's rights and contact of the relevant support organisations (Victim and Witness Support Offices at the courts, National Call Center for Victims of Crime and Misdemeanour 116-006, relevant local NGO's)
  - **State Attorney** – provision of information on victim's rights
  - **Courts** - provision of information on victim's rights
  - **Victim and Witness Support Offices at the courts:**
    - Provision of information on victim's rights,
    - Emotional support at the court and by the phone
    - Practical help and information
    - Referral to relevant public and civil organisationsSupport Offices provide support and information at the court, by the phone and by e-mail, from the investigation phase till the end of the court procedure
- Information on victim's rights including right on compensation according the Act on Compensation to Crime Victims



## Article 5 – Right of victims when making a complaint

Written confirmation:

- Right to be given written confirmation from the police that they have made complaint - on the victim's request
- For the compensation application - Regulated by Act on Compensation to Crime Victims, victims receive special written confirmation
- Police, State Attorney and court – should assist victim in completing the compensation application form



## Article 6 – Right to receive information about their case

- **State Attorney** - information about suspension or termination of the investigation,
  - information on acts taken following victim's report,
  - information of the crime report's dismissal
  
- **Police** - information about custody release of the suspect
  
- **Ministry of Justice** – information on regular or conditional release of the convicted person from the prison
  - contacting victims on the request of the prison to determine victim's attitude towards the criminal offence when deciding whether to allow the prisoner to use benefits of going out of the prison to their address of residence (cooperation with prisons and probation) (according to The Enforcement of the Prison Sentence Act and The Probation Act)

## Article 8 - Right to access victim support services

### **General Victim Support Services – organised and coordinated by Ministry of Justice:**

1. Independent Service for Victim and Witness Support at the Ministry of Justice
2. Victim and Witness Support Offices at the courts

### **Specialist Support Services – mostly NGO's and some public institutions**

#### Legislation framework for Victim and Witness Support Offices:

- Courts' Act - activities of support for victims and witnesses are the part of court administration
- Rules of Procedure of the Court – defines general scope of work of Victim and Witness Support Offices
- Code of procedure of Victim and Witness Support Offices – defines in details their scope of work

## Article 8 - Right to access victim support services

### Referral of victims:

- **Police** – refer victims to Victim and Witness Support Offices at the courts, National Call Center for Victims of Crime and Misdemeanour 116-006, relevant local NGO's
- **State Attorney** – refer victims to Victim and Witness Support Offices at the courts and National Call Center
- **Courts** - refer victims and witnesses to Victim and Witness Support Offices :
  - information about the Office is attached to the **summons**
  - by the judicial police upon arrival at the court
- **Prisons and probation offices** refer victims to Independent Service for Victim and Witness Support at the Ministry of Justice
- NGO's and public organisations – refer victims to Victim and Witness Support Offices
  
- Victim and Witness Support Offices and Independent Service for Victim and Witness Support at the Ministry of Justice also refer victims to NGO's and relevant stakeholders (police, social service...)

## Article 9 – Support from victim support services

- Victim and Witness Support Offices at the County Courts provide:
  - emotional support
  - information on victim's rights
  - practical help and information
  
- Ministry of Justice – Independent Service for Victim and Witness Support
  - Coordination of victim and witness support system in general and coordination of support Offices at the Courts
  - International and national cooperation
  - Provision of information and support to victims and witnesses in cross border cases (informative letters)
  - Contacting victims on the request of the prison to determine victim's attitude towards the criminal offence when deciding whether to allow the prisoner to use benefits of going out of the prison to their address of residence
  - Provision of information to victims about the release of the offender from the prison (regular or conditional release)
  - Provision of compensation to victims
  - Established and coordinates the Committee for Monitoring and Improvement of Victim and Witness Support System  
(delivered National Strategy for Development of Victim and Witness Support System)
  
- Member of:
  - VSE
  - National team for Prevention and Combating Domestic Violence and Violence against Women
  - National Committee for Combating Human Trafficking and Operative Team of the National Committee for Combating Human Trafficking



## Article 9 – Support from victim support services

- **National Call Center for Victims of Crime and Misdemeanour – 116 006**  
organized in cooperation of Ministry of Justice and Victim and Witness Support Association (relating the Commission Decision 2007/116/EC, on reserving the national numbering range beginning with ‘116’ for harmonized numbers for harmonized services of social value)

### National Call center provides:

- legal information, information on victim’s rights (in both Croatian and English)
- emotional support
- refer callers to relevant organizations





## Article 12 - Right to safeguards in the context of restorative justice services

- The Association for Out-of-Court Settlement and Mediation in Criminal Proceedings
- A victim-offender mediation model is conducted in the pre-trial procedure for minor and young adult perpetrators of criminal offences in conditional rule of opportunity
- As a special commitment to participate in the procedure of intermediation through settlement out of court
- The State Attorney for minors make decision not to institute criminal proceedings conditional on special criteria and minor's readiness to fulfil the special obligation-to get involved in the process of mediation through out-of-court settlement
- Criteria for applying victim offender mediation are defined in Juvenile Court Act
  
- Since 2013, in Croatia there are a total of 60 mediators who are educated as a part of one-year, 170-hour education (lectures, tasks, role plays, working as a mentor, supervision)
- They are the only ones authorized to conduct restorative justice in criminal cases
- Their certificates are issued by the Prosecutor's Office, the Ministry of Social Policy and Youth, the Association for out of court settlements and UNICEF



## Article 12 - Right to safeguards in the context of restorative justice services

### Prisons :

1. Project – RJ Croatia – research on „RJ after imposition of sanctions – support and protection of victims”
  - 2013.-2014.
  - 2 prisons
  - Empathy training (40 prisoners) – the purpose of the training was to provoke a positive change of attitude towards the victim and contribute to a personal change of convicts
  - 5 trainings
  - result - observed increase in pro-social attitudes and empathy towards the victim
  
2. Workshops in a cooperation with the Association of families of victims of traffic accidents
  - 2010.-2013.
  - Purpose – prevention of recidivism of traffic accidents
  - Workshops for prisoners – traffic criminal offenders and indirect victims (victim’s family members) – form of conference
  
3. Workshops in schools
  - since 2014, ongoing
  - Preventive programs in community
  - Workshop “Offender besides the victim – together for safer traffic”, for senior secondary school students
  - 3 steps: 1. raising student’s awareness 2. offender’s and victim’s presentations, 3. closing and sharing of experiences
  - individual preparation of the offender and the victim and support for them after the workshop
  - triple benefit: for the offender – rehabilitation and prevention of recidivism;
    - for the victim – finding the meaning of their loss by helping in the prevention of further crimes;
    - for students - raising awareness of the importance of secure and responsible driving



## Article 17 – Right of victims resident in another Member State

- Act on Compensation to Crime Victims – financial compensation of the crime victims from the State's budget
- Information and support provided by the National Call Center (116-006)
- Ministry of Justice - Provision of information and support to victims and witnesses in cross border cases – information letters
- Using video conference in the investigation phase before the person leaves the country and possible for the main hearing



## Article 18 - Right to protection

## Article 19 - Right to avoid contact between victim and offender

## Article 21 – Right to protection of privacy

## Article 24 - Right to protection of child victims during criminal proceedings

### Children

#### Victims of crimes against sexual freedom and trafficking

- Testify by audio- video conference (the interrogation is conducted with the assistance of a psychologist, educator or another specialist)
- Physical distance for victim's protection
- Waiting rooms – support offices have separate waiting rooms for victims
- Denying the public access to the proceedings
- Defendant can be removed from the courtroom
- Professionals or **persons of confidence** can be present but are required to keep information secret
- Free legal assistance
- Confidentiality of personal data
- Consult an adviser before being interrogated
- Rights of endangered/threatened witness – audio video conference, change of voice and dimming the face/picture distortion, giving number instead of full name

#### **Article 20 - Right to protection of victims during criminal investigations**

- To be interrogated by a person of the same sex at a police station and the State Attorney's office
- Audio-visual recording

## Article 22 – Individual assessment

POLICE – already obliged to provide individual assessment according the Code of the police procedure

VICTIM SUPPORT DEPARTMENTS AND NGO'S – provide diferent forms of non-formal individual assessment

### **Project TEVNAS: Targeted Early Victim Needs Assessment and Support**

➤ The three partner organizations:

1. The Ministry of Justice/Independent Service for Victims and Witnesses ;
2. The Office for Human Right and the Rights of National Minorities ;
3. The Croatian Law Centre

### **Objectives**

1. To improve knowledge of the optimal normative and implementation framework of the relevant provisions of the Victims' Directive, and develop recommendations for their improvement in Croatia.
2. To develop **the tools** for early and targeted individual assessment of protection and support needs, and **referral protocol of collaboration** among all relevant agencies and institutions involved with victims of crime.



## Article 23 - Right to protection of victims with specific protection needs during criminal proceedings

Victims of domestic abuse, vulnerable victims because of their age or health issues:

- Testify by audio- video conference
- Waiting rooms – support offices have separate waiting rooms for victims
- Denying the public access to the proceedings
- Defendant can be removed from the courtroom



## Article 25 – Training of practitioners

## Article 26 – Cooperation and coordination of services

Provision of goals of the National Strategy for Development of Victim and Witness

Support System:

- Presentations/trainings for police officers, professionals from social services and mental health centers
- Members of different State's bodies
- Cooperation with the police
- Cooperation with NGO's – trainings/lectures, referral of victims, project activities
- Financing NGO's – lottery funds



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