

FRANET

Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice

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1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focusing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

2.1 Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).²

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and	a. Do the police routinely refer the victim to a support service?	X		Police officers inform victims of their rights on support and assistance according to the Rules of Procedure in cases of family violence (<i>Protokol o postupanju u slučaju nasilja u obitelji</i>). ³

¹Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon, available at: www.apav.pt/vine/images/report_vine_eng.pdf.

² The answers and descriptions under 2.1 were in part provided by M. sc. Hrvoje Filipović, PhD candidate at the University of Zagreb, Faculty of Law.

³ Ministry of family, Homeland War veterans and intergenerational solidarity (*Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti*), Rules of Procedure in cases of family violence (*Protokol o postupanju u slučaju nasilja u obitelji*), available at: www.mspm.hr/content/download/8277/65146/version/1/file/Protokolopostupanjuuslucajuunasiljauobitelji.pdf.

calls the police	b. If yes, please name the service(s)	-	-	The police mostly contact the Centre for Social Welfare (<i>Centar za socijalnu skrb</i>). This is obligatory if there are children present. According to the Rules of Procedure in cases of family violence (<i>Protokol o postupanju u slučaju nasilja u obitelji</i>), ⁴ (point 1. a) 3.6.), when it is necessary to urgently take care of a child or a minor who is a victim of domestic violence, or if police must interview a child or a minor, police shall contact a Centre for Social Welfare. An employee of the Centre shall come to the police station in order to provide for and protect the welfare of a child or a minor, and assure that his or her staying at the police station is as short as possible. The police do not contact special offices for victim and witness support established at several county courts, since this support is linked with inviting victims/witnesses to court.
	c. Do the police routinely contact this service on behalf of the victim?	X		The police regularly contact the Centre for Social Welfare, which is obligatory if children are present at the scene of violence, but also in other cases, particularly if the victim so wishes. Placement in a safe house organised by NGOs may also be arranged through the Centre for Social Welfare.
	d. Which support service would in the end deal with such a case?	-	-	Besides the police (potentially a police officer for misdemeanours and juvenile crime and crimes against juveniles and family) and the Centre for Social Welfare, special offices for victim and witness support at county courts would in the end also deal with such a case. There are also several NGOs which provide assistance and support to victims of domestic violence.

⁴ Ministry of family, Homeland War veterans and intergenerational solidarity (*Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti*), Rules of Procedure in cases of family violence (*Protokol o postupanju u slučaju nasilja u obitelji*), available at: www.mspm.hr/content/download/8277/65146/version/1/file/Protokolopostupanjuuslucajunasiljauobitelji.pdf.

2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X		Yes, but <u>only</u> to the Centre for Social Welfare and the Family Centre (<i>Obiteljski centar</i>) founded within counties and the City of Zagreb. The underlined word means that the police refers the victim to the Centre for Social Welfare and the Family Centre, and not to other (generic or specialised) victim support services. It doesn't mean that the geographical distribution of such centres does not offer sufficient services or any other insufficiencies.
		b. If yes, please name the service(s)	-	-	Centre for Social Welfare, Family Centre.
		c. Do the police contact this service on behalf of the victim?	X		Yes.
		d. Which support service would in the end deal with such a case?	-	-	The police, the Centre for Social Welfare and the Family Centre together would deal with such a case.
3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?		X	No, the police do not refer the victim to any support service.
		b. If yes, please name the service(s)	-	-	The police do not refer the victim to any support service.
		c. Do the police contact this service on behalf of the victim?			No, the police do not contact any support service.

		d. Which support service would in the end deal with such a case?	-	-	Only the police and the state attorney's office would in the end deal with such a case.
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?		X	No, the police do not refer the victim to any support service.
		b. If yes, please name the service(s)	-	-	The police do not refer the victim to any support service.
		c. Do the police contact this service on behalf of the victim?		X	No, the police do not contact any support service.
		d. Which support service would in the end deal with such a case?	-	-	Only the police and the state attorney's office would in the end deal with such a case. There are generic victim support services available for a victim of racist or other hate crime, under the same conditions which apply to all the victims in general.
5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?		X	No, the police do not refer the victim to any support service.
		b. If yes, please name the service(s)	-	-	The police do not refer the victim to any support service.
		c. Do the police contact this service on behalf of the victim?		X	No, the police do not contact any support service.
		d. Which support service would in the end deal with such a case?	-	-	The police and the state attorney's office would in the end deal with such a case, but social welfare centres can give one-time financial aid under special conditions.

6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X	There are no special measures provided for victims with a disability, but only considerate proceeding according to Article 99 of the Act on Police Services and Authorities (<i>Zakon o policijskim poslovima i ovlastima</i>), ⁵ and Articles 156-161 of the Code of Conduct of Police Officers (<i>Pravilnik o načinu policijskog postupanja</i>). ⁶
6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X	Generic victim support services in Croatia operate at the level of the court system. Departments for the organisation and provision of support to witnesses and victims (<i>Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama</i>) operate at county court level. Special measures for victims with disability can only be organised by the court itself, not by the department.
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁷ ? If yes, describe them. If no, please provide a justification/explanation.		X	There are no special measures for victims who are migrants with illegal residency status, except in cases where victims cross the border illegally while escaping from “trafficking”. For victims of “trafficking”, there is a special Protocol on proceedings, according to the Republic of Croatia National Plan for Combating Human Trafficking, ⁸ as well as according to Articles 66-71 of the Foreigners Act (<i>Zakon o stranicima</i>). ⁹ According to the 1963 Vienna Convention on Consular Relations, ¹⁰ foreigners have the right to contact their consular office, and the police have an obligation to contact a consular office if the migrant so wishes.

⁵ Croatia, Act on Police Services and Authorities (*Zakon o policijskim poslovima i ovlastima*) Official Gazette (*Narodne novine*) No. 76/09.

⁶ Croatia, Code of Conduct of Police Officers (*Pravilnik o načinu policijskog postupanja*) Official Gazette (*Narodne novine*) No. 89/10.

⁷ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is ‘migrants in an irregular situation.’ For the purposes of these guidelines however, reference will be made to ‘migrants with illegal residency status.’

⁸ Government of the Republic of Croatia, National Committee for Combating Trafficking in Human Beings (*Vlada Republike Hrvatske, Nacionalni odbor za borbu protiv trgovanja ljudima*), National Plan for Combating Trafficking in Human Beings for the Period from 2009 to 2011 (*Nacionalni plan za borbu protiv trgovanja ljudima od 2009. do 2011.*), available at: www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1326.

⁹ Croatia, Foreigners Act (*Zakon o stranicima*), Official Gazette (*Narodne novine*) No. 130/11.

¹⁰ United Nations, Vienna Convention on Consular Relations (1963), Treaty Series, vo1. 596, p. 261.

7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ¹¹ ? If yes, describe them. If no, please provide a justification/explanation.		X	There are no special measures for these types of victims.
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	In practice, there is no differential treatment for victims with illegal residency status.
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X	Every person who addresses the department is given assistance.
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X	Every person who addresses the department is given assistance.
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ¹²		X	No, there is no direct transfer of the victim's data.
10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?		X	No.
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?		X	No, there is no legal basis for the transfer of the victim's data.

2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

¹¹ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

¹² For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
	HR			
Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:
	The main provider of victim support are special offices for victim and witness support at county courts which are state run and funded (the project of establishment was funded by			

	<p>the UNDP and other foreign donors). The leading role in managing the system is given to the Independent Sector for Victim and Witness Protection in the Ministry of Justice. However, the system relies heavily on volunteers and cooperates with many non-governmental organisations.</p>			
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2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
HR	X (Ministarstvo pravosuđa)	X (Ministarstvo zdravlja)	X Ministry of Social Policy and Youth (Ministarstvo socijalne politike i mladih)	X (Ministarstvo unutarnjih poslova)		Besides the Ministry of Justice (<i>Ministarstvo pravosuđa</i> - whose role is described in previous reports), the Ministry of the Interior (<i>Ministarstvo unutarnjih poslova</i>) gives information to victims and intervenes upon a request from the Independent Sector for Victim and Witness Support (see below). The Ministry of Social Policy and Youth (<i>Ministarstvo socijalne politike i mladih</i>) has a role through social welfare centres (centar za socijalnu skrb) and family centres (obiteljski centar). Social welfare centres give victims information on the release of prisoners, and provide accommodation, meals and one-time financial compensation to victims of violence within the family and of human-trafficking. Family centres provide advisory services and preventive therapeutic services

						regarding marriage, parenthood, family and partnership rights. ¹³
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
HR	The Independent Sector for Victim and Witness Support (<i>Samostalni sektor za podršku žrtvama i svjedocima</i>) within the Ministry of Justice has the overall principal coordinating role in organising witness support services. It manages the strategic development of the system, which includes international and inter-agency cooperation and monitoring of the application of international instruments in victim support matters, participating in the passing of regulations and giving opinions on legislation. It also organises the training of experts and psychological supervision of employees and volunteers, does administrative and professional work for the National Committee for Monitoring and Improving the Victim and Witness Support System (<i>Povjerenstvo za praćenje i unapređenje sustava podrške žrtvama i svjedocima</i>), oversees the work of the office for victim and witness support in courts and other bodies and aligns their practice, and develops a system of fair compensation for victims of crime (Art 346 Regulation on the internal organisation of the Ministry of Justice (<i>Uredba o unutarnjem ustrojstvu Ministarstva pravosuđa</i>)). ¹⁴					
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)						
	a) the Criminal Procedure Act (CPA) (<i>Zakon o kaznenom postupku</i>); ¹⁵ b) the Courts Act (<i>Zakon o sudovima</i>); ¹⁶ c) the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>); ¹⁷ d) Regulation on the internal organisation of the Ministry of Justice (<i>Uredba o unutarnjem ustrojstvu Ministarstva pravosuđa</i>). ¹⁸					

¹³ Ministry of Justice (*Ministarstvo pravosuđa*), e-mail communication, 8 May 2013.

¹⁴ Croatia, Regulation on the internal organisation of the Ministry of Justice (*Uredba o unutarnjem ustrojstvu Ministarstva pravosuđa*) Official Gazette (*Narodne novine*) No. 28/2012.

¹⁵ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

¹⁶ Croatia, Courts Act (*Zakon o sudovima*) Official Gazette (*Narodne novine*) No. 28/13.

¹⁷ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

¹⁸ Croatia, Regulation on the internal organisation of the Ministry of Justice (*Uredba o unutarnjem ustrojstvu Ministarstva pravosuđa*) Official Gazette (*Narodne novine*) No. 28/2012.

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c&e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)		
a Budgeted by the state for compensation	0 - the Act on Financial Compensation of Damage to Victims of Criminal Offences will be applied after accession to the EU. ¹⁹		
b Paid out by the state for compensation	0		
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	Sum for 13 wages of victim support officers in departments for organising and providing victim and witness support (<i>Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama</i>). ²⁰ Ministry of Justice spent HRK 4,000 in 2011, and HRK 2,000 in 2012 for the training of volunteers.		
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	Information not available		
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	Sum for 13 wages of victim support officers (see above)		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	Information not available		
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	

¹⁹ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

²⁰ Ministry of Justice (*Ministarstvo pravosuđa*), email communication, 8 May 2013.

h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		X	
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?		X	
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.		X	
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	1
b Received compensation from state sources.	0- compensation will be provided after accession to the EU
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>Departments for organising and providing witness and victim support at county courts: 3,516 witnesses and victims 3,588 phone calls (information and support) Independent sector for victim and witness support within the Ministry of Justice: 296 informative letters to witnesses and victims 99 phone contacts (legal and psychological help) 29 email inquiries answered 4 cases of organised transport to courts 2 cases of organised physical protection and escort to court by the police</p> <p>1 case of hotel accommodation organised</p> <p>Note: the numbers are given for witnesses and victims combined.²¹ It is not possible to provide separate figures for victims and witnesses, because the departments do not collect and keep the figures separately.</p>
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	Information not available. Ministry of the Justice was consulted and they stated that they deal with generic victim support and they do not have data for

²¹ Ministry of Justice (*Ministarstvo pravosuđa*), email communication, 8 May 2013.

	any other specialized services.
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2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	X		National public opinion survey on citizen perception of safety and security in the Republic of Croatia, UNDP, 2009	The main goal of the survey was to determine citizen perception of safety and security in the Republic of Croatia and police procedures in their place of residence and then obtain information about citizen contacts with the police up to now, as well as their interest in future contacts. The reasons why victims of criminal acts did not report them to the police are different, but three reasons are mentioned somewhat more often: police inability to solve cases; solving problems by themselves; and unwillingness to waste time on bureaucracy. ²²
Other national studies related to victims of crime (specify)	X		<p>- Getoš, Anna-Maria, Giebel, Stefan, Strah od kriminala među studentima Pravnog fakulteta u Splitu, Zbornik radova Pravnog fakulteta u Splitu, 49 (2012), 3 (105); pp. 533-552.</p> <p>- Moslavac, Bruno, Postupovna prava žrtava u hrvatskom i austrijskom kaznenom postupku, Hrvatska pravna revija , 12 (2012), 2; pp. 59-72.</p> <p>- Dijanić-Plašč, Ivana; Ločar, Mladen, Psihološka pomoć u sigurnoj kući za žrtve obiteljskog nasilja, Socijalna</p>	<p>Fear of crime among students</p> <p>Comparison of Croatian and Austrian procedural rights of victims.</p> <p>Psychological help in safe houses to</p>

²² UNDP, National public opinion survey on citizen perception of safety and security in the Republic of Croatia, UNDP, 2009, p. 22. Available at: www.undp.hr/upload/file/230/115095/FILENAME/Survey_on_safety_and_security_E.pdf.

		<p>psihijatrija: časopis Hrvatskog psihijatrijskog društva, 40 (2012), 4; pp. 248-253.</p> <p>- Burić, Zoran, Položaj žrtve u hrvatskom i makedonskom kaznenom procesnom pravu kroz prizmu okvirne odluke o položaju žrtava u kaznenom postupku, Zbornik Pravnog fakulteta u Zagrebu, 61 (2011), 2; pp. 491-517.</p> <p>- Balgač, Iva; Borovec, Krunoslav, Besplatna pravna pomoć žrtvama kaznenih djela - Činimo li dovoljno?, Policija i sigurnost, 19 (2010), 4; pp. 447-460.</p> <p>- Moslavac, Bruno, Korištenje (prihvatanje) blagodati nesvjedočenja žrtve (prijavitelja) nasilničkog ponašanja u obitelji, Hrvatska pravna revija, 10 (2010), 6; pp. 86-99.</p> <p>- Grozdanić, Velinka; Škorić, Marissabell; Vinja, Ileana, Nasilje u obitelji u svjetlu promjena Kaznenog zakona, Hrvatski ljetopis za kazneno pravo i praksu, 17 (2010), 2; pp- 669-698.</p> <p>- Brnetić, Damir, Analiza normativnog uređenja</p>	<p>victims of domestic violence.</p> <p>The standing of victim in Croatian and Macedonian criminal procedural law in light of the Framework Decision on the standing of victims in criminal proceedings.</p> <p>Free legal aid to victims of crimes.</p> <p>Non-testifying of victim of violent behaviour in the family.</p> <p>Violence in the family in the new Criminal Code.</p>
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		<p>pravnog statusa žrtava i svjedoka u reformiranom kaznenom postupku i otvorenost građana na suradnju s policijom, <i>Policija i sigurnost</i>, 18 (2009), 4; pp. 488-510.</p> <p>- Brnetić, Damir; Kralj Tihomir, <i>Potpura policije procesnim strankama i drugim sudionicama u novom kaznenom postupku s pregledom iskustava o postupanju policije prema žrtvama i svjedocima</i>, <i>Hrvatski ljetopis za kazneno pravo i praksu</i>, 16 (2009), 2; pp. 475-519.</p> <p>- Turković, Ksenija, <i>Pravni okvir zaštite prava žrtava/svjedoka u RH, O žrtvama u ratu i u miru</i>, 2008; pp. 64-88.</p> <p>- Tomašević, Goran; Pajčić Matko, <i>Subjekti u kaznenom postupku: pravni položaj žrtve i oštećenika u novom hrvatskom kaznenom postupku</i>, <i>Hrvatski ljetopis za kazneno pravo i praksu</i>, 15 (2008), 2; pp. 817-857.</p>	<p>Normative analysis of the standing of victims in the reformed criminal procedure and openness to cooperation with the police.</p> <p>Police support to participants in criminal proceedings, with an overview of the experiences of the police with victims and witnesses.</p> <p>Legal framework for the protection of rights of victims/witnesses in Croatia.</p> <p>Legal standings of victim and the injured person in the new Criminal Procedure Act.</p>
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2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'.

Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

		Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.		X	In Croatia, there is no helpline for victims at the moment. But a project is underway and a national victim support helpline was expected to come into operation by 1 July 2013. However, the beginning of its work has been postponed till 16 July 2013. Answers to the following questions relate to this helpline. ²³
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').		X	It is not expected to operate 24/7. The helpline will be working every working day from 8 am till 8 p. m.
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		It is expected to operate nationwide. The latest information also confirms that the helpline will operate nationwide.
4	Is the helpline free of charge?	X		It will be free of charge.
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		It will target all victims of crime.
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	It is to be run by an NGO Association for Support to Victims and Witnesses (<i>Udruga za podršku žrtvama i svjedocima</i>). ²⁴
7	Is the helpline funded by the state?	X	X	It is to be funded by the state only partially. It is to be funded by UNDP and by the Ministry of Justice. UNDP has provided funds for the salary of one coordinator until the end of the year, and the Ministry of Justice has allowed the use of its premises by the national calling centre for victims.
8	Is the international EU victim support telephone number 116-006 available? ²⁵ If no, provide a justification and/or specify whether plans to implement this are underway.	X		It is expected to operate under the EU victim support telephone number (116-006). EU wide number will be available.
		Comments		

²³ In order to answer the following questions, an associate in the project of establishing a victim helpline was consulted in a telephone interview which took place in May 2013. Additional information was also obtained via E-mail from a representative of the Association for support to victims and witnesses (5 July 2013).

²⁴ Association for Support to Victims and Witnesses (*Udruga za podršku žrtvama i svjedocima*), available at: http://pzs.hr/?page_id=2.

²⁵ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The helpline will provide victims primarily with relevant information, but also with emotional support. For the needs of the helpline, a national database of all the relevant information for victims of crime will be established. The database is not available to the public, but only to the volunteers working on the helpline. The database has information in Croatian and English languages.
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	----
11	How many people were employed to run the helpline in 2012?	Only 1 person will be employed professionally. The helpline will be organised through the work of 15-20 volunteers.
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Beside the telephone line, the helpline will also include a website and it will be possible to contact them by email. The helpline will be using the webpage of the Association for Support to Victims and Witnesses – www.pzs.hr Ministry of Justice, in collaboration with UNDP and Association for Support to Victims and Witnesses will distribute informational posters to all competent institutions, including units of border police, with the purpose of informing the public and potential victims on the existence and activities of the National Calling Centre for Victims.
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	----
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	As mentioned before, only one person will be employed professionally (lawyer). The helpline will operate through the work of volunteers (students)
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	----

2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Yes, when undertaking the first action in which victims take part, the police authority must notify them of their rights according to Article 43 (1) and 43 (3) of the Criminal Procedure Act - CPA (<i>Zakon o kaznenom postupku</i>). ²⁶
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		When undertaking the first action in which victims take part, the police authority must notify them of their rights concerning compensation, according to Article 43 CPA. ²⁷
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		When undertaking the first action in which victims take part, the police authority must notify them of all their rights and of their role in criminal proceedings, according to Article 43 CPA. ²⁸
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X		According to Article 8 (2) CPA, ²⁹ witnesses and other procedural participants, including the injured person, have the right to use their own language. If proceedings are not carried out in their language, the interpretation of statements and the translation of documents and other written evidence should be provided and carried out by an interpreter. The interpretation and translation are free of charge for victims.
5	Are victims notified about their right to receive information about:			According to Article 43 (3.2) CPA, when undertaking the first action in which victims take part, the police authority must also notify them of their rights which they are entitled to as injured persons (Article 47 CPA), ³⁰ including the following rights of an injured person:

²⁶ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

²⁷ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

²⁸ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

²⁹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³⁰ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		The right to be informed if the crime report is dismissed or if the state attorney decides to desist from the criminal prosecution (Article 47 point 10 CPA). ³¹
	(b) the time and place of the trial, and the nature of the charges.	X		The rights to be present at the trial, participate in evidentiary proceedings and make closing arguments (Article 47 point 6 CPA). ³²
	(c) any final judgment in a trial	X		The right to be informed of the outcome of the criminal proceedings (Article 47 point 13 CPA). ³³

³¹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³² Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³³ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

2.5 Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field. With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with

		Yes	No	Comments (max 2-3 sentences)
1	Police	X		<p>Police officers for misdemeanours and juvenile crime and crimes against juveniles and family go through several levels of training. First they take a three-month course and afterwards they attend seminars.</p> <p>There is no systematic training for police officers regarding witnesses/victims who are considered vulnerable due to their old age, state of health, serious physical disabilities or mental state.</p> <p>Regarding dealing with victims of trafficking, there are numerous seminars according to the Republic of Croatia National Plan for combating human trafficking. These seminars are attended by police officers for illegal migrations, officers of the criminal police dealing with organised crime, as well as all officers of the border police during the initial course for the border police.³⁴</p> <p>The NGO Zagreb Pride has been running a programme of education for police officers since 2011 on preventing hate crimes against LGBT persons.</p>
2	Prosecutors		X	<p>At the time of founding the departments for the organisation and provision of support to victims and witnesses, round tables were organised at the Judicial Academy (<i>Pravosudna akademija</i>) for prosecutors. However, there was little interest at the time to attend these round tables. At the moment, no systematic training is organised.</p>

³⁴ Government of the Republic of Croatia, National Committee for Combating Trafficking in Human Beings (*Vlada Republike Hrvatske, Nacionalni odbor za borbu protiv trgovanja ljudima*), National Plan for Combating Trafficking in Human Beings for the Period from 2009 to 2015 (*Nacionalni plan za suzbijanje trgovanja ljudima za razdoblje od 2012. do 2015. godine*), available at: www.uljppnm.vlada.hr/images/nacionalni_plan_za_suzbijanje_trgovanja_ljima.doc.

3	Judges			<p>There is a one-day workshop on criminal procedural law where judges are taught about the procedural rights of victims.</p> <p>At the Judicial Academy (<i>Pravosudna akademija</i>) there is no other training for judges in dealing with victims.</p>
4	Court staff		X	<p>There is a plan to train members of the judicial police.</p>
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)		X	<p>Members of the victim support services were involved in the training at the time when training was given (see the answer to question 2 in this table).</p> <p>The Ministry of Justice does not provide special financial means for training, since they use the training organised by NGOs and other public institutions.</p> <p>As concerns the involvement of experts from the victim support NGO, there are different experiences: the NGO dealing with victims of family violence (Autonomous women's house Zagreb (<i>Autonomna ženska kuća Zagreb</i>)) is not involved in training in the Judicial Academy, but it organises seminars and training for other activists of women's organisations and also with representatives of state judicial organisations (the state attorney's office, the police, misdemeanour courts, physicians).</p> <p>The polyclinic for the protection of children in the City of Zagreb cooperates with the county courts and centres for social welfare.</p> <p>It can be concluded that the majority of training is organised by NGOs.</p>
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,		X	<p>Workers in the departments for the organisation and provision of support to witnesses and victims (<i>Odjeli za organiziranje i pružanje podrške žrtvama i svjedocima</i>) in the Ministry of Justice were trained in the legal and psychological aspects of acting as witness, in the treatment of victims of different offences, and in the management of volunteers. Volunteers working in this department have to undergo two-day training.</p> <p>Training was organised at the time the system was built. It was organised by the United Nations Development Programme. It included classic</p>

				training and a study trip to Sweden, the goal of which was to gain knowledge on the Swedish system of victim support. Nowadays, various forms of training are organised in cooperation with non-governmental organisations which deal with special groups of victims. This way, members of the victim support service have learnt how to treat victims of sexual violence, domestic violence and victims of war.
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	NA	NA	

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	The victim of a criminal offence means the person who, due to the criminal offence committed, suffers physical and mental consequences, property damage or substantial violation of basic rights and liberties (Art. 202 (10) CPA). ³⁵
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	There is no separate definition of vulnerable victims.
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	These persons are included under the definition of the injured person, which states that the injured person means, in addition to the victim, any other person whose personal or property right is violated or endangered by a criminal offence, and who participates in the status of injured person in criminal proceedings (Art. 202 (11) CPA). ³⁶

2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a		X	The victim must be informed if criminal charges are dismissed or if the state attorney decides not to proceed with the criminal prosecution (Art. 47 (10) CPA). However,

³⁵ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³⁶ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

review of the decision not to prosecute?			The ruling of the state attorney on the dismissal of the crime report is not subject to appellate review (Art. 206 (2)). ³⁷
Who undertakes this review?		X	
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X		The state attorney must notify injured persons within eight days and instruct them that they may assume the prosecution. The same applies to the court when it renders a ruling by reason of the state attorney's <i>nolle prosequi</i> . The injured person can institute or continue prosecution within eight days following receipt of the notice. When not notified, the terms are three months from the day of the ruling or six months from the date of dismissal of the crime report. (Art. 55 CPA). ³⁸
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?	X		The injured party can be given information about the case, and about the decisions rendered. In criminal proceedings, injured persons can inspect the file, and they can be allowed to copy the file or a part of it. This information is on the website of the State Attorney's Office. ³⁹

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	X		The Criminal Procedure Act entitles the victim to participate in criminal proceedings as the "injured person" (Art. 43 para. 1 point 2 CPA). Injured persons are entitled to be present at the hearing, participate in evidentiary proceedings and make a closing statement (Art. 47 (6) CPA), which ensures their right to be heard during criminal proceedings. ⁴⁰
Do victims have a right to supply evidence during criminal proceedings?	X		The injured person participates in criminal proceedings as an accessory prosecutor. According to the CPA, injured persons are entitled to point out the facts and suggest evidence (Art. 47 (4) CPA) and inspect documents and files (Art. 47 (7) CPA). They have the right to make the evidential proposals they intend to present at the trial (Art. 377 (2) and Art. 419 (2) CPA). ⁴¹
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available	X		Witnesses in danger (of life, health, physical integrity, etc.) are entitled to a special manner of questioning and participation, including examination by audio and video devices. In the course of the examination, witnesses are in a separated room and their appearance and voice are

³⁷ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³⁸ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

³⁹ State Attorney's Office of the Republic of Croatia (*Državno odvjetništvo Republike Hrvatske*), Information for the injured persons, available at: www.dorh.hr/Default.aspx?sec=617.

⁴⁰ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁴¹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):		changed (Arts. 294–297 CPA). In addition, the panel of judges may exceptionally decide to temporarily remove the accused from the courtroom when witnesses refuse to make a statement in the presence of the accused or if they would not tell the truth (Art. 438 CPA). ⁴² This applies to all victims, and there are special procedures for certain categories (children, minors, victims of sex crimes, etc.).
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2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?	X		There are departments for the organisation and provision of support to witnesses and victims (<i>Odjeli za organiziranje i pružanje podrške žrtvama i svjedocima</i>) that operate at the level of county courts. However, they do not exist at every county court, but only at seven of them: Zagreb, Zadar, Osijek, Sisak, Split, Vukovar and Rijeka
2	Is there a separate waiting area for victims at court?	X	X	Practice differs from one court to another. At the County Court in Zagreb, victims await the trial in the office of the Department for the organization and provision of support to witnesses and victims. The department is also situated in

⁴² Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				the court building. In the Municipal court in Zagreb practice is the same, the only difference being that the office of the Department is spatially separated from the Court building (about 30 meters).
3	Is special seating reserved for victims at trial?		X	There is no special seating place for victims at the trial.
4	What other services are available?	NA	NA	The departments offer emotional support and practical information of the criminal procedure before the Croatian courts. They offer help not only to victims but also to the members of their family and other close persons.
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	Both professional staff and volunteers.
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?		X	Victim support services operate inside the court system. Only exceptionally do they provide advice to the prosecutor, and only if the public prosecutor asks them for help.
7	Do they provide advice to judges with respect to the safety, physical and psychological well-being, dignity and privacy of victims?	X		Victim support services operate inside the court system.
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?	X		The establishment of the departments is foreseen in Art. 37 of the Court's Rules of Conduct (<i>Sudski poslovnik</i>) ⁴³ . The catalogue of rights for victims is given in Arts. 43–46 of the Criminal Procedure Act (<i>Zakon o kaznenom postupku</i>). ⁴⁴
9	Do victims have the right to be accompanied by support persons during the trial?	X		Staff of the victim support service can accompany the victim during the trial.
10	Can victims access & copy trial records	X		If the victim participates in the procedure as the injured party, the victim has the right to access and copy the trial records.

⁴³ Croatia, Courts' rules of procedure (*Sudski poslovnik*), Official Gazette (*Narodne novine*) No. 158/09.

⁴⁴ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column		X		
	Comments:		There are no special provisions for victims of crime in the Act on Free Legal Aid (<i>Zakon o besplatnoj pravnoj pomoći</i>). In accordance with Art. 7 of the Act on Free Legal Aid, only Croatian nationals and foreigners who have their legal status regulated in the Republic of Croatia (foreigners with temporary or permanent residence, asylum seekers and those granted asylum, foreigners under subsidiary protection and foreigners under temporary protection) are entitled to free legal aid. In addition, in order to qualify for free legal advice, one must also satisfy the income census (Art. 8 of the Act). ⁴⁵		
2. Free legal representation	Place X in appropriate column		X		
	Comments:		In accordance with the provisions of the Criminal Procedure Act, only two categories of victims are entitled to free legal representation: a child who is a victim of a criminal offence		

⁴⁵ Croatia, Act on Free Legal Aid (*Zakon o besplatnoj pravnoj pomoći*) Official Gazette (*Narodne novine*) No. 62/08.

			(Art. 45) and a victim of a sex crime (Art. 46). If the victim has taken the role of prosecutor, under certain conditions the victim has the right to free legal representation (Art. 59 specifies that this has to be a crime punishable by five years of imprisonment or more, the victim has to be of low means, and the interests of the procedure must so require). The same is also applicable in the case of a crime which is not prosecuted <i>ex officio</i> , but by the private suit of an injured party (Art. 60). ⁴⁶		
3. Exemption from court fees	Place X in appropriate column		X		
	Comments:		In accordance with the Act on Court Fees (<i>Zakon o sudskim pristojbama</i>), there are no special provisions for victims of crime. In accordance with the general provision on exemption from the duty to pay court fees, a person must satisfy the income census to be exempted (Art. 15). There is also a special provision exempting certain categories of persons, but victims of crime are not mentioned (Art. 16). ⁴⁷ If the victim of a crime wants to start a criminal procedure with a private suit, they have an obligation to pay the court fee in the amount of 250 Kuna (around 33 Euro). If the Public Prosecutor desists from criminal prosecution and the victim wants to continue the prosecution, he/she is not in obligation to pay the court fee. Beside the act with which the procedure is initiated, the court fee must also be paid for some other acts undertaken by the court or by the party (first instance judgment, appeal).		
4. Exemption from or reimbursement for expenses related to	Place X in appropriate column	X			

⁴⁶ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁴⁷ Croatia, Act on Court Fees (*Zakon o sudskim pristojbama*) Official Gazette (*Narodne novine*) No. 74/95.

interpretation and/or translation	Comments:	Victims, as injured persons in criminal proceedings, have the right to use their own language and to be assisted by an interpreter (Art. 47 of the Criminal Procedure Act). If the victim participates in the criminal procedure in the status of the injured party, he/she is allowed to be assisted by an interpreter. The injured party is not in obligation to pay the costs of interpretation since they are covered by the state.			
5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column	X			
	Comments:	Every person who is called as a witness in proceedings has			

		the right to reimbursement of expenses.			
	The state	A victim support service	Both	Other (explain)	
2. Who provides legal aid? place 'X' in one column only)				X At the moment, legal aid to victims of crime is provided through mechanisms foreseen in the Act on Free Legal Aid. ⁴⁸ These include non-governmental organisations and higher education institutions.	

⁴⁸ Croatia, Act on Free Legal Aid (*Zakon o besplatnoj pravnoj pomoći*) Official Gazette (*Narodne novine*) No. 62/08.

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		A claim for indemnification arising out of the commission of a criminal offence is heard in criminal proceedings upon the motion of authorised persons, provided that this does not considerably delay proceedings (Article 153 (1) CPA). A motion for indemnification in criminal proceedings can be made by a person who is entitled to litigate an issue in a civil action, including the victim (Article 154 CPA). ⁴⁹
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		The claim for indemnification may consist of any issue which may be litigated in a civil action, including, for example, the return of property (Article 153 (2) CPA). Provisional measures securing a claim for indemnification arising out of the perpetration of an offence may be ordered in the criminal proceedings upon the motion of an authorised person (that is, any person who is entitled to litigate an issue in a civil action, including the victim), and according to the rules of enforcement proceedings (Article 160 (1) CPA). ⁵⁰
3	Is compensation paid by the offender?	X		The court may only in a judgment finding the defendant guilty satisfy the claim for indemnification of the injured person fully or partially (Article 158 (2) CPA). ⁵¹ Then, the compensation is paid by the accused.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	There is no obligation for convicted persons to contribute to a "victims of crime fund". However, after obtaining the prior consent of the victim or the injured person, a state attorney may dismiss a crime report or desist from the criminal prosecution. The state attorney may do this even though there is reasonable suspicion of the commission of a criminal offence

⁴⁹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁵⁰ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁵¹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				prosecuted <i>ex officio</i> , punishable by a fine or imprisonment up to five years, if the defendant assumes at least one of six provided obligations, of which one is to pay a certain amount in favour of a public institution, for humanitarian or charitable purposes or the fund for compensation of damage to victims of criminal offences (Article 522 (1.2) CPA). ⁵²
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?		X	According to Article 42 (2) of the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), ⁵³ which will enter into force on the day of the Republic of Croatia's accession to the European Union, the amount that the defendant has to pay in compensation to the victims of criminal offences, in order to fulfil obligations from the state attorney's decision to desist from criminal prosecution (Article 522 (1) CPA), ⁵⁴ shall be paid to the state budget. This means that the compensation does not go directly to victim support services, but perhaps only indirectly, through the state budget.
6	Is compensation paid by the state?		X	Generally, compensation is not paid by the state. However, compensation may be paid by the state, but only for some criminal offences. According to the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), the state will pay compensation to a person who suffered a criminal offence of violence (Articles 1 and 5 of the Act) ⁵⁵ (see below 16). In addition, the state's responsibility for damage caused by acts of terrorism and other acts of violence committed to severely disrupt the public order by intimidation and inducing feelings of insecurity among citizens and due to demonstrations and other forms of mass expression of mood in public places is prescribed in the Act on Liability for Damage Caused by Terrorist Acts and Public Demonstrations (<i>Zakon o</i>

⁵² Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁵³ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

⁵⁴ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁵⁵ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

				<p><i>odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija</i>).⁵⁶ Under this law, the injured person is entitled only to compensation and damages resulting from death, bodily injury or damage to health and to benefit to the amount of 60% of the amount of damages determined, up to the amount of HRK 350,000.00.</p>
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	<p>According to Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), which is not yet in force, a person who suffered a criminal offence of violence will also be able to claim indemnification directly from the offender, which will not exclude initiating a procedure of payment of compensation from the state, according to the Act. If a person acquires indemnification from the offender before the state has paid compensation, the indemnification will be included in the compensation paid by the state.⁵⁷</p>
8	Does a compensation order exist?		X	<p>A claim for indemnification arising out of the commission of a criminal offence will be heard in criminal proceedings only upon the motion of authorised persons (any person who is entitled to litigate in a civil action), and provided that this does not considerably delay proceedings (Article 153 (1) CPA). Only upon that motion may the court in a judgment finding the defendant guilty satisfy the claim of the injured person fully or partially, while directing the injured person to assert the rest of the claim in a civil action (Article 158 (2) CPA).⁵⁸</p>
9	Do prosecutors have the power to mediate between the offender and the victim?	X		<p>When applying the principle of opportunity, the state attorney may, after obtaining the prior consent of the victim or the injured person, dismiss a crime report or desist from the criminal prosecution even though there is reasonable suspicion of the commission of a criminal offence prosecuted <i>ex officio</i>, punishable by a fine or imprisonment up to five years, if the defendant assumes at least one of six provided obligations, including the obligation to carry out any commitments</p>

⁵⁶ Act on Liability for Damage Caused by Terrorist Acts and Public Demonstrations (*Zakon o odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija*), Official Gazette (*Narodne novine*) No. 117/03.

⁵⁷ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

⁵⁸ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				aimed at repairing or compensating damage caused by the criminal offence (Article 522 (1.1) CPA). ⁵⁹ This means that the state attorney will mediate in order to obtain consent from the victim or injured person on one hand, and the consent of the defendant to assume the obligation on the other hand.
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		Only when applying the principle of opportunity according to Article 522 (1.1) CPA (see above 9) do state attorneys have the duty to attempt to obtain compensation from the offender, even though this duty is not explicitly prescribed by the CPA.
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	X		The consent of the offender to pay compensation to the victim will be taken into account within the application of the principle of opportunity according to Article 522 (1.1) CPA, when the state attorney decides not to prosecute a criminal offence punishable by a fine or imprisonment up to five years, if the defendant undertakes to carry out any commitments aimed at repairing or compensating the damage caused by the criminal offence, and if there is the prior consent of the victim or the injured person.
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	X		According to Article 47 (1) of the Criminal Code (<i>Kazneni zakon</i>), ⁶⁰ in determining the type and range of punishment, the court takes into consideration all the circumstances which result in a less or more serious punishment for the perpetrator (mitigating or aggravating circumstances), and particularly, among other circumstances, the perpetrator's relation towards the victim and the efforts made to compensate the damage caused by the criminal offence.
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		A motion for indemnification in criminal proceedings may only be submitted before the conclusion of evidentiary proceedings before the court of first instance (Article 155 (2) CPA). ⁶¹
14	Do third country nationals have the right to apply for compensation?	X		A motion for indemnification in criminal proceedings can be made by any person who is entitled to litigate in a civil action (Article 154 (1) CPA). A party to civil action may be any natural or legal person (Article 77 of the Civil

⁵⁹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁶⁰ Croatia, Criminal Code (*Kazneni zakon*) Official Gazette (*Narodne novine*) Nos. 125/11, 144/12.

⁶¹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				Procedure Act (<i>Zakon o parničnom postupku</i>), including foreign citizens (Article 88 of the Civil Procedure Act). ⁶²
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X		There is no provision that excludes third country nationals with irregular status from the right to apply for compensation. However, a foreigner residing in the country illegally is obliged to leave the Republic of Croatia without delay (Art. 101 (4) of the Foreigners Act (<i>Zakon o strancima</i>)) otherwise the foreigner will be deported. ⁶³
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		<p>The exception prescribed by the law is the one provided in the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), which will enter into force on the day of the Republic of Croatia's accession to the European Union.⁶⁴ According to this Act, the state will pay compensation only to the person who suffered a criminal offence of violence, and not other types of crimes (see above 6). An offence of violence is defined as: a) an offence committed with the intention of using force or the violation of sexual integrity, and b) a criminal offence of endangering life by dangerous public acts or means, which caused death, serious bodily injury or serious impairment of health of one or more persons, which the Criminal Code prescribes as a more severe form of the underlying criminal acts committed with intent.</p> <p>In addition, the state's responsibility for damage caused by acts of terrorism and other acts of violence committed to severely disrupt public order by intimidation and inducing feelings of insecurity among citizens and due to demonstrations and other forms of the mass expression of mood in public places is proscribed in the Act on Liability for Damage Caused by Terrorist Acts and Public Demonstrations (<i>Zakon o odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija</i>).⁶⁵ Under this law, the injured party is entitled</p>

⁶² Croatia, Civil Procedure Act (*Zakon o parničnom postupku*) Official Gazette (*Narodne novine*) Nos. 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13.

⁶³ Croatia, Foreigners Act (*Zakon o strancima*) Official Gazette (*Narodne novine*) 130/11.

⁶⁴ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

⁶⁵ Act on Liability for Damage Caused by Terrorist Acts and Public Demonstrations (*Zakon o odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija*), Official Gazette (*Narodne novine*) No. 117/03.

				only to compensation and damages resulting from death, bodily injury or damage to health, and to benefit to the amount of 60% of the damages determined, provided that the total damages do not exceed HRK 350,000.00 (see above 6).
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2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	There is no formal system of referral. In cross-border cases, cooperation goes through the Independent Sector for Support to Victims and Witnesses (<i>Samostalni sektor za podršku žrtvama i svjedocima</i>) which operates at the level of the Ministry for Justice. Every witness who is a foreigner and is called to witness in Croatia is informed about the possibility of support given by the departments for organising and providing support to victims and witnesses.
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		The Sector for International Legal Assistance (<i>Sektor za međunarodnu pravnu pomoć</i>) of the Ministry of Justice has had such experiences. The victim files a criminal report in a foreign country and a criminal procedure is initiated, but certain evidentiary actions can be undertaken on Croatian territory using the mechanisms of international legal assistance.
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		Victim support services are available to all victims, notwithstanding their legal status or any other status.
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		X	There are no special mechanisms.
5	Is information made available to victims in different languages by the police? If yes, which languages?			In cases when the victim of crime is a foreign national, police talks to the victim with the purpose of collecting information and initiating assistance and support. This conversation is conducted in a language that the victim understands, and certified interpreters are used for that purpose. For some categories of criminal offences (such as human trafficking, criminal offences against children and youth, domestic violence), referral systems of victim

				<p>support and assistance have been established and operate through employment of mobile teams in the field and rapid engagement of competent institutions and NGOs providing legal, psychological, and other types of support to victims.⁶⁶</p> <p>According to Art. 43 of the Criminal Procedure Act, at the time of the first action taken on the basis of this Act, the police is obliged to inform a victim on his/her rights to effective psychological assistance and support and other forms of assistance and support by victim assistance bodies, organizations, and institutions. This obligation includes information on the right of the victim to participate in criminal proceedings in the role of the injured party. Interpretation is free to the victim.</p> <p>According to Article 23 (2) of the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>),⁶⁷ the police must provide to the victim the information on the right to compensation. The information must be given orally whenever it is possible in a language that the victim understands, and always in written in Croatian or in English language. In the on-going three month implementation period provided in order to set up the mechanisms for the implementation of this article, Ministry of Justice and Ministry of Interior are currently preparing unified written information/instructions for the victim, which will include all information police is obliged to give to victims.</p>
6	Is information made available to victims in different languages by victim support services? If yes, which languages?		X	Departments offer information only in the Croatian language. Information in the material described under 2.8.5 will be in Croatian and English.
7	Do victim support services offer		X	Interpretation and translation services can

⁶⁶ Information obtained by e-mail by Mol in preparation of this report. Datum Sokolarovog maila.

⁶⁷ Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

	interpretation or translation services? If yes, in which languages?		only be ordered by the court. If the court has ordered such services, they can be used in the communication between the victim and the victim support service.
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	X	Good, but informal, cooperation is maintained with victim support organisations in Serbia and Bosnia and Herzegovina and is related to war crime cases. No formal cooperation has been established yet between the Independent sector for support to victims and witnesses and similar services in other EU Member States. But cooperation is nevertheless happening in informal ways: civil servants from the Independent sector participate in meetings organized by the European Commission connected with the implementation of the Directive (2012/29/EU); there has been a close cooperation with UK services in connection to common projects in the area of victim and witness support and cooperation has also been established with similar services in the Netherlands and Scotland through the exchange of information and study visits. ⁶⁸
		Description (max 2-3 sentences per question)	
9	What is the mechanism for victims to apply for compensation once they are back in their own country?		Pursuant to the provisions of the Act on Pecuniary Compensation to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), only victims who are nationals of the Republic of Croatia or member states of the EU, or who reside in the territory of a member state of the EU, can apply for compensation. In order to apply for compensation, the victim needs to fill out the form available in every police station, a state attorney's office and on the website of the Ministry of Justice. This act will come into force on 1 July 2013. ⁶⁹
10	What is the number of victims accessing victim support services who are non-nationals of the state?		The Independent Sector for Support to Victims and Witnesses (<i>Samostalni sektor za podršku žrtvama i svjedocima</i>) from 1 June 2006 until 1 March 2013 sent 833 informative letters to witnesses and victims from abroad. There have also been a large number of contacts by email or telephone. Departments for the organisation and provision of support to victims and witnesses (<i>Odjeli za organiziranje i pružanje pomoći žrtvama i svjedocima</i>) do not run special statistics for witnesses and victims who are foreigners.
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		They can access support through the website of the Ministry of Justice of the Republic of Croatia, where they can find useful information. The information are available

⁶⁸ This information has been obtained via E-mail from a high-ranking member of the Independent Sector for Support to Victims and Witnesses of the Ministry of Justice of the Republic of Croatia (9 July 2013).

⁶⁹ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

		in Croatian (www.mprh.hr/samostalni-sektor-za-podrsku-zrtvama-i-svjedocima0) and English language (www.mprh.hr/independent-sector-for-victim-and-witness-support).
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	There are no special measures for the protection of privacy of victims who are foreigners. However, there are general measures for the protection of privacy of victims, irrespective of their nationality, which are prescribed in the Criminal Procedure Act. They are: secrecy of personal information, exclusion of the public for all victims, and questioned through an audio-video device for child victims. ⁷⁰

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. **With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

In general, there is a strong tradition of mutual aid and solidarity within the Croatian society, but the tradition of volunteering has not been widespread. Historically, Croatian Red Cross has been engaging numerous volunteers. However, their activities are, for most part, not directed towards victims of crime. Since 2003, Croatian Red Cross has programs of assistance to victims of trafficking. However, they have not been utilizing volunteers in this area systematically, but just as an exception in couple of cases of engagement of volunteers with relevant professional training/formal education.⁷¹

Association for Victim and Witness Support (*Udruga za podršku žrtvama i svjedocima*) (the Association) is the only non-governmental organization providing direct assistance to victims of crime during court proceedings. The Association was established in 2008, and the role of its volunteers in the activities of departments for victim and witness support in county courts is regulated by the 2009 Courts' rules of procedure (*Sudski poslovnik*).⁷² Since its establishment, more than 300 volunteers have been active in the Association, providing support in seven county courts. In the period 2008-2012, volunteers put in 9965 volunteer hours.⁷³ On average, volunteers from the Association work a total of 70 hours each week.

Most frequently, volunteers with the Association are young people, with a university degree or students, predominantly of law, psychology, social work, education and rehabilitation studies.

⁷⁰ Croatia, Civil Procedure Act (*Zakon o parničnom postupku*) Official Gazette (*Narodne novine*) Nos. 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13.

⁷¹ Croatian Red Cross (*Hrvatski crveni križ*), Information obtained via phone in preparation of this report. Since the use of volunteers has not been systematic, there are no records on hours worked.

⁷² Croatia, Courts' rules of procedure (*Sudski poslovnik*), Official Gazette (*Narodne novine*) No. 158/09.

⁷³ Association for Victim and Witness Support (*Udruga za zaštitu žrtava i svjedoka*), Information obtained in preparation of this report.

Tasks performed by volunteers include:

- Provision of emotional support before, during, and after court proceedings;
- Respectful conduct toward victims (and witnesses), with regard to their age and condition;
- Provision of precise and practical information on their rights in the context of the proceedings, as well as on other institutions that provide relevant assistance;
- Provide explanation on the role of parties to the proceeding, and their physical location within the courtroom;
- Provide explanation on the rules of conduct in the courtroom,
- Explain the course of the hearing (what he/she should expect upon entry into the courtroom, questions to be asked by the court, etc.)
- Inform the witness/victim of his/her right to request a break during the hearing.

b. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.

In **Croatia**, an interesting – and economically reasonable - balance has been struck by combining the professional work of (paid) civil servants and (unpaid) volunteers. Recently established “witness support offices” have enlisted the help of a network of trained volunteers, many of them law students, which now amounts to over 200. Support staff and volunteers do not give legal advice or carry out psychological counselling or psychotherapy, and do not talk about the content of the testimony of a witness or victim. Support officers and volunteers can give information to the victims/witnesses on organisations providing psychological counselling or psychotherapy.⁷⁴

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

⁷⁴ Each office has a list of such organisations with contact information, divided by areas of activity. Victims are given information about the options. Volunteers in victim and witness support departments in county courts are tasked with waiting for victims at court and accompanying them to separate waiting rooms; they provide answers to questions related to court proceedings and explain what to expect in the courtroom. They can also accompany the witnesses and spend time with them in the courtroom.

Croatia is not a country with a particular tradition of social work. Social work is organised mainly within the Ministry of Social Policy and Youth that has organised centres for social welfare where social workers, lawyers, psychologists, a social pedagogue and educational rehabilitation specialist are employed. They have university education including degrees following undergraduate and postgraduate studies. Centres for social welfare deal with victims of family violence and they protect them and prevent new violence; they have a duty to report all information on family violence to the police, to inform victims of their rights, taking their statements, and supporting them in the criminal procedure and misdemeanour procedure. There are several protocols that form the legal framework for these activities: rules of procedure in cases of family violence⁷⁵, rules on integration/reintegration of the victim of human trafficking⁷⁶, rules of procedure on the voluntary return of victims of human trafficking⁷⁷.

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under ‘16’ – ‘Other promising practices’.

	Promising practice	Does a similar practice exist in your country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	No similar initiatives.
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.	X		In 2006, MoI initiated a project “Safe season for tourism” (<i>Sigurna turistička sezona</i>). ⁷⁸ Project is based on collaboration between the Croatian Police and

⁷⁵ Ministry of family, Homeland War veterans and intergenerational solidarity (*Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti*), Rules of Procedure in cases of family violence (*Protokol o postupanju u slučaju nasilja u obitelji*), available at: www.mspm.hr/content/download/8277/65146/version/1/file/Protokolopostupanjuuslucajunasiljauobitelji.pdf.

⁷⁶ Government of the Republic of Croatia (*Vlada Republike Hrvatske*) (2011) Protocol on integration/reintegration of victims of trafficking (*Protokol o integraciji/reintegraciji žrtava trgovanja ljudima*), available at: <http://vlada.hr/hr/content/download/165739/2419952/file/126-2.pdf>.

⁷⁷ Government of the Republic of Croatia (*Vlada Republike Hrvatske*) Rules of procedure on the voluntary return of victims of human trafficking (*Protokol o postupanju pri dobrovoljnom povratku žrtava trgovanja ljudima*), available at: <http://ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1378>.

⁷⁸ Ministry of Interior (*Ministarstvo unutarnjih poslova*), project “Safe season for tourism” (*projekt Sigurna turistička sezona*), available at: www.mup.hr/main.aspx?id=96913.

				law enforcement services of countries whose citizens spend their summer holidays in Croatia in large numbers. Police officers from those countries come to Croatia during the summer, have joint patrols with Croatian colleagues, and are available to their respective countries' citizens if needed. Number of countries involved has been increasing, from 1 in 2006, to 13 in 2012.
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).		X	According to Article 42/2 of the Act on Financial Compensation of Damage to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>), ⁷⁹ the amount that the defendant has to pay for the needs of compensation to the victims of criminal offences, in order to fulfil his obligations from the state attorney's decision to desist from criminal prosecution (Article 522/1 CPA), ⁸⁰ shall be paid to the state budget. The Act will enter into force on the day of the Republic of Croatia's accession to the European Union.
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X		In 7 county courts where Departments for organization and provision of support to witnesses and victims exist, department's professional staff member can accompany a victim (or witness) to the hearing and stay with him/her.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X		Victim of a criminal offence is entitled to "efficient psychological and other expert help and support of the authority, organisation or institution for aiding victims of criminal

⁷⁹ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*), Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

⁸⁰ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

			<p>offences in accordance with the law" (Article 43(1) CPA).⁸¹</p> <p>In addition, a victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed has the right to counsel at the expense of the state budget before testifying in criminal proceedings, and in submitting claims for indemnification, if the victim suffers from more severe psychophysical harm or more severe consequences of the criminal offence ((Article 43(2) CPA).⁸²</p> <p>A child or a minor under the age of 18 who is a victim of a criminal offence is entitled to additional rights, including the right to an attorney ad litem at the expense of the state budget (Article 44(1) CPA).⁸³</p>
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	X	<p>Legal Clinic of the Law Faculty, University of Zagreb provides assistance to victims of criminal offences. For several years now, the Clinic has close collaboration with the Department for organization and provision of support to witnesses and victims of the County Court in Zagreb. In cases when the Department staff members assess that a victim needs legal assistance, they refer it to the Legal Clinic.</p>
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain	X	<p>There is a website with some basic information, and with contact information on Departments established in county courts at:</p> <p>http://zrtveisvjedoci.pravosudje.h</p>

⁸¹ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁸² Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁸³ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

	what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.			r/Default.aspx?sec=126. However, it does not include any innovative ways of providing information to victims.
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).		X	No document exists.
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.		X	As a rule, specially trained police officers who collect information from a child victim, usually do it in the presence of parents, guardians, foster parents, of the person to whom the child is entrusted into care, of professionals from the social welfare centre, preferably in the child's home. (Article 38 of the Police Duties and Powers Act (<i>Zakon o policijskim poslovima i ovlastima</i>)). ⁸⁴
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.	X		Protocol for identification, assistance and protection of victims of human trafficking (<i>Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima</i>) ⁸⁵ specifies collaboration between the MoI, Ministry of Social Policy and Youth, non-governmental organizations, International Organization for Migrations and other international organizations. Protocol provides for the establishment of mobile teams for immediate assistance and protection of victims of trafficking. Teams consist of staff members of social welfare centers, Croatian Red Cross and CSOs, specifically trained for this

⁸⁴ Croatia, Act on Police Services and Authorities (*Zakon o policijskim poslovima i ovlastima*) Official Gazette (*Narodne novine*) No. 76/09.

⁸⁵ Government of the Republic of Croatia (*Vlada Republike Hrvatske*) Protocol for identification, assistance and protection of victims of human trafficking (*Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima*) available at: www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1389.

				task.
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	No similar program.
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime. 1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative. 1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...]. ⁸⁶		X	No similar policy.
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).	X		Juvenile Courts Act (<i>Zakon o sudovima za mladež</i>) ⁸⁷ and Criminal Procedure Act (<i>Zakon o kaznenom postupku</i>) ⁸⁸ specify protective measures (including, in some cases, use of audio-video devices, use of social professionals who conduct the actual interview, and interviewing at home of the victim or in another appropriate facility)) for certain categories of victims. Examples include children; victims of crimes against sexual freedom; and elderly victims, those with poor health status, with severe physical impairment,

⁸⁶ www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf

⁸⁷ Croatia, Juvenile Courts Act (*Zakon o sudovima za mladež*) Official Gazette (*Narodne novine*) Nos. 84/11, 143/12.

⁸⁸ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				or with poor mental health condition.
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)		X	In Croatia, members of different branches might attend joint training programs, but the described practice is not implemented.
16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.		X	Croatian Law Centre (CLC), an NGO working in the area of human rights and the rule of law, implements the project "Protection of Victims of Torture among Vulnerable Groups of Migrants" with the financial support of United Nations Voluntary Fund for Victims of Torture. CLC is an implementing partner of UNHCR and as such provides legal aid to asylum seekers among whom there are some who have been tortured in their country of origin. Through this project, persons identified as victims of torture are provided with legal, psychological or social assistance, according to their personal needs. Psychological sessions with an experienced psychologist are organized, with the goal to minimize and overcome psychological consequences and trauma the victims endured. Legal aid is provided by representing the victims in the first instance asylum procedure and by proposing medical examination (either psychical or psychiatric) to be conducted, as the expert's opinion and findings that a person suffers from physical or psychological consequences of torture strongly support the credibility of the asylum seeker and, consequently, increase the possibility of positive outcome of the asylum procedure. Social assistance is provided by the social workers of the partner organization Croatian Red Cross in the Reception Centre for Asylum Seekers through various means, e.g. creative workshops for women and children, sport

				activities outdoors, re-socialization, individual talks, language course, etc. ⁸⁹
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2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.		
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.		
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.	X	Besides being the witness, the victim is entitled to a claim for indemnification arising out of the commission of a criminal offence which is considered in criminal proceedings. The claim may consist of any issue which may be litigated in a civil action (Art 153 CPA). After EU accession, victims of violent crimes will also be entitled to claim compensation from the state budget, which is provided in the Act on Financial Compensation of Damages to Victims of Criminal Offences (<i>Zakon o novčanoj naknadi žrtvama kaznenih djela</i>). ⁹⁰ In addition, victim support services responsible for emotional support and providing practical information to the victims have been established. Finally, the victim has a role of accessory

⁸⁹ Croatian Law Centre (*Hrvatski pravni centar*), Information obtained in preparation of this report.

⁹⁰ Croatia, Act on Financial Compensation of Damage to Victims of Criminal Offences (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) Official Gazette (*Narodne novine*) Nos. 80/08, 27/11.

			prosecutor who is entitled to point out the facts and suggest evidence and inspect documents and files during criminal proceedings. If the state attorney drops the charges, the state attorney must notify the injured person, who has the right to assume the prosecution.	
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. ⁹¹ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	X		There are two situations where a victim may be a party to criminal proceedings, pursuant to the provisions of the Criminal Procedure Act (<i>Zakon o kaznenom postupku</i>). ⁹² In the first situation, the victim may, acting as the injured party, take over the role of the public prosecutor, if the latter decides not to prosecute the case. In the second situation, the victim may take the role of a private prosecutor, for some minor offences that are not prosecuted <i>ex officio</i> .
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		Every person who is called as a witness is under the duty to testify. The same applies to the victim of crime. The Criminal Procedure Act (<i>Zakon o kaznenom postupku</i>) recognises certain categories of persons that cannot be called as witnesses and that are exempted from the duty to testify, but the status of the victim of crime is not one of the recognised categories. ⁹³
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.	X		A victim who is not recognised as a party to criminal proceedings may nevertheless actively participate in criminal proceedings in the status of the injured party. Injured parties have a number of rights that enable them

⁹¹ See Recital 20 of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

⁹² Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

⁹³ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

				to act as an accessory prosecutor to the public prosecutor (to point out facts and suggest evidence, be present at the hearing, participate in evidentiary proceedings and make a closing statement, inspect documents and files, file an appeal...).
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IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations*⁹⁴

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

The initiative in first setting up the victim support system was taken jointly by the Republic of Croatia and the United Nations Development Programme (UNDP). In 2006, UNDP Country Offices in Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia started the Transitional Justice Programme, with the goal to strengthen the research, training, knowledge-sharing and public information capacities of post-conflict institutions and to provide access to justice for past mistreatment. One of two national goals of the programme in Croatia was research on the witnesses and victims system.⁹⁵ Croatia also recognised the importance of victim and witness protection, and indicated it as one of the priority areas in the National Programme for the Protection and Promotion of Human Rights 2008–2011 (*Nacionalni program zaštite i promicanja ljudskih prava u RH od 2008. do 2011. godine*). The new approach to victims of crime and witnesses was based on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), and other international documents.⁹⁶ The result of the joint efforts was the programme titled Assistance in the Development of a Witness and Victim Support System (with three phases, started in October 2007 and expected to last until December 2013), signed between UNDP and the Ministry of Justice.⁹⁷

3.1.2 Where did the money come from to support this first attempt?

The major sources of funding for the project "Assistance in the Development of a Witness and Victim Support System" were the UNDP Bureau for Crisis Prevention and Recovery (BCPR), the Government of the Kingdom of the Netherlands, the OSCE, the Democratic Governance Thematic Trust Fund (UNDP), UNDP CO Croatia, MDG Achievement Fund (MDG-F), the US Government,⁹⁸ and the project partner Republic of Croatia. In total, approximately \$ 1.45 million (2007–2013) have been provided: UN (BCPR, MDGF, DGTTF, UNDP): 1.07, Netherlands: 0.27, OSCE: 0.07, USA: 0.05, and Republic of Croatia: wages for the witness and victim support services, and premises for the call centre.⁹⁹

⁹⁴ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

⁹⁵ UNDP Croatia, available at: www.undp.hr/show.jsp?page=86321 (last accessed on 6 May 2013).

⁹⁶ National Programme for the Protection and Promotion of Human Rights 2008–2011 (*Nacionalni program zaštite i promicanja ljudskih prava u RH od 2008. do 2011. godine*), p. 42. Available at: www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1238.

⁹⁷ UNDP Croatia, available at: www.undp.hr/show.jsp?page=86312 (last accessed on 6 May 2013).

⁹⁸ www.undp.hr/show.jsp?page=86296.

⁹⁹ Member of UNDP project team, e-mail communication, 7 May 2013.

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

The situation of victims and witnesses of crimes in the Croatian legal system before the establishment of generic victim support services was assessed within the Transitional Justice Programme of UNDP in 2007 (Research on Witness and Victims Support in Croatia).¹⁰⁰ The study showed that there are certain loopholes in the legislative framework with regard to rendering free legal aid, compensation of damage by the state, mechanisms for reducing secondary victimisation, the protection of safety and privacy of victims, etc. It also showed absence of a victim and witness support system, inadequate equipment of the courts, and a great need for the systematic specialisation of persons in contact with victims.¹⁰¹ Similar points were made in the National Programme for the Protection and Promotion of Human Rights 2008–2011.¹⁰² Some of the problems with regard to the physical protection of victims and witnesses were resolved with the Witness Protection Act (*Zakon o zaštiti svjedoka*) of 2004, and victim support services were provided only in war crimes trials by the War Crimes Trial Witness and Participant Support Section within the Directorate for International Legal Assistance, Cooperation and Human Rights of the Ministry of Justice.¹⁰³

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		<p>Quality of service of the victim support service (i.e. departments for organization and provision of support for victims and witnesses operating in courts) is currently not evaluated through a formalized systematic approach. That is, formally adopted key performance indicators do not exist.</p> <p>A high quality of services was sought from the start by defining clear standards, procedures and rules of conduct for employees of the department for witness and victim support. Research was carried out in a way that witnesses were given a questionnaire to evaluate the work of the department and to express their satisfaction or dissatisfaction with its work. For objective reasons (reluctance of witnesses to participate, their emotional state, their wish to leave the court as soon as possible), the sample collected so far is too small to make statistically sound conclusions. Preliminary examination of completed questionnaires shows that witnesses and victims are satisfied with the service (and supporting information) that</p>

¹⁰⁰ www.undp.hr/show.jsp?page=86312 .

¹⁰¹ Podrška žrtvama i svjedocima kaznenih djela u Republici Hrvatskoj, UNDP, 2007, p. 22.

¹⁰² National Programme for the Protection and Promotion of Human Rights 2008–2011 (Nacionalni program zaštite i promicanja ljudskih prava), p. 46. Available at: www.ljudskaprava-vladarh.hr/fqs.axd?id=1239.

¹⁰³ Ibid.

			they receive, which indicates a satisfactory quality of services. ¹⁰⁴ Ministry of Justice did not make available the questionnaire, so we are not aware of the basis for their research.
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3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
HR	Departments for organising and providing witness and victim support	13	40	193	There is a minimum of six hours in two weeks and a maximum of 40 hours a week. In total, there were 3,868 hours in 2012. Information on the hours contracted per week is not collected. ¹⁰⁵	Information not available (equals the value of 3,868 hours)

¹⁰⁴ Ministry of Justice (*Ministarstvo pravosuđa*), email communication, 8 May 2013.

¹⁰⁵ Ministry of Justice (*Ministarstvo pravosuđa*), email communication, 8 May 2013.

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description– **to be answered by all.**

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance	X		Victims of a criminal offence that is punishable by imprisonment for a period of five years or longer have the right to counsel funded from the state budget before testifying in criminal proceedings if they suffer from more severe psychophysical harm or more severe consequences of the criminal offence (Art 43 (2) CPA). A child or a minor under the age of 16 who is the victim of a criminal offence is entitled to a legal guardian, funded from the state budget. Additionally, a victim of a sex crime is also entitled (Art. 45 CPA) to talk to a counsel before the interrogation, with the costs funded from the state budget. ¹⁰⁶
b Free health/psychological assistance (e.g. crisis intervention centres)	X		However, these psychological services are mostly provided by non-governmental organisations and there is a problem of psychological support in small towns, where no psychologists are employed in health centres, so the people there cannot obtain free psychological help (through referral within the public health insurance system). ¹⁰⁷
c Emergency financial assistance	X		Social welfare centres can give one-time financial aid under special conditions.
d Court accompaniment/support services	X		Departments for organising and providing witness and victim support at seven county courts.
e Other (specify)	X		Organised transport to courts, organised physical protection and escort to court by the police, organised hotel accommodation. Everything is organised by the Independent Sector for Witness and Victim Support.

¹⁰⁶ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12.

¹⁰⁷ Ministry of Justice (*Ministarstvo pravosuđa*), email communication, 8 May 2013.

3.4 (Failed) Attempts to establish national generic victim support service provider**108

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

Max 250 words

Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland

¹⁰⁸ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations bycountry

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support **in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list).** As a default, please select the area 'Domestic violence and stalking'.

	Name/short description of organisation(s)
AT	In every of Austria's nine provinces (<i>Bundesländer</i>), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d'assistance aux victimes; Victim's reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim "groups", the rest of the initiatives are targeted on specific victim "groups" and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service ("PMS"); the White Circle of Justice
DE	The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V. In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (Opferhilfe.V) run local offices. A nationwide coverage of professional victim support services does not exist, although a number of the professional support services are organised under the auspices of the umbrella organisation Working Group of Victim Support in Germany 'ado'. In many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do not maintain offices. Here volunteer support services fill this gap.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime "Victim Support" (Kuriteoohvrite Toetamise Ühing "Ohvriabi"), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to "set up management agreements entrusted with the Autonomous Communities and local Corporations". In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.

FI	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.
FR	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org.). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims .
HR	County court level: there are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
HU	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
IE	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
IT	
LT	
LU	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waisse rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
LV	
MT	Victim Support Malta (VSM).
NL	Victim Support Netherlands (VSN) (<i>Slachtofferhulp Nederland</i> , SHN).
PL	Support Network for Victims of Crimes (consisting of 16 regional support centres); social welfare centres (<i>ośrodkipomocyspołecznej</i>), crisis intervention centres (<i>ośrodkiinterwencjikryzysowej</i>) or the support centres (<i>ośrodkiwsparcia</i>), which offer support for people in various crisis situations.
PT	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima</i> , APAV) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>BrottsofferjouernasRiksförbund</i> , BOJ) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
SI	
SK	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomocobetiamnásilia</i> is the leading victim support service provider.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

Annex 3 –list of specialised areas of victim support chosen in phase 2 (for countries with no generic victim support organisations)

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.