

1 - My rights as a victim of crime

What information will I get from the authority (e.g. police, public prosecutor) after the crime occurred but before I even report the crime?

The Code of Criminal Procedure does not regulate the contents of the information sheet the victim may be provided with after the offence has occurred and before it is reported. Everyone has the right and option to contact the Public Prosecutor's Office, where they can report a crime, deposit a statement, or make a submission on a matter falling within the Public Prosecutor's remit. Individuals contacting the Office receive information on how to report the crime and other basic information on their rights and obligations.

Police officers are required to record reports of crimes that are prosecuted *ex officio*.

Furthermore, everyone is entitled to appropriate police protection if there are reasonable grounds for such protection to be provided.

Victim and witness support departments, which have been established by seven county courts, provide victims with emotional support and information as to their rights (including technical and practical information). They also offer support and information to witnesses and to family members of both victims and witnesses. Information and support are provided regardless of the stage of proceedings. Victims receive information and support even if they fail to report the crime. Those departments also refer victims and witnesses to specialised civil society institutions and organisations, depending on their needs.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

Provisions governing the rights of victims and civil parties apply equally without regard to nationality because Croatian criminal legislation applies to anyone who commits a crime in Croatia. Parties to and participants in proceedings are entitled to use their mother tongue.

The police, the Public Prosecutor's Office and the courts are required, under the Code of Criminal Procedure and the Victims of Crime (Financial Compensation) Act, to provide victims of crime with information on their rights under those acts. This means that the Public Prosecutor's Office and the courts are required to examine the possibilities, both before criminal proceedings and at any stage during them, for the individual charged to compensate the injured party for any loss/damage caused by the offence, and to inform the injured party – verbally in a language the victim understands and in writing in Croatian or English – of their right to use their mother tongue and to lodge a property-law claim and of their right to compensation). The Public Prosecutor's Office and the courts are also required to provide the victim, at their request, with general instructions and information on how to complete the claim and which supporting documents to submit. Information sheets containing information on the victim's right to compensation are available in Croatian and English, as is the Compensation Claim Form. These documents, in Croatian and English versions, can be downloaded from the website of the Croatian Ministry of Justice.

Any victim who reports a crime receives information on their rights from the police. After informing the victim verbally, the police officer provides the victim with information on their rights in writing and any available information on services protecting and supporting victims, including the toll-free victim support helpline number.

For individuals without any knowledge of Croatian, a rights information sheet is available from the police in other languages.

Volunteers at the National Call Centre for Victims of Crimes and Misdemeanours (116-006) provide emotional support, information on rights and practical information. They also refer victims to other competent services and organisations to ensure they receive any additional information and other forms of support and assistance. This helpline is toll-free, open from 8 am to 8 pm on weekdays and the staff can take calls in Croatian and English.

If I report a crime, what information will I receive?

(a) The victim and injured party are entitled, within two months of pressing charges or reporting a crime, to request information from the Public Prosecutor's Office on the action taken in response to the charges/report. They are informed by the Public Prosecutor's Office of the action taken within a reasonable timeframe, no later than thirty days from the date of the request, unless the request jeopardises the effectiveness of the proceedings. The decision to withhold such information must be communicated to the victim or injured party making the request.

(b) The Public Prosecutor will suspend the investigation by a decision, if:

- the offence with which the individual is charged is not an offence prosecuted *ex officio*;
- the circumstances exclude the charged individual's culpability, unless the unlawful act was committed in a state of mental incapacity;
- the statute of limitations has expired for the crime or if the offence is subject to an amnesty or pardon, or if there are other circumstances proscribing prosecution; and
- there is no evidence that the individual charged has committed the offence.

The decision to suspend the investigation is sent to the injured party and the individual charged, who will immediately be released if they had been placed in custody or on remand. In addition to the decision letter, the injured party receives information, in accordance with Article 55 of the Code of Criminal Procedure, on how to pursue prosecution themselves.

(c) After examining the report and carrying out a check in the information system of the Public Prosecutor's Office, the Public Prosecutor will reject the report by a reasoned decision if it is clear from the report that:

- the offence is not an offence that can be prosecuted *ex officio*;
- the statute of limitations has expired for the offence, or the offence is subject to an amnesty or pardon, or the offence has already been finally adjudicated in court, or there are other circumstances proscribing prosecution;
- the circumstances exclude culpability;
- there are no reasonable grounds for suspecting that the individual charged committed the offence reported; or
- information in the report suggests that the report is not credible.

No appeals are allowed against the Public Prosecutor's decision to dismiss a report.

Unless otherwise provided for by the Code of Criminal Procedure, the Public Prosecutor notifies the victim of the decision to dismiss the report and the grounds for it within eight days. The Public Prosecutor will also provide information on how the victim may pursue prosecution themselves. The Public Prosecutor must promptly inform the person who made the report and the individual charged of the decision to dismiss the report, if so requested by either party.

If the Public Prosecutor cannot assess the credibility of the allegations from the report itself or if information in the report fails to provide sufficient grounds for a decision to initiate an investigation or gather evidence, it will conduct its own enquiries or instruct the police to do so.

(d) The custody supervisor must immediately release the individual arrested or detained:

- if instructed to do so by the Public Prosecutor;
- if the arrested individual was not interrogated within the statutory deadline; or
- if detention was cancelled.

(e) The Public Prosecutor can summon witnesses and experts to assist with taking of evidence. The summons may also be sent by the investigator if authorised by the Public Prosecutor. The court can summon witnesses and experts to testify at an evidentiary hearing or attend a court hearing. The competent body sets in advance the

time and place where the evidence will be taken. The person summoned is warned of the consequences of any failure to attend.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

A victim participating in criminal proceedings as the injured party is entitled to:

- use their mother tongue, including sign language, and request assistance from an interpreter if they do not understand or have a sufficient command of Croatian, or from a sign language interpreter if the injured party is deaf or deafblind.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?

Unless otherwise provided for by a separate law, the investigating judge may take evidence from any child witness under 14 years of age. The hearing takes place without the judge or the parties being present in the same room as the child, using an audio-video device operated by a professional assistant. The hearing is assisted by a psychologist, childhood education specialist, or other professional person. The hearing may also be attended by a parent or guardian, unless this is contrary to the interests of the investigation or the child. The parties may put questions to the child witness through a professional, subject to the investigating judge's approval. The hearing session is recorded using an audio-video device and the recording is sealed and appended to the minutes. The child witness may be summoned for a second hearing in exceptional circumstances only, with the same procedure being followed.

Unless otherwise provided for by a separate law, the investigating judge may also take evidence from child witnesses aged 14-18. Questioning of children, especially if they are the victim of the offence, must be handled carefully to ensure that it does not adversely affect their mental health. Particular care is taken to protect the child.

Any witness who cannot respond to a summons for reasons of old age, illness, or disability, may be heard in their own flat or other place where they are staying. Such witnesses may be heard using an audio-video device operated by a professional. If warranted by the witness's condition, the hearing is conducted in such a way as to allow the parties to put questions without being present in the same room as the witness. If required, the hearing is recorded using an audio-video device and the recording is sealed and appended to the minutes. At the victim's request, this same witness examination procedure can be followed if they are the victim of an offence against sexual freedom or morality, a human trafficking offence or an offence committed within the family. Such a witness may be summoned for a second hearing in exceptional circumstances only, if deemed necessary by the court.

Victim support services

Who provides victim support?

Victim and witness support departments, which have been established by seven county courts (Zagreb, Osijek, Split, Rijeka, Sisak, Zadar and Vukovar) provide support for victims and witnesses giving evidence at these courts and at the municipal courts of these cities/towns. These departments also provide support at misdemeanour courts in domestic violence cases and refer victims and witnesses to specialised civil society institutions and organisations, depending on their needs.

Information and support are provided by telephone and when the victim/witness enters the court building. Information is also provided by email.

For more information, please visit the following [Croatian Ministry of Justice page](#).

Will the police automatically refer me to victim support?

When informing the victim about their rights, the police officer also provides the victim with information on their rights in writing and any available information on victim-support services, including the toll-free victim support

helpline number. The rights information sheet includes the contact details of:

- the competent victim and witness support department;
- the civil society organisations in the relevant county;
- the National Call Centre for Victims of Crimes and Misdemeanours (116-006);

How is my privacy protected?

Competent authorities may collect personal information only for purposes laid down by law, as part of their duties laid down in the Code of Criminal Procedure.

Personal information may be processed only when specified by a law or other legal provision, and such processing must be limited to the purpose for which the information has been collected. Further processing of such information is permitted, unless it is contrary to the purpose for which the information has been collected, and provided the competent bodies are authorised to process such information for another purpose laid down by law and the further processing is necessary and commensurate with the other purpose.

Personal information relating to someone's health or sexual life may be processed in exceptional cases only, where the criminal offence is subject to a custodial sentence of five years or more and could not be detected or prosecuted in any other way, or where detection/prosecution would be fraught with disproportionate difficulties.

No processing of personal information relating to race or ethnicity, political persuasion, religious or philosophical belief, or trade union membership is permitted.

Personal information collected for the purposes of criminal proceedings may be forwarded to government bodies in accordance with a special law, and to other legal entities, only if the Public Prosecutor's Office or the court finds they require such information for a purpose laid down by law. When such information is forwarded, the relevant legal entities are reminded of their duty to protect the data of the persons concerned.

Personal data may be used, in accordance with the relevant legislation, in other criminal proceedings, in other proceedings dealing with punishable acts that are conducted in Croatia, in procedures relating to international criminal justice assistance, and in international police cooperation efforts.

Do I have to report a crime before I can access victim support?

The victim receives information and support from the victim and witness support department of the relevant court or civil society organisation even if they fail to report the crime.

Personal protection if I'm in danger

In accordance with Article 99 of the Police Tasks and Powers Act, unless provided otherwise by a separate law, and for the period of time there are reasonable grounds for such action, the police provide appropriate protection for the victim and any other person who has provided or may provide information relevant to the criminal proceedings, or for any person close to them, if they or persons close to them are at risk of danger from the offender or other individuals involved in the criminal proceedings. Victim protection provided by the police means 24-hour physical protection.

What types of protection are available?

In accordance with Article 130 of the Misdemeanours Act, the police may, temporarily and for up to eight days, order a precautionary measure against the individual reasonably suspected of having committed the offence. In practice, this usually translates into injunctions prohibiting the suspect from visiting a particular place or area (eviction from the victim's home), from approaching a particular person, or from making or maintaining contact with a particular person. Within eight days the police file charges with the competent misdemeanour court, which will then make a decision as to whether to suspend or extend the precautionary measure ordered. In addition, during the misdemeanour proceedings, the court may, under the Domestic Violence (Protection) Act, order the following measures to be taken against the offender:

1. compulsory psychosocial treatment;

2. an injunction prohibiting the offender from approaching, harassing, or stalking the victim of domestic violence;
3. eviction from the shared home;
4. compulsory treatment for substance abuse.

Under the Misdemeanours Act, the court may also apply other protective and precautionary measures designed to protect the victim from being approached or harassed by the suspect.

Furthermore, in accordance with the Code of Criminal Procedure, the court and the Public Prosecutor may, instead of remanding the individual charged in custody, order one or more precautionary measures, including an injunction to prohibit the offender from visiting a particular place or area, from approaching a particular person, from making or maintaining contact with a particular person, or an injunction prohibiting the offender from stalking or harassing the victim or another person, or eviction from the victim's home.

Who can offer me protection?

The victim can obtain information from the police about all their rights, including information on their right to protection, the types of protection offered, and on action to be taken by the police to protect the victim.

Will someone assess my case to see if I am at risk of further harm by the offender?

Once the investigation has been completed and the relevant documents have been submitted to the competent criminal justice bodies, the police do not carry out any further assessment of the victim's needs, except to carry out any of the protective or precautionary measures ordered. If reports of new circumstances are received pointing to a renewed threat from the offender, the police will take further action to protect the victim in line with its assessment and the facts of the case.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

The criminal justice system (during investigative and court proceedings) operates in such a way as to respect the victim's rights and their standing in the criminal proceedings, in accordance with the Code of Criminal Procedure. Before examining the victim, the prosecuting body conducting the investigation makes an individual assessment of the victim's situation in cooperation with bodies, organisations or institutions that provide support and assistance to victims of crime. The individual assessment includes determining the need to apply special protection measures for the victim's benefit. If such a need exists, the prosecuting body determines the protection measures to be applied (special questioning arrangements for the victim, the use of communication technologies to prevent any visual contact between the victim and the offender, and other measures laid down by law). Where the victim of a crime is a child, the need to apply special protection measures is presumed and special protection measures are determined. The individual assessment takes particular account of the victim's personal characteristics, the type and nature of the offence, and the circumstances in which the offence was committed. Special attention is paid to victims who have suffered major harm because of the gravity of the offence, victims of an offence committed because of the victim's particular personal characteristics, and victims whose relationship to the offender makes them particularly vulnerable.

What protection is available for very vulnerable victims?

The criminal justice system (during investigative and court proceedings) operates in such a way as to respect the victim's rights and their standing in the criminal proceedings, in accordance with the Code of Criminal Procedure. Before examining the victim, the prosecuting body conducting the investigation makes an individual assessment of the victim's situation in cooperation with bodies, organisations or institutions that provide support and assistance to victims of crime. The individual assessment includes determining the need to apply special protection measures for the victim's benefit. If such a need exists, the prosecuting body determines the protection measures to be applied (special questioning arrangements for the victim, the use of communication technologies to prevent any visual contact between the victim and the offender, and other measures laid down by law). Where the victim of a crime is a child, the need to apply special protection measures is presumed and special protection measures are determined. The individual assessment takes particular account of the victim's personal characteristics, the type and nature of the offence, and the circumstances in which the offence was committed. Special attention is paid to victims who have suffered major harm because of the gravity of the offence, victims of an offence committed

because of the victim's particular personal characteristics, and victims whose relationship to the offender makes them particularly vulnerable.

I am a minor – do I have special rights?

Child victims of crime have the following additional rights:

1. the right to a representative paid for by the State;
2. the right to have his/her personal information treated confidentially;
3. the right to have the public excluded.

A child is any person under 18 years of age.

A child witness or victim is examined by the investigating judge at an evidentiary hearing, and the summons is sent to the child's parents or guardian.

My family member died because of the crime – what are my rights?

Under the Victims of Crime (Financial Compensation) Act, when the direct victim dies as a result of a violent crime, the indirect victim (spouse, partner, parent, foster child, foster parent, stepmother, stepfather or stepchild of the direct victim or the person with whom the direct victim lived in a same-sex relationship) is entitled to financial compensation as prescribed by the Victims of Crime (Financial Compensation) Act.

If the indirect victim was supported by the deceased (direct) victim, they are entitled to compensation of up to HRK 70 000 for loss of statutory maintenance and to compensation of up to HRK 5 000 for normal funeral expenses they have incurred.

Any person whose family member lost their life as a victim of a crime is entitled, as an injured party, to participate in the criminal proceedings and claim compensation (whether in criminal or civil proceedings).

My family member was a victim of crime – what are my rights?

'Indirect victim' means the spouse, partner, child, parent, foster child, foster parent, stepmother, stepfather or stepchild of the direct victim or the person with whom the direct victim lived in a same-sex relationship.

Grandparents and grandchildren can also be indirect victims, if one of them was the direct victim and they were permanently living together with the grandparents replacing the parents.

Non-marital and same-sex relationships are treated in accordance with Croatian law.

If the crime victim dies, indirect victims are entitled to compensation (for the loss of statutory maintenance and for normal funeral expenses).

Can I access mediation services? What are the conditions? Will I be safe during mediation?

Croatia operates the *victim-offender mediation model* in pre-criminal proceedings for minor and young adult offenders, under the conditional opportunity principle in accordance with the Juvenile Courts Act governing the special obligation for minor and young adult offenders to engage in the mediation process through out-of-court settlement. This means that if the minor offender complies with this obligation, they do not have to stand trial.

Since 2013, Croatia has had a total of 60 mediators, who received their training in a one-year programme consisting of 170 teaching hours (comprising lectures, assignments, role-play and practical mentoring exercises, and supervision). They are the only professionals in Croatia authorised to administer restorative justice in criminal cases. They received their certificates from the Croatian Ministry of Social Policy and Young People, the Out-of-Court Settlement Association, and UNICEF.

As a result, the central town of each Croatian county has an out-of-court settlement service.

Where can I find the law stating my rights?

[The Code of Criminal Procedure](#)

[The Victims of Crime \(Financial Compensation\) Act](#)

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