

The logo for V-START, featuring the text "V-START" in a dark blue, sans-serif font. The letter "A" is replaced by a red icon of a person with their arms raised, set within a red triangle.

V-START

Guide for victims
of hate crimes



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Human Rights House Zagreb is a human rights organisation established in 2008 as a network of civil society organisations whose goal it is to protect and promote human rights and fundamental freedoms. The HRH's vision is to build a democratic, pluralist and inclusive society founded upon the values of human rights, the rule of law, social justice and solidarity. The HRH contributes to the protection, promotion, development and advancing of human rights and fundamental freedoms through research, monitoring, public advocacy and education. By publishing annual human rights reviews, thematic reports and statements, we help to create better laws and public policies.

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The expressions used in this publication refer to all persons.

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1 What is hate crime?

Hate crime is any criminal offence committed for reasons of another person's racial affiliation, colour of skin, national or ethnic origin, language, disability, sex, sexual orientation or gender identity. Those motives are considered hateful and the Criminal Code proscribes more severe penalties either based on the qualified form of the offence either based on the fact that the motives are considered an aggravating circumstance in legally defined criminal offences. Qualified form of the offence is severe form of the same offence, for which the law proscribes severe penalty in comparison with its fundamental form.

Example: Body injury is the criminal offence. However, if the body injury is motivated by person's racial affiliation, colour of skin, national or ethnic origin, language, disability, sex, sexual orientation or gender identity, such offence is qualified form (body injury criminal offence qualified by hatred). Such offence is considered as hate crime for which the law proscribes more severe penalty in comparison with its fundamental form.

2 Why report a hate crime?

Anyone can become a victim of hate crime. Due to the specific motive with which the criminal offence was committed against a certain person (prejudice on the basis of any of the aforementioned grounds), a hate crime has consequences that far exceed the relationship between offender and victim, and are reflected in the society as whole. Hate crime is an especially sensitive category of criminal offence, which regrettably very frequently goes unreported because of the fear, shame, and unawareness either of the legal consequences of criminal offences committed out of hatred, or of one's own rights. By reporting a hate crime, the victim gains the possibility to receive adequate protection and support, while also confronting the community where the hate crime was committed with the grave consequences it leaves behind. If you report a hate crime, the police is obliged to conduct a detailed investigation of any alleged motive on which the crime was based.



3 To whom and how to report hate crime?

The hate crime can be reported to police and state attorney.

Police

The criminal offence can be reported to the police either in person, at a police station, in writing, or to the telephone number 112. At the victim's request, the police will issue a confirmation on the submitted report.

After receiving a report of hate crime, the police must gather information on the criminal offence, its perpetrator, accomplices, traces, evidence and other circumstances useful to uncovering and unravelling the offence, with a particular emphasis on establishing the following: (a) whether the victim belongs to a group belonging to which would have served as a motive for the hate crime, (b) the motive of hatred in committing the crime and the perpetrators belonging to a group, (c) the consequences, (d) the method of establishing whether the event was motivated by hatred, (e) qualification of the event. Conduct in establishing the above-mentioned data will be guided by the principle of protection of the participants' privacy and private data. After they have gathered all the information, the police will

draw up criminal charges, which are immediately delivered to the competent state attorney's office to proceed accordingly. The police must specifically label hate crime cases, and register the information on the perpetrator and the injured parties, the criminal or misdemeanour offence, and the motive of the crime in a special Hate Crime Register.

State attorney's office

A criminal report is submitted to the state attorney's office in writing, orally or by other means (for instance, by phone or other communications device), against a known or unknown perpetrator of a criminal offence. A victim who reported a crime has to receive a written confirmation of their having submitted the report.

The state attorney must allow a victim who does not speak or understand the Croatian language to file a criminal report with the help of an interpreter or another person who speaks and understands the Croatian language and the language of the victim.

A victim who does not speak or understand the Croatian language may submit a request to be issued a confirmation of their having reported the criminal offence in a language they understand, at the state's expense. On receiving the criminal report, the state's attorney will examine it, and check the information in the State Attorney's Office Infor-

mation system, for instance, whether there is information available in relation to the criminal report or to the perpetrator, that is, whether the perpetrator has already been reported and whether any proceedings have been instituted against them, etc.

If it establishes that the victim has been found to be in need of special protection (more on special protection measures hereinafter), the State Attorney's Office will suggest to the investigating magistrate to question such a victim in an evidentiary hearing by means of an audio-video device. The State Attorney's Office must keep record of all cases where hatred was a motive in their commitment.

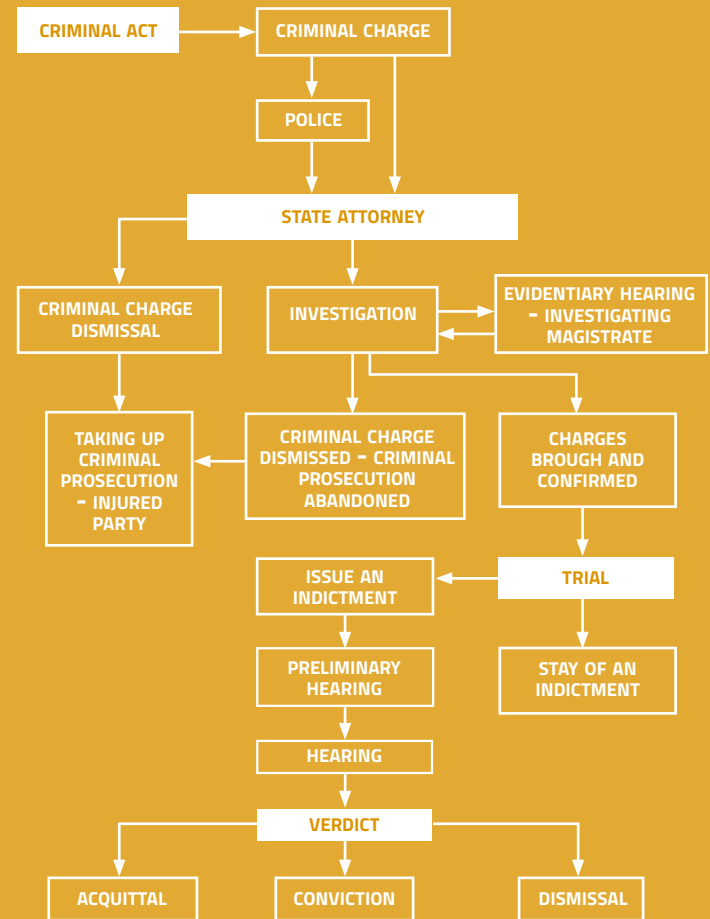


Image 1. Criminal proceeding phases

4 What does it mean to be a victim, injured party or witness in legal proceedings?

Who is the victim?

A victim of a criminal offence is a person against whom a criminal offence has been committed, that is, a natural person who suffered physical or mental consequences, material damage or substantial violation of their fundamental rights and liberties as a consequence of the commitment of the criminal offence. Such victims are also called immediate victims.

Spouses and extra-marital partners, life partner or informal life partner; offspring, and, if there are none, siblings of a person who died as a consequence of a criminal offence, as well as a person for whom the victim was a legal guardian can be considered secondary victims.

The victim may take part as an injured party in criminal proceedings, if he/she declares their desire to do so to the relevant authorities (the police, State Attorney's Office or in court).

In criminal proceedings, the victim is generally summoned as a witness.

Who is the injured party?

Beside the victim, an injured party is a person whose personal or property rights have been violated or threatened by a criminal offence, who takes part in criminal proceedings as an injured party

What does it mean to participate in the proceedings as an injured party? This means that the victim, or another person whose right has been violated, gets a more active role in the criminal proceedings, that is, becomes a participant in the proceedings, as, in addition to the general rights a victim has, they also gain additional, procedural rights.

How, and to whom, can one apply to take part in the proceedings as an injured party? Before an indictment is filed, it is possible to ask to be registered as an injured party with the police or the State Attorney's Office. After the indictment is filed and until the end of the proceedings, with the court.

Who is a witness?

A person called to be interviewed at the State Attorney's Office or the court, as it is likely that they may provide information about the criminal offence, perpetrator, or other important circumstances. Any person called as a witness must comply with the State Attorney's Office or the court's summons, and is obliged to testify. A witness is summoned with a written notification.

A witness must speak the truth and may not omit anything. The state's attorney and the judge have a duty to warn the witness of the consequences of giving false testimony (giving false testimony is a criminal offence). If the witness does not comply with the summons, they will be called again, and if they fail to comply, they may be apprehended by the police, or penalised with a fine of up to 50,000.00 HRK (this warning is included in the subpoena).

A witness must inform the court in case they are unable to appear in court, that is, they must account for their non-appearance and notify the court of any change of address. The witness has no right to a legal representative in the criminal proceedings. If the victim does not take part in the proceedings as an injured party, he/she will generally be summoned as a witness.



5 What are the rights of the victims of hate crimes?

Victims of hate crime have all the general rights of victims of criminal offences, with additional rights beside those if an individual assessment has established their special vulnerability. More on the individual assessments and special protection measures hereinafter.

5.1. What are the rights of all victims?

Victims of all criminal offences including hate crime, have the following general rights:

The right to access support services for victims of criminal offences

In order to be acquainted with their rights, as well as to obtain emotional support in the before, during and after the proceedings, a victim may directly contact the Victim and Witness Support Department, as well as civil society organisations where victim and witness support departments have not been established.

Victim and witness support is provided by departments of county courts in Zagreb, Vukovar, Osijek, Zadar, Split, Sisak



and Rijeka. Their objective is to relieve the stressful situations of testifying and spending time in court:

- By providing emotional support to victims/witnesses before, during and after testifying in court,
- By providing practical information and information on the rights of victims, witnesses and their family members,
- By providing information on the stages of proceedings in criminal and misdemeanour cases

- Securing special rooms for victims and witnesses to stay in
- Securing accompaniment for victims and witnesses during testifying
- Referring victims, witnesses and persons accompanying them to specialised institutions, depending on their needs

Civil society organisations included in the program “Victims and Witnesses Support Network for Criminal Offenses and Misdemeanors”, financed by the Ministry of Justice and helping victims to face psychological, emotional, social and practical losses, providing emotional, psychological and/or practical assistance, protection, advice and information. These are:

- **Victim and Witness Support Association (Udruga za podršku žrtvama i svjedocima)** for Varaždin and Međimurje counties (contact: 095/116 00 66)
- **The Center for Civil Initiatives Poreč (Centar za građanske inicijative Poreč)** – for Istra County (contact: 095/3500-733)
- **DELFIN - Center for support and development of civil society (Centar za podršku i razvoj civilnog društva)** – Požega-Slavonija and Baranja-Bilogora counties (contact: 034/411-780)
- **DEŠA – Dubrovnik** – Dubrovnik County (contact: 020/311-625)
- **The HERA association for the protection and promo-**

tion of human rights in Križevci – Koprivnica-Križevci and Bjelovar-Bilogora counties (contact: 048/271-335)

- **The Information-Legal Centre (Informativno pravni centar)** – Brod-Posavina County (contact: 035/448-533)
- **The KORAK women’s group Karlovac** – Karlovac and Lika-Senj counties (contact: 047/600-392)
- **S.O.S. Virovitica – counselling, strengthening, co-operation** – Virovitica-Podravina County (contact: 033/721 500)
- **CESI – SOS telephone and counselling** – Krapina-Zagorje County (contact: 049/492-688)
- **The Zvonimir Association** – Šibenik-Knin County (contact: 022/662-554)
- **Women’s Room (Ženska soba)** – centre for sexual rights (contact: 01/6119-174)
- **The National Call Centre for Victims of Criminal and Misdemeanour Offences**

The right to effective psychological and other professional assistance and support by bodies, organisations or institutions providing assistance to victims of criminal offences

Victims may get additional psychological and other professional assistance by directly contacting other civil society organisations, as well as general medical practitioners, social welfare centres, polyclinics, hospitals and other health-care institutions. There is no support system in the Republic of Croatia intended exclusively for victims of hate crime,

but the existing forms of institutional and non-institutional support for all victims of criminal offences are also available to hate crime victims. Victims of hate crime may thus directly contact organisations engaged in protection and promotion of their rights, such as:

- **Lesbian Association Kontra** provides counselling for lesbian and bisexual women, as well as legal assistance (contact: 098/238-308, email: kontra@kontra.hr, www.kontra.hr)
- **Lesbian Organisation LORI** provides the service of psychological counselling for members of sexual and gender minorities (contact: +385 (0)51/212-186, +385 (0)91/493-4133, +385 91/593-4133, www.lori.hr)
- **The Zagreb Pride association** provides legal assistance and representation for the LGBTIQ population (contact: +385 (0)1/580-6560, info@zagreb-pride.net, www.zagreb-pride.net)
- **The Centre for Peace Studies** provides assistance in cases of discrimination, especially on grounds of race/colour of skin, ethnic affiliation, religious belief and national origin, as well as in civic status issues regarding citizenship, residence, asylum and subsidiary protection in Croatia (contact: tel/fax: +385 1/482-0094, mobile: +385 (0)91/330-0181, email: cms@cms.hr)
- **The Croatian Law Centre (Hrvatski pravni centar)** provides free legal aid, as well as legal aid for asylum seekers and persons who were granted international subsidiary protection (contact: +385 (0)1/4854-934, email: hpc@hpc.hr, www.hpc.hr)
- **The Serb National Council** provides free legal aid to members of the Serb national minority (contact: 01/4886-368, 01/4886-372, email: ured@snv.hr, www.snv.hr)
- **Autonomous Women's House Zagreb** provides legal and psychological assistance to women victims of violence, as well as shelters for women and their children (contact: 0800/55-44, email: azkz@zamir.net, www.azkz.net)
- **The B.a.B.e. association** provides free legal and psychological assistance in solving problems directly or indirectly related to human rights violations (contact: +385 (0)1/4663-666, babe@babe.hr, www.babe.hr)
- **Centre for Women Victims of War - ROSA** – provides psychological and legal assistance to women survivors of human trafficking for sexual exploitation and prostitution (contact: 385 (0)1/455-1128, SOS telephone: 0800/77-99, email: cenzena@zamir.net, www.czzzr.hr)
- **White Circle Croatia (Bijeli krug Hrvatske)** provides legal, social and psychological counselling to victims of all forms of violence, with an emphasis on domestic violence (contact: 0800/63-29, +385 (0)21/783-449, bijeli.krug@gmail.com, www.bijelikrug-hrvatske.hr)
- **The Women's Room association** provides free assistance and support for persons who survived

sexual violence (contact: +385 (0)1/6119-174,
091/150-5225, email: zenska.soba@zenskasoba.hr,
www.zenskasoba.hr)

The right to protection from intimidation and retaliation

This is a victim's general right, realised through a number of other rights such as a victim's right to propose prescribing precautionary measures, prescribing safety measures etc. Precautionary measures differ from safety measures in that they can be decreed both before and during the criminal proceedings, while safety measures are decreed after the ruling has been enforced, that is after the ruling has become final and has been delivered to the parties.

The victim thus has the right, both before the criminal proceedings have been initiated and over their course, to propose (either to the state's attorney or to the court – depending on the stage the criminal proceedings are in) any of the measures of precaution, limiting the accused's ability to establish and maintain social contacts, business activities or their movement, that is, ability to visit certain places.

Precautionary measures are:

1. prohibition from leaving the place of residence,
2. prohibition of access to certain places or areas
3. obligation to regularly contact a certain person or state authority
4. prohibition from approaching a certain person
5. prohibition from making or maintaining contact with a certain person



6. prohibition from conducting certain business activities
7. temporary seizure of passport or other documents allowing movement across international boundaries
8. temporary seizure of licence to operate a motor vehicle

The aim of safety measures is to avert circumstances that would enable or function as an incentive to the commitment of a new criminal offence. Safety measures are active from the moment the ruling becomes final.

Safety measures are: mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psycho-social treatment; prohibition from performing certain duties or work; prohibition from operating a motor vehicle; prohibition from approaching, harassing, stalking; removal from the shared household; prohibition from accessing the Internet and protective supervision upon completion of a prison sentence.

The right to protection of dignity when interviewing the victim as a witness

This is likewise a victim's general right, which it realises through a number of other rights, such as a special method of questioning (sensitised so as not to ask questions regarding strictly personal life or in relation to prior sexual life), the possibility of requesting that the public be excluded from the hearing, or that a person of trust may be present at the victim's interview.

The right to be interviewed without unwarranted delay after criminal charges have been filed, and that further hearings are conducted only to the extent that it is necessitated by the criminal proceedings

Hearings do not only imply the informal questioning of the victim in the form of giving information to the police, but also the formal evidence-gathering activities of questioning.

The right to accompaniment by a person of trust when undertaking activities in which they are taking part

This means that each victim has the right for its person of trust (spouse/extra-marital partner, formal or informal life partner, parents, friend, representative of a civil organisation or other adult person determined by the victim) to be by their side throughout the stages of the process (that is, since reporting the crime to the police to giving a statement in court). Only those persons summoned or proposed as witnesses in the same criminal proceedings cannot be the person of trust.

The right to have any medical procedures on the victim be as limited as possible, and only if they are absolutely essential from the perspective of the criminal proceedings

For instance, a gynaecological examination of the victim may only be undertaken with her written consent. Were the victim not to give such written consent, the court can order such an examination, if it is essential from the perspective of the criminal proceedings.

The right to submit a proposal to prosecute and institute civil proceedings

This means that for those criminal offences which are not prosecuted ex officio, but are initiated at the request of a private person, the motion to prosecute is filed with the state's attorney. If the criminal offence committed is prosecuted in civil proceedings (e.g. bodily harm), the action is filed with the competent court.

The right to participate in criminal proceedings as the injured party

This means that the victim, or another person whose right has been violated, gain a more active role in the criminal proceedings, that is, become participants in the proceedings, as beside the general rights of all victims, they also acquire additional procedural rights, on the condition that they stated their wish to take part in the proceedings as an injured party to the police, state's attorney or court. This option remains open until the end of the proceedings.

The right to be informed about the dismissal of criminal charges and the state's attorney's abandonment of criminal prosecution

In cases where the state's attorney abandons criminal prosecution, having established that there are no grounds for prosecuting for the offence, the state's attorney will notify the victim and inform them that they can take up the criminal prosecution themselves (injured party as plaintiff). The victim can do so within eight days from receiving the

notification. In this case, the victim becomes a party in the process, that is, replaces the state's attorney.

The right to be informed by the state's attorney about the actions undertaken to pursue the criminal charges and the right to submit a complaint to a senior state's attorney

Up to two months after filing criminal charges, the victim and the injured party may request information from the state's attorney as to which actions have been undertaken as a result of the criminal charges (for instance, whether an indictment has been filed against the suspect).

The state's attorney is obliged to inform the victim and injured party about the actions undertaken within 30 days of receiving the request. If the state's attorney were not to inform the victim within the given deadline, or if the victim were not satisfied with the actions undertaken, the victim and the injured party may submit a complaint to a senior state's attorney.

A state's attorney must decide on whether to file criminal charges within 6 months of the entry of the criminal charges in the records of criminal charges, and inform the victim and the injured party, if they are the ones who lodged criminal charges. In case the state's attorney does not proceed in this way, the victim and the injured party can submit a complaint to a senior state's attorney for failure to act on the criminal charges, as this leads to delays in the proceedings.

The right to be informed on demand, without undue delay, as regards the termination of detention or remand, the accused's flight or release from prison, as well as the measures taken for his/her protection

On the victim's demand, the relevant authorities (the police/ Justice Ministry – Victim and Witness Support Service) must inform him/her if the accused has left detention/remand, or has fled or been released from prison.

The right to be informed on demand regarding any decision ending the criminal proceedings with final force

If the victim demands so, the body authorised to end the proceedings with final force is obliged to inform him/her about its decision (e.g. the court would not deliver its decision to a victim not participating in the proceedings as an injured party unless he/she requested it).



Other rights defined by the law:

The right to information (briefing on victims' rights) that the police, investigator, State Attorney's Office and the court have to give, including the right to take part in the proceedings as an injured party, and the meaning of such participation in the proceedings.

If the victim reported the criminal offence to the police, the police must, at the victim's request, give a document confirming the receipt of the criminal report. The police, the investigator, State Attorney and the presiding judge are obliged to familiarize the victim with the victims' rights in an understandable manner. They are therefore obliged to explain the meaning of the injured party's significance in the proceeding.

The right to a counsellor's professional assistance, at the state's expense, if the victim has suffered grievous psychological and physical harm or grievous consequences of a criminal offence, for those criminal offences for which the mandated sentence is five or more years in prison.

The victim has the right to a counsellor's assistance at the state's expense only as regards lodging a claim for damages. If the proceedings are not yet in progress, the victim may also be offered such assistance by Victim and Witness Support Departments, while during proceedings, such assistance is provided by attorneys from a list compiled by the county court from within its jurisdiction.

Therefore, the victim has no right to an attorney throughout the criminal proceedings, only to assistance in submitting a claim for damages. If the victim also states his/her desire to take part in the proceedings as an injured party, he/she has the right to representation by an attorney of his/her own choice.

The right to pecuniary damages to be paid from the State budget, pursuant to special legislation, if the criminal offence committed against victim is violent and deliberate

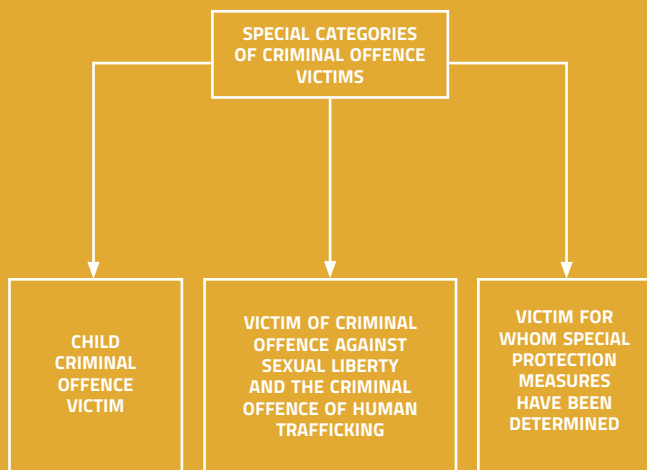
The right to damages is based on the Act on Financial Compensation for Victims of Crime. The compensation is paid from the State budget, in the form of a one-off compensation amounting to a maximum of 35,000.00 HRK. The conditions that have to be met for the victim to be granted damages:

- That the victim of a deliberate criminal offence has suffered grievous physical injury or damage to health, or death, as a consequence of the criminal offence
- That the victim is a citizen of the RC or an EU member state and is resident in the RC or an EU member state
- That the criminal offence was reported to, or registered by, the police or the State Attorney's Office within 6 months of the day it was committed, regardless of whether the perpetrator is known and regardless of whether the criminal proceedings have been initiated
- That the request for damages has been submitted in writing, on an official form, with the accompanying

documentation (proof of citizenship, certificate of residency, victim's death certificate, written confirmation of the reported crime, the victim's statement declaring that no compensation recognised in the Act on Financial Compensation for Victims of Crime has been granted on other legal grounds, the victim's medical documentation on the basis of which the damages are sought (hospital report, medical test results and doctor's notes, discharge papers, sickness absence report, medical services bills, receipts for regular funeral costs, other relevant certificates or documents that might be of significance to the ruling on damages. The form can be obtained in any police station, state attorney's offices, municipal and county courts and the websites of the Justice Ministry, Interior Ministry, RC State Attorney's Office and municipal and county courts.

The Financial Compensation Committee rules on the merits of the request and the size of the compensation within 60 days of receiving the request. If the request is approved, the compensation will be disbursed within 30 days from the day the ruling on damages is delivered to the victim.

5.2. What are the rights of special categories of victims of criminal offences?



5.2.1. Child criminal offence victim

In addition to the rights enjoyed by all victims, a child who is a victim of a criminal offence has additional rights:

- **To an attorney at the state's expense.** This means that the child has the right to an attorney over the course of the criminal proceedings, appointed ex officio by the president of the County Court, from a list provided by the Croatian Bar Association,
- **To confidentiality of personal data,**
- **To excluding the public.** As a rule, when a child is the victim of a criminal offence, the public may be excluded for the entire duration of the proceedings or part of them.

The court, State Attorney's Office, investigator and police must treat the child victim of a criminal offence with consideration, having in mind its age, personality and other circumstances, so as to avoid harmful consequences to the child's education and development.

The investigating magistrate conducts the questioning of the child in the evidentiary hearing, but the under-age injured parties can be interviewed at home or in another appropriately equipped space. The interview is conducted in the absence of the parties and the judge, by a professional – a psychologist or pedagogue – with the parties and judge only able to pose questions to the child through the professional. A person the child trusts may be present in such interviews.

5.2.2. Victim of criminal offence against sexual liberty and the criminal offence of human trafficking

In addition to the rights belonging to all victims, a victim of a criminal offence against sexual liberty (a qualified form of such criminal offence if it was committed out of hatred) and the criminal offence of human trafficking has additional rights:

- **To talk to a counsellor before the questioning, at the state's expense.** This means that as a victim, you have the right to request before the questioning (whether at the police station, a state attorney's office or a court – depending on the stage of the proceedings) to talk to a counsellor at the state's expense. A lawyer or a professional associate of the Victim and Witness Support Department can act as the counsellor. A lawyer's assistance generally concerns assistance in submitting claims for damages, while the Department's assistance involves emotional aid and support before giving a statement.
- **To an attorney at the state's expense.** The victim has the right to an attorney throughout the criminal proceedings. The president of the competent County court appoints an attorney for the victim from a Croatian Bar Association list, at the state's expense.
- **To be questioned by a person of the same sex at the police station or state attorney's office, and, if possible, to be questioned by the same person in case of re-interviewing.** This right does not pertain to questioning in court.
- **Withhold answers to questions not related to the criminal offence, that concern the victim's strictly private affairs.** This means that you do not have to answer unnecessary questions concerning strictly private affairs, that do not concern the criminal offence, such as, for instance, questions about your prior sexual life, number of sexual partners and similar.
- **Request to be interviewed via an audio-visual device.** As a victim of hate crime for whom special protection measures have been determined on the basis of an individual assessment, you have the right to request (from the police, State Attorney's Office or court, depending on the stage of the proceedings) to be interviewed via an audio-visual device. Note: Interviewing adult victims of criminal offences is typically conducted in evidentiary hearings, with the person being interviewed in a separate room, without the presence of the parties and the judge. The victim is questioned by an investigating magistrate, but not through a professional acting as an intermediary, as is the case when interviewing children. In view of the fact that the victim has earphones through which he/she can follow the hearing, as well as the fact that the accused has the right to ask the victim questions, it is

important to stress that the victim has the option of requesting during the individual assessment process to be interviewed through a professional acting as an intermediary. A person the victim trusts may be present during questioning via an audio-video device.

- **Right to confidentiality of personal data**
- **To request that the public be excluded from the hearings.** At the victim's request, if the victim is younger than eighteen, the court can exclude the public for the entire duration of the hearings or for part of it. Moreover, at the victim's request, the court can exclude the public during the victim's examination as a witness, as well as for the duration of the hearings, in case this were necessary to protect the personal and family life of the accused, the victim, the injured parties or other participants in the proceedings.

5.2.3. Special protection measures for victims of hate crime

In addition to the rights belonging to all victims, certain victims such as hate crime victims may be granted special protection measures, on the basis of individual assessments.

An individual assessment of the victim includes establishing whether there is a need to apply special protection measures for the victim, and, if there is, which special protection measures should be applied (special method of interviewing the victim, use of communication technologies so as to avoid visual contact with the perpetrator and other measures determined by the law).

When the victim of a criminal offence is a child, it will be assumed that there is a need to apply special protection measures, and establish which special protection measures should be applied. Individual assessments are carried out by the bodies that conduct the questioning of the victim – the police, State Attorney's Office and court. Individual victim assessments are carried out with the victim's participation and taking into account his/her wishes, including the desire not to use the special protection measures determined by the law.

Victims of hate crimes for whom special protection measures have been determined on the basis of individual assessments have the following rights:



- **To talk to a counsellor before the questioning, at the state's expense.** This means that as a victim, you have the right to request before the interrogation (whether at the police station, a state attorney's office or a court – depending on the stage of the proceedings) to talk to a counsellor at the state's expense. A lawyer or a professional associate of the Victim and Witness Support Department can act as the counsellor. A lawyer's assistance generally concerns assistance in submitting claims for damages, while the Department's assistance involves emotional aid and support before giving a statement.
- **To be questioned by a person of the same sex at the police station or state attorney's office, and, if possible, to be questioned by the same person in case of re-interviewing.** This right does not pertain to questioning in court.
- **Withhold answers to questions not related to the criminal offence, that concern the victim's strictly private affairs.** This means that you do not have to answer unnecessary questions concerning strictly private affairs, that do not concern the criminal offence, such as, for instance, questions about your prior sexual life, number of sexual partners and similar.
- **Request to be interviewed via an audio-visual device.** As a victim of hate crime for whom special protection measures have been determined on the basis of an individual assessment, you have the right to request (from the police, State Attorney's Office or court,

depending on the stage of the proceedings) to be interviewed via an audio-visual device.

- **To confidentiality of personal data**
- **To request that the public be excluded from the hearings.** At the victim's request, if the victim is younger than eighteen, the court can exclude the public for the entire duration of the hearings or for part of it. Moreover, at the victim's request, the court can exclude the public during the victim's examination as a witness, as well as for the duration of the hearings, in case this were necessary to protect the personal and family life of the accused, the victim, the injured parties or other participants in the proceedings.

6 What are the rights of the injured party?

A victim who states to the police, state attorney's office or court that they wish to take part in the proceedings as an injured party acquire the following rights:

Right to use his/her own language, including deaf and deaf-blind sign language, and to the assistance of an interpreter if he/she does not understand or use Croatian, or to the assistance of a translator or sign language interpreter if he/she is deaf or deaf-blind

This means that the injured party has a right to demand (by submitting a request) for the information they need to exercise the rights the law grants them as an injured party to be translated at the state's expense, which includes translations of their hearings and questioning as a witness, as well as when interpreting is needed to allow active participation in the hearings.

Right to submit a proposal to be granted damages or temporary safety measures

A claim for damages is a request asking for compensation for damage to be paid by the perpetrator (material or non-material (pain suffered, fear, reduction of capabilities for life and similar)) or return of effects (if you can prove you

are the owner or legal holder of the effect), or to annul a certain legal dealing (if, for instance, the perpetrator forced you to enter into a contract).

A claim for damages arising due to the commitment of a criminal offence will be discussed during the criminal proceedings at the injured party's request, unless this would significantly prolong the proceedings.

Practical problem: since one of the conditions for even discussing a claim for damages is that this not significantly prolong the criminal proceedings.

A proposal to be granted damages in criminal proceedings is submitted to the body to which the criminal report is submitted (the police or state attorney's office) or to the court in charge of the proceedings. The proposal may be submitted at the latest by the conclusion of the evidentiary proceedings at the court of first instance.

If the injured party does not satisfy his/her claim for compensation in criminal proceedings, the court will instruct the injured party to start civil litigation by filing a lawsuit. This means that the injured party must file a lawsuit for damages to the competent civil court. The injured party may submit a proposal to secure the accused's property by a temporary measure, by "freezing" the accused's property so as to ensure the claim for damages.

Right to a representative

This means having the right to be represented in the proceedings by a lawyer. However, you do not have the right to a lawyer at the state's expense, only one you engage at your own expense.

Exception: if you are a victim of criminal offences against sexual liberties and human trafficking motivated by hatred and/or a child victim of a hate-motivated criminal offence, you have the right to an attorney at the state's expense.

Right to present facts and move to introduce evidence

This means you have the right to introduce certain evidence that is in your favour, point to illogicalities etc., both to the police, state attorney's office and the court.

Right to attend the evidentiary hearing

If you are also the victim, the state's attorney may, if he/she establishes that you need special protection measures during the proceedings, suggest to the investigating magistrate to question you at the evidentiary hearing using an audio-visual device, if you so request.

Right to attend the proceedings, take part in the evidentiary proceedings and make a closing statement

This means that you or your attorney can make an opening or closing statement in the trial, interrogate the accused, witnesses, experts and other participants in the proceedings, introduce evidence, while in the closing statement you

can explain your claim for damages and alert to evidence pointing to the accused's guilt.

Right to access the case file

You only acquire this right after you have been questioned.

Right to ask to be informed by the state attorney in respect of actions taken on the basis of his/her report and file a complaint to a senior state attorney

Two months after filing a criminal report, you have the right to request information from the state's attorney regarding the actions taken on the basis of the criminal charges or the report on the commitment of a criminal offence (for instance, whether an indictment has been filed against the suspect). The state's attorney is obliged to inform you on the actions taken within no more than 30 days of receiving the request. If the state's attorney does not inform you within the stated period, you can submit a complaint to a senior state's attorney.

A state's attorney must decide on whether to file criminal charges within 6 months of the entry of the criminal charges in the records of criminal charges, and inform the victim and the injured party, if they are the ones who lodged criminal charges. In case the state's attorney does not proceed in this way, the victim and the injured party can submit a complaint to a senior state's attorney for failure to act on the criminal charges, as this leads to delays in the proceedings.

Right to appeal

You have the right to appeal, but only the court's ruling on the claim for damages and the ruling on the costs of the criminal proceedings.

You have no right to appeal the ruling on guilt and the sentence!!!

Right to seek restoration of the previous situation

If you do not appear in the session where a ruling to dismiss the indictment was adopted as the state's attorney has abandoned criminal prosecution, and your failure to appear was for legitimate reasons, you have eight days to request restoration of the previous situation, and state in the plea that you are continuing the criminal prosecution.

Right to receive notice of the outcome of the criminal proceedings

This means that if the competent authorities ex officio do not inform the injured party about the outcome of the proceedings, the injured party may request such notice (for example, a written judgment must be delivered to the injured party if he or she has the right to appeal, and if not, the court will deliver it if the injured party so requests).

7 What are the rights of the witness?

In criminal proceedings, a witness has the following rights:

Not to answer individual questions if it is likely that this would expose him/herself or a close relative to criminal prosecution, ignominy or considerable material damage.

This means that the witness is not obliged to respond to questions pertaining to the victim's strictly personal affairs, and if it is likely that answering would expose him/herself or a close relative to criminal prosecution, ignominy or considerable material damage.

Use one's own language, use an interpreter if the witness is deaf, deaf-blind or mute

In cases determined by the law, the right to protection of physical safety, privacy (testifying under a pseudonym and via an audio-visual device so as to change the voice and image in cases of questioning "key witnesses")

Right to compensation of the material costs of appearing in court.

The accused's married or extra-marital partners, formal or informal life partners, direct relatives, indirect relatives up

to the third degree and in-laws to the second degree, adoptees and adoptive parents, as well as other persons specified in the Criminal Procedure Code, are exempt from the duty to testify

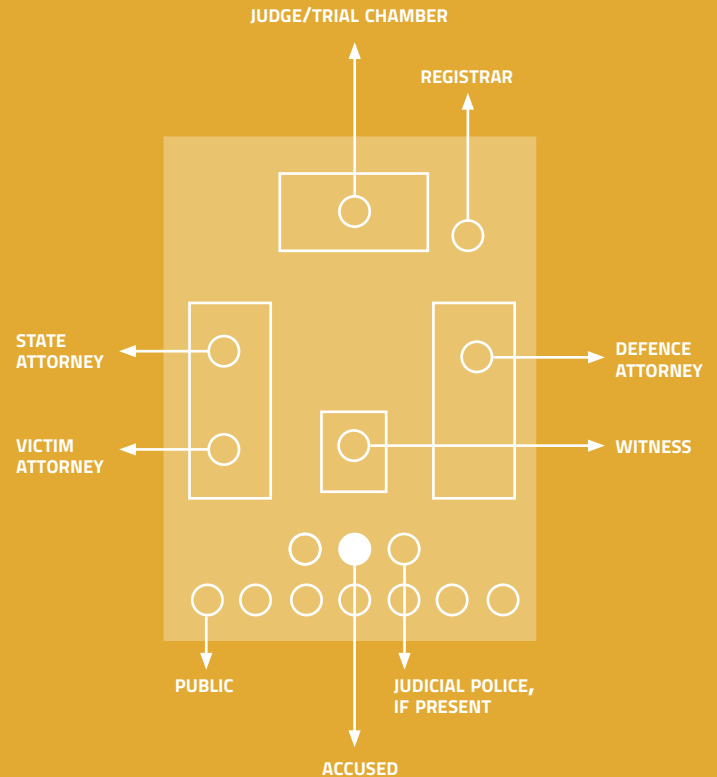


Image 2. Courtroom layout and setup



Are you a victim or a witness of a criminal or misdemeanour offence committed out of hate?

To report a criminal offence or misdemeanour, call:

112

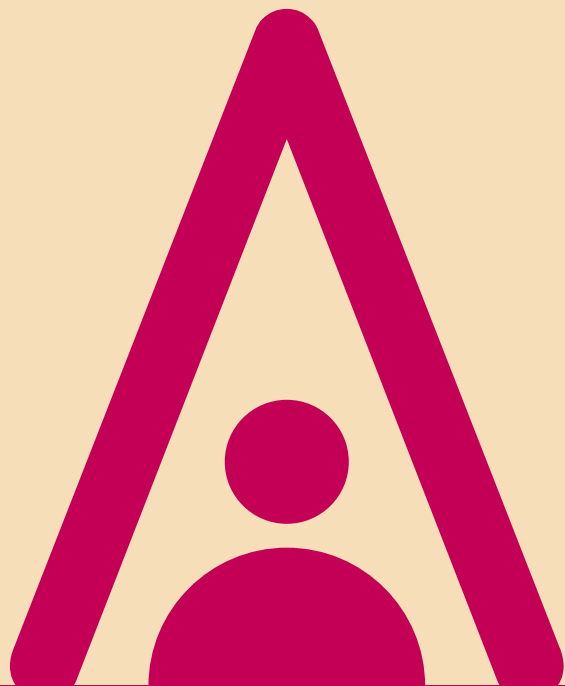
The common european emergency number

For assistance and support, call:

116 006

The national call centre for victims of criminal offences and misdemeanours

(a phone line accessible throughout the Republic of Croatia, which is completely FREE and ANONYMOUS, also available in English. It can be accessed weekdays from 8:00 until 20:00)



V-START



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