VICATIS – Victim-centered approach to improving support services

Croatian research report

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1. Foreword

This report presents the results of empirical research conducted in the scope of the project entitled *Victim-centered Approach to Improving Support Services (VICATIS)*. VICATIS is a transnational project funded by the Justice Programme of the EU under the Call JUST-JACC-VICT-AG-2016, dedicated to improved implementation of the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime¹ (Victims’ Directive).

The project is coordinated by the Croatian Law Centre, and implemented in partnership between the following organizations and institutions: Croatian Law Centre, Ministry of Justice of the Republic of Croatia, and Office for Human Rights and the Rights of National Minorities of the Republic of Croatia (HR); Patent Association (HU); Centre for Legal Research (RO); Association for Nonviolent Communication, and Peace Institute (SI).

Several EU-level reports (e.g. by EIGE², FRA³, and CECL and IALS⁴) on Victims’ Directive indicate the importance of appropriate and timely information, individualized to meet each victim’s needs. In all above, as well as in the recently completed TEVNAS⁵ project in Croatia, the right to information is identified as key not just of and in itself, but also for victims’ informed participation in the criminal proceedings and their full access to available services.

² http://eige.europa.eu/sites/default/files/documents/mh0115698enn_0.pdf
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Majority of studies use legal and institutional analyses of victims’ rights, and give little indication of victims’ perspective. The HR, RO, and SI partners have been involved with the FRA research project ‘Children in Justice’⁶, which has shown that professional and victim perspectives on the aspects of criminal procedure may be at variance, and that the lack of information, from the child victims’ perspective, represents the single most problematic aspect of the experience. These insights informed the project’s focus on the victim-centered approach, on assessment of the impact of EU regulation from this perspective, and on the provision of information to victims as key component of victims support.

The project aims to reach the following general objectives:

1. To improve understanding of the impact of current regulation, procedures, and institutional framework on the victims of crime through victim-centered research. This knowledge will be used for advocacy and tool development.

2. To contribute to advanced regulatory, procedural and institutional framework relevant to effective and coherent application of the Directive. Evidence-based improvements of victim-related public policies at national and EU levels will be advocated.

3. To develop tools supporting the realization of the victim’s right to information and referral to support services. Tools for diverse key target groups will be produced and disseminated.

The results of the project are expected to produce direct benefits to the victims of crime in each of the participating countries, to contribute to improved public policy, institutional and implementation frameworks dedicated to victims of crime at the national levels, and to inform the EU-level policy, regulatory, and decision-making efforts aimed at the protection of victims of crime.

2. Introduction

2.1. Legal Status of Victims of Crime in Croatia

Central provisions that regulate the position of the victim of crime in Croatian legal system are situated in the Criminal Procedure Act (further on: CPA).\(^7\) Victim has been introduced as a separate subject into the Croatian criminal procedural system in 2008, when the new CPA was adopted. Up to then, the notion of victim has been absent from the text of the Act. However, that does not mean that victims of crime did not have a recognized position in the criminal procedural system. Quite the opposite. A very strong procedural position was safeguarded for them through the procedural institution of an injured party.\(^8\) An injured party has traditionally held a very strong position in the Croatian criminal justice system, with the possibility to act as by-prosecutor in cases which were prosecuted by the State and to overtake the prosecution and act as the main prosecutor in cases where the State Prosecutor has declined to act or has decided to give up the prosecution. An injured party also had the right to ask for compensation of damages in criminal proceedings and had the obligation to participate in the proceedings as a witness.

Introduction of the victim as a separate procedural subject did not bring major changes to the procedural institution of an injured party. Rather, a victim of crime appeared as a separate procedural institution with specific procedural rights. Rights of victims of crime can be divided into two groups: extra-procedural rights and procedural rights. Extra-procedural rights primarily relate to support and

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\(^7\) Official Gazette, nos 152/08, 76/09, 80/11, 121/11 – consolidated text, 91/12 – Decision of the Constitutional Court of the Republic of Croatia, 143/12, 56/13, 145/13, 152/2014, 70/2017.

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Protection of victim support organizations, while procedural rights primarily relate to protection from secondary victimization in relation to victim participation in criminal procedure. In addition, victims can decide to take up the role of an injured party in criminal procedure, which gives them the opportunity to participate actively in criminal procedure with the goal of promoting their own procedural interests and achieving the outcome of the procedure that is going to be in line with those interests.

Latest changes in relation to the position of victims of crime have been introduced with the amendments to CPA from July 2017. The goal of those changes was to transpose the provisions of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the Directive). After those amendments have been introduced, it can be stated that the provisions of Croatian CPA are fully in line with the provisions of the Directive.

Definition of victim of crime is provided in Art 202 para. 11 of CPA. Pursuant to that provision a victim of crime is a natural person who has suffered physical and mental harm, economic loss or a substantial violation of basic rights and freedoms which were directly caused by a criminal offence. A spouse, a common law partner, a formal and informal living partner and a descendant, and if there are none of them, an ancestor, a brother and a sister of a person whose death has been directly caused by a criminal offence and a person the deceased was legally obliged to support, shall also be considered victims of crime.

Basic provisions regulating the position of victim are those of Art 43-50 of CPA. Art 43 para. 1 lists basic rights of all victims of crime. These rights include, among others: access to victims support services,

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effective psychological and other professional help and support of victim support services, protection from intimidation and retaliation, protection of his/her dignity during his/her interrogation as a witness, company of a person of trust when he/she is participating in procedural actions. Besides rights that are legally guaranteed to all victims of crime, specific rights are guaranteed to specific victim groups. For example, specific rights for children who are victims of crime are guaranteed in Art 44 para. 1, those of victims of sexual offences and victims of human trafficking in Art 44 para. 4. A new group of victims introduced in CPA with amendments from July 2017 are those in relation to whom specific protection needs were identified, following their individual assessment. Rights of the last group of victims are listed in Art 44 para. 5, and they include, among others, right to be interrogated by the person of the same sex, right to decline to answer questions of strictly personal nature which do not relate to criminal offence in question, right to be interrogated with the use of audio-video technology.

Besides CPA, there are other statutes that represent an important legal source for the position of victim of crime in Croatian legal system. These include, among others, Act on Financial Compensation to Victims of Criminal Offences, Act on Police Work and Authorities, Act on Protection from Family Violence, Act on Rights of Victims of Sexual Violence during the Time of Armed Aggression on the Republic of Croatia in Homeland War, Act on Free Legal Assistance and Courts Act. In Croatia, there are also many by-laws that touch upon questions relevant to the position of victims of crime.

13 Official Gazette, nos 70/2017.
14 Official Gazette, no 64/2015.
15 Official Gazette, no 143/2013.
17 The latest one is the Regulation on the Conduct of Individual Assessment of Victims, Official Gazette, no 106/2017.
2.1. b Legal Status of Victims of Domestic Violence

Domestic violence is a crime and a misdemeanour in Croatian criminal justice system. Therefore, in order to present legal status of victims of domestic violence, we must look at provisions of Croatian criminal, as well as misdemeanour, law. In this part of the report, we are just focusing on the position of victims of domestic violence, while the problems related to demarcation of family violence as a crime and family violence as a misdemeanour will be addressed in the following chapter of the report.

CPA does not contain any provisions that relate specifically to victims of domestic violence. Therefore, victims of domestic violence can make use of all the rights which are guaranteed to victims of crime generally, and when they also fall into a specific category of victims (e.g. children, victims with special protection needs) they can make use of rights guaranteed to that specific category.

Basic provision that regulates the position of victims of domestic violence as a misdemeanour in Croatia is Act on Protection from Domestic Violence (APDV). First Croatian APDV was adopted back in 2003. First APDV was replaced by the second APDV in 2009. Current APDV was adopted in July 2017, and it came into force on January 1, 2018. We will refer to the last one in this report. Rights of victims of domestic violence are regulated primarily in Art 6 of APDV. That provision, in para. 1 list 15 rights of victims of domestic violence, among others: right to access victim support services, right to effective psychological and other professional help and support from victim support services, right to be legally represented in the proceedings, right to be provisionally accommodated in an appropriate institution. The same provision also states that victims of domestic violence have other rights

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20 Official Gazette, no 70/2017.
prescribed by the statute that regulates criminal procedure, unless those rights, by its nature, can only be consumed by a victim of crime.

Croatian law that regulates the status of victims of domestic violence is strongly influenced by international and, especially, European law that regulates the same matter. Among international law, specific importance is given to the UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). Committee on the Elimination of Discrimination against Women, in its Concluding observations on the combined fourth and fifth periodic reports of Croatia, which were adopted in July 2015, expressed concern with regard to the phenomenon of violence against women in Croatia. Particular concern was expressed with regard to the following issues: delay in ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; practice of dual arrests, whereby women who are victims of domestic violence are being arrested and occasionally sanctioned, along with alleged aggressors, for being verbally insulting or defending themselves; accountability gap that results from women being compelled to pursue domestic violence charges under the legal framework of misdemeanour rather than criminal prosecution, given that the former allows for more rapid enforcement of protection orders but precludes stronger sanctions; exclusion from the law on protection against domestic violence of intimate partner relationships and past relationships where partners continue to pose the threat of violence in instances in which partners did not live together, lived together for less than three years or did not have children together; suspension of protection orders when an alleged perpetrator of domestic violence appeals against such an order; inadequate number of shelters for women who are victims of violence.

21 That is, CPA.
23 CEDAW/C/HRV/CO/4-5, p. 5. Available at
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In the European context, Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) cannot be bypassed. Republic of Croatia signed the Convention in January 2013, but it has been ratified only recently. During the period between signing and ratification, the Convention has become one of the leading ideological questions in the Croatian society. Main argument against ratification is that the Convention promotes gender ideology.

The most important EU law instrument which regulates the position of all victims of crime, and not only victims of domestic violence is already mentioned Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Provisions of this Directive have been transposed into Croatian law, primarily through amendments of the CPA.

2.1.c Prosecution of Domestic Violence

Domestic violence was first recognized as a separate legal phenomenon in Croatian law with the adoption of Family Act in 1998, which entered into force in July 1999. Pursuant to that Act, family


25 This topic has been extensively covered by the media. For media information, see https://www.vecernji.hr/vijesti/ratifikacija-istanbulske-konvencije-podijelila-hdz-1199880 (last visited November 15, 2017).
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violence was recognized as a misdemeanour and was punishable by imprisonment for up to 30 days. Before that, family violence could only be prosecuted as an act contrary to the Misdemeanours Against Public Order and Peace Act.

Family violence was first recognized as a crime in 2000. Amendments to the Criminal Code which were adopted that year introduced a new crime: Violent Behaviour in a Family. This crime existed in Croatian law up to 1 January 2013, when new Criminal Code (further on: CC) came into force. New CC abandoned the concept of family violence as an independent crime. Rather, family violence was regulated as an aggravated form of numerous criminal offences. The goal of this new approach to family violence in criminal law was to draw a clear line between family violence as a crime, on one side, and family violence as a misdemeanour, on the other side. However, this new concept also encountered a lot of criticism, especially for taking a softer stance towards domestic violence than previous legislation. This led the legislator to re-introduce domestic violence as an independent crime. This was done in 2015 with amendments to the CC.

Now again Croatia has family violence regulated as an independent crime.

At the same time, family violence was also regulated as a misdemeanour in Croatian law. As already stated, this was first done with Family Act from 1998. First statute that comprehensively dealt with family violence as a misdemeanour was the Act on Protection from Family Violence (further on: APFV), which was adopted in 2003. Family violence is still a misdemeanour pursuant to APFV from 2017.

Since family violence was and still is a crime and a misdemeanour, in practice it is often difficult to decide whether to prosecute the offender using the mechanisms of criminal justice or using the

26 Art 362 of the Family Act (Official Gazette, no 162/1998). This provision literally said the following: Marital spouse or any other family member of age, who, contrary to Art 118 of this Act, acts violently in a family, shall be punished by 30 days imprisonment.
28 Official Gazette, no 56/2015.

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mechanisms of misdemeanour justice. Criminal justice has at its disposal stronger sanctions, but misdemeanour justice is quicker to reply to instances of domestic violence. This still remains a question of a lot of controversy in Croatian law.

2.2. Policy Framework

Domestic violence is a very important public policy issue in Croatia. In September 2017 the Government adopted National Strategy on Protection from Family Violence for the period 2017-2022. The Strategy focuses on 7 issues: prevention of family violence, legislative framework for the protection from family violence, support to victims of family violence, psycho-social treatment of perpetrators of family violence, improvement of interdepartmental cooperation, education of experts who work in the area of family violence, and raising public awareness about the problem of family violence. This Strategy was preceded by the National Strategy for the Protection from Family Violence, for the period 2011-2016. There were further two National Strategies for the Protection from Family Violence, one for the period 2005-2007, and the second for the period 2008-2010.

Domestic violence in Croatia is recognized as an interdepartmental issue, i.e. a problem that needs to be tackled by coordinated action from various state and non-state actors. In 2010 a Cooperation Agreement was signed between the ministries in charge of justice, internal affairs, family and social

30 Official Gazette, no 20/2011.
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policy, and education. As a result of this agreement, National Team for Prevention and Suppression of Family Violence and Violence Against Women was founded, equipped with representatives of ministries that signed the agreement. Next to the National Team, County Teams were also founded, equipped with representatives of the police force, misdemeanour and criminal courts, health and educational institutions, social welfare centres and non-governmental organizations. The purpose of teams was to foster coordinated action in order to effectively follow and supervise the work of all competent authorities who act in cases of family violence and violence against women, and to improve the work of these authorities through the establishment and implementation of common education.33

Besides the National Strategy on Protection from Family Violence, there are further two policy documents that need to be mentioned in the context of this report. It is the National Policy for Gender Equality 2011-201534 and National Strategy for the Rights of Children in the Republic of Croatia for the period 2014-2020. One of seven areas of the former was elimination of all forms of violence against women. This is also going to be one of the priorities of the new Strategy on Gender Equality, which is in preparation.35 One of four strategic goals of the latter is elimination of all forms of violence against children.36

Other policy documents that need to be mentioned in the context of family violence and that deal with the issue of interdepartmental cooperation and coordination include Protocol on Mode of Operation in the Case of Family Violence and Protocol on Mode of Operation in the Case of Sexual Violence.

33 See National Strategy 2017-2022, p. 41-42.
36 Ibid.
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3. Data collection and methods

3.1. Fieldwork goals and research questions

One of the main objectives of the VICATIS project is to improve understanding of the impact of regulation, procedures, and institutional framework on victims of crime, with the victim-centered research being a principle mean of achieving the objective.

In that context, the first goal of empirical research described herein is to explore the victims’ experience, perceptions and attitudes towards victim support procedures in terms of information provision, referral, and collaboration between institutions.

Data obtained through interviews on a sample of victims of crime (and specifically, a sub-sample of victims of domestic violence) is envisaged to serve as an empirical base for the development of national-level recommendations for the improvement of the victim support procedures to ensure their better fit to the victims' needs.

Upon completion of empirical research in four participating countries and the analyses of results on the national level, a comparative analysis will be conducted, too. The comparative analysis will serve to assess to what extent has the national implementing regulation and practice led to the harmonization in the area of victims’ rights and support in participating EU member states, in view of developing potential recommendations for improved EU-level regulation and practice.
3.2. Research ethics and informed consent procedure

The discussion of research ethics and the development of precise procedures assuring appropriate researcher/interviewer approach, obtaining informed consent, guaranteeing confidentiality and personal data protection formed an important part of the fieldwork planning process. The project-level guidelines were developed during the First Coordinating Meeting held in Zagreb in November 2017, and implemented by each national research team in the fieldwork phase.

To assure harmonized approach of national research teams, relevant principles of research ethics relevant for research on human subjects were reviewed during the Coordinating Meeting, with a special focus on the informed consent procedure. In addition, the WHO ethical and safety recommendations for domestic violence research were discussed. Based on such discussion, letter for respondents and the consent form were developed, detailing relevant elements of the research process and the respondents’ rights.

Apart from the standard elements of the treatment of research participants, some specific obligations were identified as important for this project. Firstly, given that the topic of the interviews was the experience of women related to violence perpetrated by male partners, it was decided that all interviewers will be women. Further, it was decided that previous research experience and the experience of work with vulnerable groups would be used as criteria for interviewer selection. Secondly, all interviewers had to complete a project-specific training, during which the issue of avoiding interview-related distress was elaborated, and the voluntary nature of participation (i.e. the right of the respondent to stop the interview at any time) was emphasized. Information on who to call

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in case of immediate interview-related psychological problems was provided to all the interviewed women.

In addition to research ethics principles, the project integrated into its procedures all the relevant obligations from the national laws transposing the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. In Croatia the relevant legislation is Personal Data Protection Act/ Zakon o zaštiti osobnih podataka.

In addition to the consent procedure, the need for protection of personal data and respondents’ identity informed the process of recruitment of potential participants. The recruitment process was conducted in two phases. In the first phase, the research team contacted several groups of institutions who deal with victims of domestic violence in their work, including the courts (i.e. Departments of Victim and Witness Support), centers for social welfare, social welfare institutions (shelters for victims of domestic violence), and civil society organizations. Contacted institutions were asked to communicate the project’s call for participation to eligible women, to provide them with the informed consent documents, and to obtain their provisional consent for participation (i.e. the consent to be contacted by the project). In the second phase, the potential respondents were contacted by the project, and their consent formally obtained and confirmed.

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39 Official Gazette, Nos. 103/03, 118/06, 41/08, 130/11, 106/12- consolidated text.
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3.3. Sample and methods

Empirical research was conducted on a sample of women victims of domestic violence, who have participated in a criminal and/or misdemeanor proceedings in a role of a victim.

Research was conducted employing the method of semi-structured interviews. Interview protocol covered the areas of the provision of information on rights, referral to and usage of support services. In addition to respondents’ experiences and perceptions, information was collected on their assessment of the above aspects of their participation in criminal and/or misdemeanor proceedings. The protocol was designed in a way to allow for the collection of data on information provision in various stages of the proceedings, as applicable in individual cases. Thus, information on victim’s interactions with the police, state attorney and judge was collected separately. In addition, information was collected separately on generic victim support services and the specialized ones, both those publically and privately run (mostly by civil society organizations). Finally, special attention was paid to the examination of the level and nature of collaboration between institutions in this context.

Field research was conducted in the period from April 17th to May 23rd 2018, on a sample of 20 respondents residing in 13 different cities, towns and other smaller settlements. In terms of their size, places of residence ranged from the largest city in Croatia – the capital city of Zagreb with 790.017 inhabitants according to the 2011 census - to a hamlet with less than 100 inhabitants.

The average age of respondents was 37.05 years and the median age 38. The range in terms of age was 39 years, the youngest respondent being 19 years of age, and the oldest one 58 years of age.

Seven respondents reported participating exclusively in criminal proceedings, seven solely in misdemeanor proceedings, while six women reported participating both in criminal and misdemeanor
4. Research findings

4.a. Characteristics of participation in proceedings (type and duration of proceedings; previous proceedings; underreporting)

As it was explained, in Croatia family violence may be prosecuted as a criminal offence and as a misdemeanor. Some of the interviewees had experiences in both types of proceedings, therefore from the interview reports, it is not always possible to make clear distinction between experiences that interviewees had in criminal proceedings and those they had in misdemeanor proceedings.

In any case, research findings show that there is a problem of underreporting family violence. Several interviewees stressed that there were previous incidences of family violence that were not reported, for the reason that the victim was trying to save her marriage and family, or for seeing no point while she was still living with the perpetrator. One interviewee claimed that she was constantly harassed by her husband, but was reluctant to report him to police for financial reasons – she was unemployed and paying a fine by the perpetrator would mean less money for the whole family.
Research results also show that in some cases the conduct of authorities may discourage victims from reporting the violence. One interviewee stated that she was discouraged to report incidences of family violence by very improper police behavior, since police officers who answered her call, threatened that she would have to pay 6000 kunas fine for police intervention, for making them go out to the field without a cause. ("When the police came, they did not want to take him with them... They told me I would pay 6000 kunas... so, that has happened the first time they came, when I reported it..."). Another interviewee stated that she was recommended by the state attorney to drop the charges, and when she asked them why, “...they said that, as children are the victims of violence, the children would be involved in the proceedings and that would be very stressful for them”. Such approach of officials is not only unprofessional, but completely opposite from how they should treat the victim of domestic violence – through offering encouragement and support.

4.b. Information on rights - scope (comprehensiveness)

Basic provision which regulates the right of victims of crime to receive information about their rights is situated in Art 43 para. 4-6 of CPA. Para. 4 states that the court, the public prosecutor’s office, the investigator and the police are obliged to inform the victim about his/her rights when undertaking the first procedural action in which the victim participates. They are obliged to do this in an understandable manner. Para. 5 obliges them to act considerately towards the victims of crime and make sure that the victim understood the information on rights given to him/her. Para. 6 makes it their duty to instruct the victim, in an understandable manner, about the significance of his/her participation in the procedure as an injured party.
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Detailed provisions with regard to the way in which police officers inform victims about their rights are located in a by-law: Regulation on Mode of Operation of Police Officers.\textsuperscript{40} Pursuant to those provisions a police officer shall inform the victim, at the time of first contact with him/her, in an understandable and an appropriate manner about the right that he/she is entitled to and about the way in which he/she can exercise that right. During that process, a police officer shall take due account of victims which fall into one of special categories of victims (disabled person, child, foreigner and others). The information is first given orally and then in writing. The information given to victims include not only information on rights, but also on available support services and a free telephone number for support to victims. A police officer shall do all of this notwithstanding the fast whether the victim wants to report the offence or not.

With regard to public prosecutors, their duty to inform victims about their rights is further regulated in the Rules of Conduct of the Public Prosecutor’s Office.\textsuperscript{41} However, these provisions only state that the public prosecutor shall inform the victim about his/her rights in compliance with the CPA and a special statute (Art 90 para. 2). Mandatory injunction of the Chief Public Prosecutor’s Office to all County and Municipal Public Prosecutors from July 9, 2014, obliged all public prosecutors to inform victims about their rights, as well as about the existence and referral of victims to Departments for Assistance and Support to Victims and Witnesses which were established on several County Courts and about the possibility to contact the National Call Centre for Victims of Criminal Offences and Misdemeanours (free number 116006).\textsuperscript{42}

As already stated, victims of domestic violence are not recognized as a specific victim group in CPA. That means that in cases where domestic violence is prosecuted as a crime, no specific provisions apply

\textsuperscript{40} Official Gazette, nos 89/2010, 76/2015.
\textsuperscript{41} Official Gazette, nos 5/2014, 123/2015.
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with regard to right to receive information for victims of domestic violence. The situation is the same as with all other victims (see above).

However, the situation slightly differs in cases where domestic violence is prosecuted as a misdemeanour, because then the provisions of APDV apply. Special provisions with regard to information on rights for victims of domestic violence are situated in Art para. 2 and 3 of APDV. However, these provisions are framed on the model of comparable provisions contained in CPA and they do not bring anything new.

Special provisions on the way in which victims of domestic violence need to be informed about their rights can be found in the Protocol on Mode of Operation in the Case of Family Violence, in para. 3. 4. (with regard to police officers), in para. 2. 2. (with regard to officers of social welfare centres), and in para. 3 (with regard to judicial authorities).

Research results show that most of the interviewees received first information of their rights at the police station, and some of them specified that it was at the first formal interview. The scope of rights they were informed of rather differs from one interviewee to another, probably also depending on the date of judicial proceedings, since the list of victims’ rights has been gradually widened. In addition, the scope of rights depends on the fact whether the offence included sexual violence, since there is a special catalogue of rights for victims of sexual offences.

Some victims were informed of their rights in writing, and some were informed both in writing and orally. Some police officers and state attorneys asked interviewees if they understood their rights and provided for victims the possibility to pose questions. It should be pointed that one interviewee stated that police officers, informing her of the victim’s rights, were unsure about the meaning of some rights: “They were trying to explain it to me, although some items were also unclear to them. Because they were looking at each other and, in order to explain it to me better, they were saying things like ‘Who is this meant to apply to?’ it was not fully clear to them either, all the things that were written there. I
mean, they were kind. They intended to elaborate on all of it orally, but, at the end, they left me the paper. Where all of it was written”. This indicates that the list of rights is not completely comprehensible. If police officers do not fully understand each right guaranteed to the victim, they cannot properly inform the victim thereof.

Though several interviewees stated that they did not receive any information from police, most of the interviewees did receive at least some information on their rights. Most of the interviewees, who did not receive comprehensive information on their rights from police, did receive information that they were able to contact a social welfare center and about accommodation in the safe house. One interviewee however particularly complained of the fact that the police did not inform her of a safe house.

There are no special provisions that regulate the way in which judges should inform victims about their rights. Accordingly, the research showed that interviewees had rather different experiences regarding the information provided by the state attorney and courts, from receiving full information to receiving no information at all.

A research project that has been conducted in Croatia in recent two years has identified some shortcomings in the way in which victims are informed about their rights and has made recommendations in order to improve the situation.43 Shortcomings primarily related to the form in which victims were given information about their rights and about the available victim support services (oral instead of written information) and to low level of availability of information on foreign languages.

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Victim-centered approach to improving support services

Coordinator: Croatian Law Centre (HR). Other beneficiaries: Association for Nonviolent Communication (SI), Centre for Legal Resources (RO), Government Office For Human Rights And Rights Of National Minorities (HR), Ministry of Justice of the Republic of Croatia (HR), Patent Association (HU), and Peace Institute (SI).

4.c. Information on rights - process (timely, understandable information, interactive process, attitude of officials)

The research showed that victims are in need of very concrete information on their rights. Some interviewees stressed that, even though they received information on their rights, they were not sufficiently informed about the possibilities to realize those rights. There are rather different experiences regarding receiving information from different officials. Some interviewees stated that they received the most useful and concrete information from police officers, some from a state attorneys and some from judges. One interviewee pointed that the most important information was given by police inspector, so that she had an idea what to expect in proceedings. Some received such information from departments for victims support. Some interviewees pointed that they were not sufficiently informed about their cases – about the procedure itself and about acquiring practical rights, and they were missing free legal aid that would be of help.

On the other hand, there are interviewees who received no information at all, or had no use of information they did receive since the official who gave them did not make effort to make sure that those rights were actually understood. For example, one interviewee stated that she did not receive any information form the state attorney, nor from the judge, and that she had impression that they just wanted to finish their work. Another stated that the judge simply recited her rights and asked if she understood it, but only in order to follow the protocol. Another interviewee stated that the state attorney was more interested in prosecution than to inform her of her rights. Finally, one interviewee stated that she does not recall any information provided by the police due to her state of mind, since police interview took place in the hospital, where she was treated for the injuries inflicted by her husband. All described examples show that officials who give information to victims (police officers, state attorney and judges) should not just satisfy the form, but make sure that the victim was capable
to understand her rights. In addition, officials should be able to explain any particular right and the way of realizing it.

Although victims’ rights should be explained better, and especially any right that may be particularly relevant in the concrete case, it is also important that the information should be given to the victim not only orally, but also in writing. As one interviewee pointed: “We victims, we do not hear it. For us, it is a lot of information. We are tired of information. There is chaos in our heads”. It can be concluded that a list of rights is not sufficient – the written information of rights should be more informative, in a sense that it should explain each right and the manners of realizing that right. Therefore, this information of right should have a form of a brochure.

Finally, some interviewees stated that they were given information on multiple occasions (by police, state attorneys, and judges). Yet, although repeating victims’ rights in different phases of proceedings may be tiring (in a sense of too much information), it does makes sense, knowing that the victim’s needs may change in time. On interviewee stated: “Who would ever think that some things that were not a priority for you at that moment could become a priority later on?” This confirms the need to inform victims of their rights in a written form and in understandable manner, as well as the need that police officers, state attorneys and judges check whether victim understood her rights.

4.d. Information on rights – children

Most of interviewees stated that not any member of their family participated in the proceedings, but several had certain experiences regarding their children. One interviewee whose children participated in the proceedings stated that social welfare center was providing support and counseling, while all officials involved in proceedings (police officers, state attorney and judge) were full of understanding.
and encouragement. Another interviewee said that all professionally involved in proceedings were available and thoughtful, but stressed that the Department for victim support had particularly important role. On the other side, one interviewee stated that her seventeen and half year old son did not receive any information of his rights from police, while another stated that though she personally was offered a psychological support, nobody offered such support to her two daughters who witnessed the violence. It is obviously important for victims of domestic violence to be well informed not only of their rights, but also of the rights of their children involved in proceedings, and of mechanism how to realize those rights.

4.e. Information on rights - assessment by the victim

Research results show that, from the victims perspective, the first information is very important because it may be the first time that a person realizes that she is a victim and that as such she has some rights. Victims need and expect support and encouragement and it is their priority to be informed of their rights, and particularly of their right to be (physically) protected. One interviewee pointed that the most useful information she was given, was that the perpetrator will not be able to contact her or harm her for at least 24 hours, as he was placed in custody. Many interviewees actually stressed the importance of safety, or of a “sense of security” with regard to the perpetrator. One interviewee said: “In general, I believe that the most important thing is for women to get the information about where they can find shelter and how they can do it. What is out there. I believe that many do not know”. It is the most important to be able to move away from the perpetrator immediately.

Some interviewees stated that they received the same information on rights by different officials (police, state attorneys and judges), while some said that all those information were very basic and
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general, and they needed precise information and concrete instruction telling them what to do in order to acquire and to protect their particular rights. Police officers should have more sensitivity in relation to specific situation, and difficult emotional state should be taken into account when giving the concrete information. In addition, police officers, at the earliest stage of proceedings, should be capable to direct the victim toward specific organization or institution dedicated to victim support and assistance, according to victim’s concrete situation and needs.

The research showed that some victims do try to learn about their rights themselves, in case they did not receive any information at all, or any relevant information from state authorities. One interviewee stated that she received only basic information from police, the judge and social welfare center, and so she found concrete information that she needed on the Internet, including the information on women’s organization that provided her with legal advice. Another two interviewees also stated that they were informed through Internet. Therefore, it would probably be very convenient to develop the mechanisms of “online” information of victims’ rights, that would be accessible to victims notwithstanding the fact whether they reported or not (yet) the family violence.

Regarding the information of the right or possibility to be questioned through audio-video conference, several interviewees stressed, explicitly or implicitly, the importance of measures designed to prevent the victim from ever encountering the offender. In that sense, the possibility of use of audio-video conference while questioning the victim is recommended. Yet, one interviewee stated that she does “not feel comfortable when he is in the courtroom with me while I’m telling my part of the story”, but believes that the fact that the judge questioned the defendant and her as a victim separately is not favorable circumstance, since: “When I’m inside the courtroom, I’m not with him, I don’t hear what he is saying, so he’s maybe saying all kinds of things about me, so when they saw me they may have thought that this is how I was. That I was to blame, that he’s an OK person and trying while I’m the one who refuses to cooperate. That was my impression, that this is what they thought”. Therefore, it should
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be kept in mind that, in some cases, victim can have interest to confront the accused of family violence and that should be taken into consideration.

Research results pointed at another significant problem – repeated hearings. Several interviewees complained that they had to tell their stories over and over again to different officials, and one interviewee stated that this repetition caused a feeling of discomfort, of being unprotected and even of being judged. In such situations it is very important that the person, who questions the victim, explains that she is not the culprit, but the victim. As one interviewee explained: “To tell you that you have the right to protection, that you have the right to call them, that you have the right to report even the slightest approach... like, harassment, that you have... that you are safe...yes, that you are safe...”.

Finally, one interviewee suggested that the police officer interviewing the victim of family violence should be of the same gender as a victim, while the other said that perhaps it would be easier to talk to the female officer.

4.f. Support services - publically provided, i.e. run or financed (access to services, scope of services available and used)

Victim support system (further on: VSS) in Croatia is composed of state bodies and non-governmental actors. State bodies that participate in the VSS in Croatia with following tasks are:

1. Ministry of Justice – There is a special body within the Ministry – Independent Office for Support to Victims and Witnesses – that is in charge of coordination, harmonization and supervision of the work of departments for support to victims and witnesses that operate in courts. Besides that, the independent Office has a leading role in the institutionalization of VSS in Croatia, it promotes inter-institutional cooperation in the field and it governs the strategic development of VSS.

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2. Ministry of Internal Affairs – This Ministry cooperates with the Ministry of Justice in the Commission for the Supervision and Improvement of the System of Support to Victims and Witnesses. Police officers have a major role when it comes to informing victims about their rights. Information that the police officers give to victims about their rights also comprises information on available victim support organizations. Every police directorate (there are 20 police directorates in Croatia) has a coordinator who is in charge of cooperation with the Independent Office for Support to Victims and Witnesses.

3. Public Prosecutor’s Office – Public prosecutors are obliged to inform victims about their right and to refer them to the department for support to victims and witnesses that operate on county courts.

4. Departments for Support to Victims and Witnesses – Such departments exist on 7 county courts (Zagreb, Rijeka, Split, Osijek, Vukovar, Sisak, Zadar). The role of the department is to provide emotional support, practical information and information on rights to victims and witnesses.


In order to be able to use their rights, victims must be informed of them in a comprehensive manner. Yet, results of the research show that victims of family violence are in general not adequately informed of publically provided victim support services. For example, most of the interviewees were not informed about existence of the departments for victim support. One interviewee who was informed of it at the court, in writing, explained that she was not well informed of the type of the services it provided, since she did not receive psychological help that she really needed. She was though accompanied in the waiting room of the court, which was helpful, but still, she needed psychological help. Another interviewee who was informed of department for victim support, did receive assistance from that department, but the assistance related primarily to legal aid, and not psychological aid that she needed. Therefore she and her children received psychological support privately.
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Some interviewees were informed of specialized services from the earliest stages of proceedings – at the police station. Most of interviewees who were referred to social welfare centers were satisfied with provided support. Two interviewees stated that in the entire proceedings, the social welfare center was the most helpful. Yet, some interviewees were not satisfied with support received at social welfare centers.

The research pointed at another big problem of victim support system: victim support services do not cover the entire state territory and are not distributed equally in all the regions. Therefore, one interviewee suggested that the information on victims’ rights should specify the institutions and organizations that provide assistance to the victims, and that they should be local or locally available. Another interviewee stated that at police she was given a brochure on the right to access to services providing support, but it actually concerned Zagreb, and not the county where the interviewee lived. Another recent research has shown that there are a lot of problems with regard to the regional coverage of the VSS in Croatia. This refers both to those parts of VSS that belong to governmental sector, as well to those that belong to non-governmental sector. At this moment, Departments for Support to Victims and Witnesses exist only on 7 county courts. There are none on municipal or misdemeanour courts. However, in some areas departments established at county courts provide their services also to municipal and misdemeanour courts established on the territory of their jurisdiction.

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4.g. Support services - privately provided, i.e. run or financed (access to services, scope of services available and used)

Non-governmental organizations (NGOs) are a very important part of Croatian VSS, especially in the following areas: victims of war, victims of sexual and family violence, victims of human trafficking, children victims of crime. NGOs establish and run shelters for victims of domestic violence, primarily women and children.

National call center for victims of crimes and misdemeanors has been established by the Ministry of Justice in cooperation with the Association for support to victims and witnesses. Independent Office for the Support to Victims and Witnesses supervises the work of the National call center.

The problem of regional coverage of VSS in Croatia concerns the NGOs as well. According to the mentioned previously conducted research, presence of non-governmental organizations that are a part of VSS in non-urban areas is also scarce.45 This research has also shown that some governmental bodies refer victims to county court departments, but also to non-governmental organizations that provide specialized support to certain victim groups. The highest percentage of referrals has been identified within the police force. Other state institutions – courts, public prosecutor’s office, social welfare centres – mostly refer victims to governmental bodies which are part of VSS (county court departments). Also, number of referrals is much higher on county court level, than on municipal or misdemeanour court level, which can be explained by the absence of governmental VSS at this level.

Services provided within the VSS differ depending on the organization which is providing the service, but are available before, during, and after the completion of criminal proceedings and are also

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independent from it, which means that a victim can access VSS even if it decides not to report a criminal offence or that he/she is not going to take an active role in criminal proceedings.

It can be stated that the VSS with regard to victims of domestic violence, especially women and children, is more developed in Croatian than VSS with regard to other groups of victims of crime. This is primarily due to the fact that there is a strong NGO scene that promotes and protects the rights and interests of victims of domestic violence.

Even the conducted research showed that, in general, victims that used NGO services were rather satisfied with the support. For example, one interviewee, who was placed to safe house, did not feel safe there and complained that there were no support services – she got a support from the NGO.

Another two interviewees received a very good support from an NGO’s psychologist. One interviewee pointed that she got both legal and psychological help from the organization of civil society, including the information about financial aid that she needed at that moment. Other interviewees pointed the importance of psychological help, from the earliest stages of proceedings, which help is probably not sufficiently provided within publically provided support services, as well as of financial help in some situations.

4.h. Support services / assessment by the victim

It should be pointed that experiences of interviewees, regarding NGO’s providing assistance to them as victims of family violence, are in general very good.

Regarding victims assessment of existing support services in general, it should be added that two interviewees pointed at unavailability of support services once the judicial proceedings is over, since the support is needed even after the judicial process has been completed. They saw it as a great

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problem. Indeed, the whole system is closely tied to criminal proceedings, even though many important needs of victims do not concern their participation in concrete proceedings. It is very discouraging for the victim to realize that, once the proceedings are over, she would be left alone.

5. Conclusions

Results of analysis of normative, policy and institutional framework, as well as results of the conducted research, support the following conclusions:

1. Information of rights should be provided to the victim both in writing and orally. The written information should be in a form of a brochure or a leaflet, which would not contain just a list of abstract rights, but clear explanation of each right, followed with concrete and precise instruction on how to proceed in order to use certain right, including who to turn to in order to receive help. Information of rights given orally should serve, on one side, to enable the victim to pose additional questions in order to fully understand her rights, and on the other side, to enable the person informing the victim of her rights to check whether she understood it.

2. Results of the research show that it is usually very important for victims of family violence, from the earliest phase of proceedings, to feel safe and to receive psychological support. So it is utmost important that written information of rights (in a brochure or on a leaflet) should contain concrete information on psychological support that is offered by concrete victim support services, as well as a
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Concrete information on the shelters victim may use. Victim need concrete addresses they can turn to for certain type of support.

3. Victims of family violence should be informed, from the earliest phase of proceedings, not only of the rights that they are granted as victims, but also of the rights of their children that may be involved in criminal or misdemeanor proceedings in any way - as victims or witnesses.

4. There is a need to educate police officers, state attorneys, judges in charge not only of informing victims of their rights, but also of supporting them. More professional approach to victims would encourage the victims to report family violence. Education would enable police officers, state attorneys and judges to recognize special needs of victims (particularly of victims of domestic violence) for support. Individual assessment of victims serves that goal.

5. It is very important for the victims to know what to expect in the proceedings, so they should be informed thereof at the earliest stage of proceedings (at police).

6. In cases of repeated hearings, police officers, state attorney and judges should aware the victim that she is not judged, but that she is entitled to realize her rights and to participate effectively in criminal proceedings. If possible, victim should be questioned by a person of the same gender, if it would make her feel more confident.

7. The fact that the system of victim support services does not cover the entire state territory and all regions (not at all, or not to the same extent) constitutes a great structural problem that has to be
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resolved. Resolving the problem implies that, at least in the first stage, publically provided victim services should be accessible to all victims to same extent and quality.

8. Results of the research show that victims of family violence find the support provided by NGO’s rather complete and very important. Therefore, it would be useful to strengthen the mechanisms of cooperation with publically provided victim services and to provide efficient the referral mechanisms. That should be done though providing concrete and detailed written information of rights to the victim (Conclusions 1-4).