



## **G R E T A**

GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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# **Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia**

## **SECOND EVALUATION ROUND**

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Croatia took place in 2010-2011. Following the receipt of Croatia's reply to GRETA's first questionnaire on 31 August 2010, a country evaluation visit was organised from 15 to 18 February 2011. The draft report on Croatia was examined at GRETA's 10th meeting (21-24 June 2011) and the final report was adopted at GRETA's 11th meeting (20-23 September 2011). Following the receipt of the Croatian authorities' comments, GRETA's final report was published on 30 November 2011.<sup>1</sup>

2. In its first report, GRETA welcomed the comprehensive legal and institutional framework put in place to combat trafficking in human beings (THB) in Croatia. However, it considered that, in view of the low number of victims identified, efforts were needed to improve its implementation, including through a more proactive detection of victims. GRETA stressed that further steps were necessary to identify child victims of trafficking and victims of trafficking for the purpose of labour exploitation. GRETA also noted that the authorities should make efforts to further raise public awareness on THB. GRETA underlined the need to take measures to guarantee access to compensation for victims of trafficking, irrespective of their nationality and residence status. Further, GRETA urged the authorities to step up the training provided to judges, prosecutors and other relevant professionals on the issue of THB with a view to securing sentences commensurate with the seriousness of this offence.

3. On the basis of GRETA's report, on 30 January 2012 the Committee of the Parties to the Convention adopted a recommendation to the Croatian authorities, requesting them to report back on the measures taken to comply with this recommendation by 30 January 2014.<sup>2</sup> The report submitted by the Croatian authorities was considered at the 13th meeting of the Committee of the Parties (7 February 2015). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 3 June 2014, GRETA launched the second round of evaluation of the Convention in respect of Croatia by sending the questionnaire for this round to the Croatian authorities. The deadline for submitting the reply to the questionnaire was 3 November 2014. Croatia submitted its reply on time.<sup>4</sup>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Croatian authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Croatia took place from 9 to 12 March 2015 in order to hold meetings with relevant actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Helmut Sax, Second Vice-President of GRETA;
- Ms Gulnara Shahinian, member of GRETA;
- Mr Gerald Dunn, Administrator in the Secretariat of the Convention.

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, GRETA(2011)20, available at:

[www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2011\\_20\\_FGR\\_HRV\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_20_FGR_HRV_en.pdf)

<sup>2</sup> Recommendation CP(2012)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, adopted at the 7th meeting of the Committee of the Parties on 30 January 2012: [www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP\\_2012\\_3\\_HRV\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2012_3_HRV_en.pdf)

<sup>3</sup> Report submitted by the Croatian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings:

[www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply\\_REC/CP\\_2014\\_3\\_RR\\_HRV\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_3_RR_HRV_en.pdf)

<sup>4</sup> Reply from Croatia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: [www.coe.int/t/dghl/monitoring/trafficking/Source/Public\\_R\\_Q/GRETA\\_2015\\_7\\_RQ\\_HRV\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Source/Public_R_Q/GRETA_2015_7_RQ_HRV_en.pdf)

6. During the visit, the GRETA delegation met Mr Hrvoje Sadarić, Assistant Minister for Social Policies and Youth, and Mr Branko Sočanac, National Co-ordinator for Combatting Human Trafficking, as well as members of the National Committee for Combating THB and its Operational Team. Amongst the officials met by GRETA were representatives of the Government Office for Human Rights and Rights of National Minorities, the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Policies and Youth, the Ministry of Health, the Ministry of Labour, the Ministry of Foreign Affairs, the Labour Inspectorate and the Croatian Labour Agency. Further, the GRETA delegation held meetings with the Ombudsperson for Gender Equality, the Deputy Ombudsperson for Children and representatives of the Centre for Missing and Abused Children.
7. In addition to meetings in Zagreb, the GRETA delegation travelled to Split where it met the Mobile Team against Human Trafficking and the Unit on THB, Slavery and Organ Trafficking of the Split Dalmatian Police's Organised Crime Department.
8. Separate meetings were held with representatives of civil society and non-governmental organisations (NGOs), as well as officials from the local offices of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).
9. In the course of the visit, the GRETA delegation visited a NGO-run shelter for victims of human trafficking, which is funded by the State.
10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.
11. GRETA wishes to place on record the valuable co-operation provided by the Croatian authorities and in particular by Mr Branko Sočanac, National Co-ordinator for Combatting Human Trafficking and Director of the Government Office for Human Rights and Rights of National Minorities, and Ms Maja Bukša, Assistant Director at the Government Office for Human Rights and Rights of National Minorities.
12. The draft version of the present report was approved by GRETA at its 23rd meeting (29 June – 3 July 2015) and was submitted to the Croatian authorities for comments. The authorities' comments were received on 12 October and 13 November 2015 and were taken into account by GRETA when adopting the final report at its 24th meeting (16-20 November 2015). The report covers the situation up to 20 November 2015; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 36-41).

## **II. Main developments in the implementation of the Convention by Croatia**

### **1. Emerging trends in trafficking in human beings**

13. According to the Croatian authorities, Croatia is increasingly becoming a country of origin as well as being a country of destination and transit for victims of human trafficking. The number of identified victims rose in 2013 and 2014 (respectively 31 in 2013 and 37 in 2014) compared to previous years (14 victims in 2011 and 11 in 2012). Further, there were 25 victims identified from January to June 2015. This increase is largely attributable to a surge in the number of child victims (16 in 2013 and 22 in 2014), some of whom were identified in cases related to child image abuse over the internet, which accounted for more than half the victims in 2014 (see paragraph 110). The majority of the identified victims were Croatian (8 victims out of 11 in 2012, 22 out of 31 in 2013 and 33 out of 37 in 2014). There were three foreign victims of THB in 2012, nine in 2013 and four in 2014, the main countries of origin being Bosnia and Herzegovina, Romania and Serbia. While most identified victims are women and girls trafficked for the purpose of sexual exploitation (including for the purpose of child abuse images for social networks), there has been some increase in the number of men and boys who are subjected to labour exploitation in the agricultural sector or in forced begging. The number of victims of trafficking for sexual exploitation was five in 2012, 19 in 2013 (two of whom were victims of labour exploitation at the same time), 31 in 2014 and 24 from January to June 2015. There were two victims of trafficking for labour exploitation in 2012, 14 in 2013 (including the aforementioned two victims who were also exploited sexually), six in 2014 and one from January to June 2015.

14. The Croatian authorities have acknowledged that the real scale of human trafficking is higher than the figures of identified victims suggest. Increased risks of forced prostitution have been reported on the Adriatic coast during the tourist season, but this has not led to the identification of victims yet. In addition to the agricultural sector, other sectors of the economy have been mentioned as being at risk of THB, in particular construction and the hospitality sector.

### **2. Developments in the legal framework**

15. In its first evaluation report, GRETA found the definition of the crime of human trafficking of the former Criminal Code (CC) to be in compliance with Article 4 of the Convention.

16. In 2011 the Croatian Parliament adopted a new Criminal Code, which entered into force on 1 January 2013. Whereas trafficking in human beings and slavery were criminalised in the same provision of the former Criminal Code (Article 175 of the CC), the two offences are now laid down in separate provisions (Article 105 on slavery and Article 106 on trafficking in human beings).

17. Furthermore, the Criminal Procedure Act was amended in 2013 with a view to specifying the rights of victims of trafficking in human beings during the criminal investigations and proceedings. The Aliens Act was also amended in 2013.

18. The above-mentioned measures are discussed in greater detail in later parts of this report (see in particular paragraphs 143-156).

### 3. Developments in the institutional framework

19. There have been no significant changes to the anti-trafficking institutional framework since the first evaluation.

20. The 2009 Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, which specifies which actors are involved in the identification, assistance and protection of victims and their respective role, is currently being revised and a new version was to be adopted by the end of 2015. The 2012 Protocol on Integration/Reintegration of Victims of Trafficking in Human Beings and the 2009 Protocol on Procedures during the Voluntary Return of Human Trafficking Victims are also being revised and will be published at the same time. Further, a Protocol on Data Collection was also to be adopted by the end of 2015 (see paragraph 43). **GRETA would like to be kept informed about the adoption of the revised protocols and their contents.**

21. The National Anti-Trafficking Co-ordinator, who is the Director of the Government Office for Human Rights and Rights of National Minorities, is responsible for leading and co-ordinating activities relating to action against human trafficking.

22. The National Committee for Combatting THB (hereafter, the National Committee), established in 2002 with the task of defining anti-trafficking policies and strategies in Croatia, saw its terms of reference renewed in 2012. It continues to be chaired by the Deputy Prime Minister responsible for social welfare and human rights and acts as an advisory body to the government. It includes representatives of the Government Office for Human Rights and Rights of National Minorities, competent ministries (Ministry of the Interior, Ministry of Health, Ministry of Social Policy and Youth, Ministry of Foreign and European Affairs, Ministry of Justice, Ministry of Education), each of which have a designated THB co-ordinator, public bodies (Public Prosecution Service, Croatian Employment Service), NGOs (PETRA network, Croatian Red Cross) and the media (Association of Croatian Journalists). It meets at least twice a year.

23. The Operational Team of the National Committee for Combatting THB (hereafter, the Operational Team) ensures day-to-day co-ordination between stakeholders in handling trafficking cases, including assistance to victims of THB. It is composed of representatives of the above-mentioned ministries, represented by their THB co-ordinator, as well as public agencies and NGOs. It meets on a monthly basis.

24. GRETA notes with concern that the Ministry of Labour, under which comes the Labour Inspectorate, is not part of the National Committee or the Operational Team, in spite of its potential role in detecting victims of human trafficking. **GRETA considers that the Croatian authorities should involve the Ministry of Labour and in particular the Labour Inspectorate in the National Committee for Combatting THB and its Operational Team, given its important role for the detection of victims of human trafficking for the purpose of labour exploitation.**

25. In addition, two co-ordinators, whose task is to deal with concrete cases of possible victims by overseeing their referral and assistance, have been appointed. One co-ordinator, from the Ministry of Social Policy and Youth, is in charge of child victims. The other co-ordinator deals with adult victims and is from the Croatian Red Cross. These co-ordinators are distinct from the National Anti-trafficking Co-ordinator, whose role is essentially at policy level.

26. At the local level, there continues to be four mobile teams, based in Zagreb, Rijeka, Split and Osijek, which cover the entire country. They co-operate with the local police to identify victims and organise their referral to assistance. Their composition is flexible but includes at a minimum a representative from the local social welfare centre (a designated social worker acting as a co-ordinator) and representatives of NGOs involved in anti-trafficking action (including those running shelters for adult and child victims) in the region. They work in close co-operation with the two aforementioned co-ordinators for adult victims and child victims.

27. Insofar as civil society actors active in the anti-trafficking field are concerned, the Croatian Red Cross continues to play a central role, in particular for adult victims of THB. It is still running the only state-funded shelter for adult victims of human trafficking, leads the Zagreb mobile team and acts as co-ordinator for the referral of adult victims of THB. The PETRA network brings together 13 NGOs working on issues related to violence against women, including human trafficking. One of its affiliated NGOs, the Organisation for Integrity and Prosperity (OIP), runs the only state-funded shelter for child victims of human trafficking (see paragraph 107). Moreover, a helpline for victims of human trafficking is operated by the NGO ROSA, also from the PETRA network (see paragraphs 92 and 184).

#### 4. National Action Plan

28. The current National Action Plan to Combat Trafficking in Human Beings 2012-2015 covers the same areas as the previous action plan (legislative framework; identification of victims of THB; prosecution and sanction of traffickers; assistance to and protection of trafficked victims; prevention; training; international co-operation and co-ordination). This Action Plan was developed on the basis of an assessment by the Government Office for Human Rights and Rights of National Minorities of the implementation of the previous action plan. The budget allocated for the Action Plan has been on average 175 000 kuna (23 000 euros) per year from 2012 to 2015.

29. In its first report, GRETA considered that the Croatian authorities should introduce an independent evaluation of the implementation of the Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention<sup>5</sup> should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-approach of the Convention requires adequate monitoring and evaluation. A structural separation between these monitoring functions and executive functions enables an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.<sup>6</sup> Therefore, **GRETA considers that the Croatian authorities should examine the possibility of establishing an independent National Rapporteur or designating another organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

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<sup>5</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>6</sup> In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

30. The internal assessment of the implementation of the previous action plan has brought to light the fact that there were more male victims of trafficking, in particular when it comes to labour exploitation. GRETA notes that there are no objectives in the current National Action Plan to specifically address THB for labour exploitation, and that neither the Labour Inspectorate nor trade unions are mentioned in the action plan as partners in anti-trafficking efforts. Further, while reference is made to training in the tourism industry, where there are existing risks of trafficking, no action is planned in other risk sectors, such as agriculture and construction. **GRETA considers that the Croatian authorities should take stronger, concerted measures to address human trafficking for the purpose of labour exploitation in at-risk sectors, such as agriculture, tourism and construction, by involving the Labour Inspectorate, trade unions and the private sector.**

31. The National Action Plan takes up the recommendation made by GRETA in its first evaluation report to adopt criteria on the selection of civil society organisations for their membership of the National Committee and the Operative Team. The Government Office for Human Rights and the Rights of National Minorities has prepared draft criteria which will be sent for comments to specialised NGOs and, after receiving these comments, the consolidated criteria will be adopted by the Anti-Trafficking Co-ordinator and the Government Office by the end of 2015. **GRETA would like to be kept informed of the adoption of the criteria on the selection of NGOs for membership of the National Committee for Combatting THB and the Operative Team.**

## **5. Training of relevant professionals**

32. The National Action Plan for Combatting Trafficking in Human Beings 2012-2015 places emphasis on the need for training police officers, border guards, prosecutors, judges, social welfare staff, staff of the Office for Victim and Witness Support, diplomatic and consular staff, and NGOs. Training is also planned for the Croatian Employment Service staff, who play a role in assisting former victims in finding work. The Government Office for Human Rights and Rights of National Minorities has continued to organise training for the target groups mentioned in the National Plan.

33. Trafficking in human beings is included in the curriculum of the initial training of police officers, including border guards. In 2014, practical training, organised together with public prosecutors and mobile teams, which focused on case studies, was implemented throughout the country to improve investigation and prosecution of trafficking cases. GRETA welcomes the organisation of such practice-oriented training, which should be continued and further developed.

34. Training on human trafficking for county police forces was organised as part of the project "Together", which was launched in 2013 and continued in 2014 (see paragraphs 48 and 87). Three workshops were organised at national level by the Organised Crime Department of the Ministry of the Interior, in co-operation with the State Prosecutor's Office and NGOs, which were attended by a total of 120 police officers. The training and workshops for police officers focused on improving identification through the use of indicators and sharing of best practices. Following these workshops, training on detecting and identifying victims was carried out at the local level by a multidisciplinary group of trainers, including police officers who had followed the workshops, prosecutors, social welfare centre staff and NGOs, for a wide target audience, including police officers, border police officers, local government officials, social welfare staff, teachers, private sector workers likely to come into contact with victims (e.g. transport companies, tourism industry). These training events were attended by 3 500 police officers and 900 other participants. No impact assessment has been carried out.

35. Courses on combating THB are organised as part of the curriculum of the border police: in 2012, six courses were held and attended by approximately 300 border guards and, in 2013, three courses were held, attended by 252 border guards. The manual prepared by Frontex, "Anti-trafficking Training for Border Guards – Trainer's Manual", has been translated into Croatian and is used to train border guards at the local level. In September and November 2013, a training course was run on detecting potential victims of human trafficking; it was attended by 25 police officers and officials from the Reception Centre for Foreigners, from the border police of Zagreb Police Directorate and the Sisak-Moslavina Police Directorate. The project was financed by the Government Office for Human Rights and Rights of National Minorities.

36. Prosecutors participate in training courses on human trafficking run by the Government Office for Human Rights and Rights of National Minorities and workshops on THB organised by the Judicial Academy. According to the authorities, workshops lay emphasis on trafficked victims' rights, both as part of the criminal proceedings and outside them, including when it comes to compensation. A seminar for prosecutors and judges was organised in 2013 by the Government Office, in co-operation with the Judicial Academy; it was attended by 16 judges and prosecutors. Further, in 2014, the Government Office organised, together with the US Embassy, two seminars involving a US federal judge with experience on THB which was attended by 54 judges and prosecutors.

37. In 2014 the Ministry of Social Policy and Youth carried out an assessment of the training provided to staff of Social Welfare Centres. Multi-agency training was considered as highly beneficial to improve co-operation in handling identified victims. Further education courses are planned for the future.

38. In 2013, training for trainers took place as part of the Instrument for Pre-Accession Assistance (IPA) Project "Enhancing the Identification of Victims of Trafficking in Human Beings". The training courses were aimed at police officers, public prosecutors, social workers, county co-ordinators, labour inspectors, members of the mobile teams and representatives of civil society organisations. Four courses were run in 2013, in Osijek, Rijeka, Šibenik and Marija Bistrica, involving 20 police officers, 20 prosecutors, 10 judges, 5 NGO representatives, 16 members of mobile teams, 5 labour inspectors and 10 county co-ordinators (social welfare staff). This has been followed up by a number of activities, including two training sessions for 40 police officers in Zadarska in 2014 and several workshops on victim protection in THB cases in the counties of Dubrovačko-Neretvanska, Varaždinska, Šibensko-Kninska and Sisačko-Moslavačka.

39. In 2015 two workshops were organised by the Government Office for Human Rights and Rights of National Minorities, the Ministry of Social Policy and Youth and the Ministry of Health for members of the mobile teams of Zagreb and Osijek, and two more are planned for the mobile teams of Rijeka and Split.

40. Staff posted in Croatian diplomatic missions and consulates are informed about international and national legislation pertaining to trafficking in human beings, as well as ways of detecting possible victims of trafficking and steps to take, depending on whether the victim is a Croatian national or a foreigner.

41. **GRETA considers that the Croatian authorities should pursue their efforts by providing regular training to all professionals who are likely to come into contact with victims of all forms of trafficking, in particular police officers, border guards, judges, prosecutors, child welfare staff, staff of centres for unaccompanied minors and child care institutions, and medical staff. Training programmes should be designed with a view to improving the operational knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.**

## 6. Data collection and research

42. The Government Office for Human Rights and Rights of National Minorities is responsible for keeping a database of presumed and identified victims of THB, in co-operation with the Ministry of the Interior. It is disaggregated by gender, age, type of exploitation, and country of origin. Further, the State Prosecutor's Office keeps a data base on trafficking cases, including the number of prosecutions for trafficking and convictions. However, GRETA could not obtain figures regarding the compensation of victims of human trafficking, the level of sentences handed down against trafficking offenders and the number of victims of human trafficking having benefited from protection measures (see paragraphs 133, 161 and 174).

43. A protocol on data collection and exchange is currently being developed and is due for publication by the end of 2015. The aim of this protocol is to improve data sharing between public stakeholders and the efficiency of the victim identification system. **GRETA would like to be kept informed of the adoption and content of the protocol on data collection and exchange.**

44. **GRETA considers that the Croatian authorities should pursue their efforts to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.**

45. There is no state budget line under which research on THB can be funded, nor does the budget of the Government Office for Human Rights and Rights of National Minorities provide for such funding; instead, research funds are mainly obtained through applications to internationally funded projects (e.g. EC IPA funds).

46. **GRETA considers that the Croatian authorities should conduct and support further research on THB in Croatia as an important source of information for future policy measures. Areas where research is needed in order to shed more light on the extent of human trafficking in Croatia include: trafficking for the purpose of sexual exploitation, especially in tourist areas; trafficking for the purpose of labour exploitation, in particular in at-risk sectors such as agriculture, construction and tourism, and in connection with forced begging; and internal trafficking within Croatia.**

## III. Article-by-article findings

### 1. Prevention of trafficking in human beings

47. In its first evaluation report on the implementation of the Convention by Croatia, GRETA considered that the Croatian authorities should organise awareness-raising campaigns, education in schools and sensitisation of relevant professionals with a view to achieving a better understanding of THB and overcoming prejudices against victims of THB. GRETA stressed the need to raise awareness on trafficking for the purpose of labour exploitation, including amongst labour inspectors, trade union staff, social workers and national employment agency staff.

#### **a. Measures to raise awareness of THB (Article 5)**

48. Within the framework of the above-mentioned project "Together", awareness-raising activities have been organised at the local level targeting the general public and groups potentially at risk, in particular at schools, and communicating on human trafficking and the risks of being trafficked. The campaigns were carried out by the Police Directorate in co-operation with NGOs, including the Croatian Red Cross. It reached several thousand persons.

49. In 2014, the Croatian Red Cross launched the campaign "Red Bell" aimed to raise public awareness of forced begging as a form of exploitation. Four videos were produced on the topic of forced begging.

50. Further, the Croatian Red Cross organises workshops in the two reception centres for asylum seekers (in Zagreb and Kutina) and provides information about risks of exploitation and human trafficking.<sup>7</sup> In 2014 the Croatian Red Cross organised two information seminars for asylum seekers and refugees on the dangers of human trafficking. The participants received advice on how to avoid risks and where to turn to for help.

**51. GRETA considers that the Croatian authorities should continue to carry out information and awareness-raising campaigns on different forms of THB. Future awareness-raising measures should be designed in light of the assessment of previous measures and be focused on the needs identified. Special attention should be paid to raising awareness of THB for the purpose of labour exploitation, as well as child trafficking.**

#### **b. Measures to prevent trafficking for the purpose of labour exploitation (Article 5)**

52. Due to the economic crisis in Croatia, an increased number of Croatian workers are seeking work abroad. In 2014 a training session on the identification of victims of trafficking was organised for 27 officials from the Croatian Employment Service jointly by the Ministry of the Interior, the Croatian Red Cross, the PETRA NGO network and the Government Office for Human Rights and Rights of National Minorities. Leaflets on THB were produced by the Croatian Employment Service, in co-operation with the Croatian Red Cross, for dissemination amongst the unemployed and young persons (10 000 copies).

53. With Croatia's accession to the EU, the Croatian Employment Service has become part of the European Network of Public Employment Services (EURES), offering employment mediation services for job seekers. They also provide individual counselling and information about migration risks and THB and have published information on the Croatian Employment Service's website on how to detect false job offers. As part of the campaign "Together", EURES presentations were used in workshops targeting job-seekers and EURES officials participated in radio broadcasts on human trafficking.

54. The operation of private employment agencies is regulated by the Ordinance on the performance of employment-related activities (No. 8/14) and that of temporary work agencies is regulated by the Labour Act No. 93/14, which also provides for the procedure for assigning workers to employers by these agencies.

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<sup>7</sup> The number of asylum seekers declined by 35% since Croatia's entry into the EU in 2013 and stood at 450 in 2014 (Eurostat Asylum Statistics 2014). However, in view of the current migration flows in the region, these figures are likely to be on the increase.

55. **GRETA considers that the Croatian authorities should pursue and intensify their efforts to:**

- **inform workers wishing to work abroad about the risks of THB for labour exploitation;**
- **take measures to control temporary work agencies operating in Croatia and hiring persons to work abroad;**
- **engage with trade unions and the private sector to develop measures aiming to prevent trafficking for the purpose of labour exploitation.**

**c. Measures to prevent child trafficking (Article 5)**

56. In 2013, the international campaign "Two Little Girls" was launched in Croatia by the Centre for Education, Counselling and Research (CESI), together with the Police Directorate, the UK Embassy, the Ombudsman for Gender Equality and the Government Office for Human Rights and Rights of National Minorities. This campaign is focused on raising awareness about the risks of THB, and on educating girls how to recognise potentially dangerous situations. So far, eight activities have been implemented within this campaign, in Zagreb, Šibenik, Krapina and at the Bajakovo border crossing with Serbia. This campaign also ran in 2014.

57. In 2013, the EU Anti-Trafficking Day was marked by an event on the main square of Zagreb organised by the authorities and NGOs, one of the main target audience being children aged 13 to 17. In the counties of Osijek-Baranja and Virovitica-Podravina, the police, in co-operation with the local authority and NGOs, organised awareness-raising events in primary and secondary schools.

58. Prevention of human trafficking is part of school programmes, in accordance with the teaching programme decided by the Ministry of Science, Education and Sports. In 2014, the Education and Teacher Training Agency, in co-operation with the Croatian Red Cross, organised seminars and workshops on THB for elementary and high school teachers and head teachers throughout Croatia, which is included in civic education classes. Further, the Croatian Red Cross organised several awareness activities on human trafficking in schools in 2012, 2013 and 2014.<sup>8</sup>

59. In 2013 the "Oliver project" was carried out to tackle child begging which has been on the rise in recent years in Zagreb, Split, Osijek, Rijeka and Pula. This operation involved police officers specialised in working with child offenders, social welfare services and staff working in shelters. Investigations were carried out to identify the organisers of forced begging, their victims and the perpetrators' modus operandi, following which the perpetrators were arrested and the victims offered protection.

60. Interlocutors met during the evaluation visit underlined the particular vulnerability of children accommodated in child care institutions. Reference was made to instances where traffickers were preying on girls from such institutions to lure them into forced prostitution. There were 834 instances of children having absconded from institutions in 2014. Awareness-raising initiatives on trafficking have been led by civil society in such institutions, but it is broadly agreed that further efforts are needed to proactively detect child victims in institutions. There is an on-going process of deinstitutionalisation and children are being placed with foster parents. While welcoming this process, GRETA draws attention to the need to ensure that foster parents also sensitised to the risks of THB.

<sup>8</sup> In 2012, 202 workshops on THB for primary school pupils (3 756 children), 119 workshops for secondary school pupils (2 589 children), two anti-trafficking forums in secondary schools (193 participants) and two workshops for the students of the Faculty of Social work and Teaching Faculty (55 students). In 2013, 345 workshops and forums for 7 516 children of primary and secondary schools, 9 workshops for 253 children in kindergartens in Zagreb and Ogulin, and 4 university workshops for 87 students in Zagreb and Osijek. In 2014, 447 workshops educating 7 929 children and young people.

61. Insofar as missing children are concerned, the Centre for Missing and Abused Children operates the European hotline for missing children (116 000) in Croatia and collects reports of missing children, passes on reports to the police, provides support to parents/guardians of missing children and provides additional support to the police in investigations. According to the Centre for Missing and Exploited Children, there has been a recent increase in the number of runaway children, 87% of whom are younger than 14 years old. According to the Ombudsperson for Children's Rights, school drop-out rates, in particular of Roma children, went up in 2014, hence increasing their vulnerability to human trafficking.

62. In relation to the situation of Roma children, the Croatian authorities have referred to a workshop carried out by the Zadarska County Police as part of a larger project entitled TRAVel ("Travel, Variety, Equality and Learning"). The aim was to raise awareness of prevention programmes put in place by the Ministry of the Interior and the County Police, including the prevention of trafficking. It was attended by 30 young people of Roma and non-Roma origin.

63. The Croatian authorities have also made reference to the National Roma Inclusion Strategy for 2013-2020 and its Action Plan for 2013-2015 as relevant tools for promoting inclusive education. The Strategy focuses on access to education from early childhood as a means to fighting inequalities and discriminations. According to annual reports on the implementation of the Strategy, the number of Roma children attending primary and secondary school is increasing. Extended after-school day care for pupils in primary schools is expected to provide language support for pupils having difficulties with Croatian as well as offering scholarships to all Roma pupils of secondary schools are measures that contribute to preventing early school drop-out. Other measures include the enrolment of children from Roma communities in secondary schools. In higher education, the enrolment of Roma students is promoted and scholarships are offered.

64. There has been an increase in the number of unaccompanied minors, particularly as result of the recent influx of migrants, who disappear from the reception centres for asylum seekers within days of being placed there (see paragraph 108).

65. **GRETA urges the Croatian authorities to intensify their efforts to:**

- **prevent child trafficking, including by addressing the vulnerability of unaccompanied children and children placed in child care institutions and avoid that they go missing;**
- **ensure that foster parents are adequately sensitised to human trafficking.**

66. **GRETA also considers that the Croatian authorities should pursue their efforts towards the inclusion of Roma children in education.**

#### d. Social and economic initiative for groups vulnerable to THB (Article 5)

67. In its first evaluation report on Croatia, GRETA considered that specific economic and social measures had to be taken for the benefit of persons and groups vulnerable to trafficking on the basis of identified root causes, such as economic and social conditions, poverty, education, employment opportunities and gender-based violence.

68. GRETA notes that the Committee on the Elimination of Discrimination against Women (CEDAW) in its latest report on Croatia<sup>9</sup> has called on the authorities to take further steps to achieve gender equality in employment, education and health, and targeted measures in favour disadvantaged groups of women, including Roma women, rural women and women with disabilities. It has also asked the Croatian authorities to further develop and implement measures to overcome stereotypical attitudes towards the roles and responsibilities of women and men in the family and in society. Further, it has called on the Croatian authorities to actively combat violence against women. In this respect, GRETA notes that Croatia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence on 22 January 2013 but has yet to ratify it. **GRETA considers that the Croatian authorities should take further socio-economic measures to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes.**

69. Prostitution is illegal in Croatia, which means that not only clients but also persons engaged in prostitution can be prosecuted.<sup>10</sup> There is currently no programme to support persons wishing to exit prostitution and civil society interlocutors have reported that victims of forced prostitution face a lot of stigma. **GRETA considers that the Croatian authorities should take measures to address negative stereotyping affecting victims of THB for the purpose of sexual exploitation.**

70. The Croatian authorities have referred to the Strategy for Combatting Poverty and Social Exclusion in Croatia (2014-2020) as being relevant for reducing the vulnerability of persons to THB. There are eight strategy areas: education; employment; housing; access to social benefits and services; access to health care; care for the elderly; regional approach to combating poverty and social exclusion; debts and financial independence. Annual reports will be drafted by the Ministry of Social Policy and Youth to take stock of the impact of measures taken and possible problems encountered in the strategy's implementation.

71. The previously mentioned Action Plan for Implementation of the National Roma Inclusion Strategy 2013-2015 addresses the issue of human trafficking. One of the aims is to empower people from Roma communities and help them recognise risks of trafficking, sexual abuse and other types of violence, with a particular focus on women and children (for measures regarding access to education, see paragraph 63). Implementing measures include training programmes and awareness-raising activities on dangers linked to trafficking and sexual abuse as well as community programmes to raise awareness of child trafficking. **GRETA considers that the Croatian authorities should pursue their efforts to reduce the vulnerability of persons belonging to Roma communities, particularly women and children, to human trafficking.**

<sup>9</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Croatia, 28 July 2015, document CEDAW/C/HRV/CO/4-5, see paragraphs 14-19.

<sup>10</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Croatia, 28 July 2015, *ibid.*, see paragraphs 20 and 21.

**e. Measures to prevent trafficking for the purpose of organ removal (Article 5)**

72. GRETA notes that while human trafficking for the purpose of organ removal and organ trafficking are two distinct crimes, they bear certain similarities and share similar root causes, e.g. shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>11</sup>

73. Article 106 of the CC, which criminalises human trafficking, includes organ removal as one of the exploitative purposes. In addition, Article 107, paragraph 1, of the CC on organ trafficking establishes a direct link to human trafficking in referring to the fact that the person receiving the organ, tissues or cells knew or should have known that the person whose organs, tissues or cells were removed was a victim of human trafficking. Sanctions under Article 107, paragraph 1, of the CC range from one to 10 years' imprisonment.

74. The Department of Health Inspections of the Ministry of Health is responsible for checking if any irregularities take place in connection with organ transplantations. Complaints can be addressed to them, including anonymously. Doctors must report any suspicious cases. Transplantation costs are covered by the Croatian social security, provided surgery has been approved beforehand. Croatia participates in the collaborative framework set up by the Eurotransplant International Foundation, which is responsible for the allocation of donor organs in co-operating states (Austria, Belgium, Croatia, Germany, Hungary, Luxembourg, the Netherlands and Slovenia). A campaign was led by the Ministry of Health on organ transplantation and possible abuse. According to the authorities, there has been no case of human trafficking for the purpose of organ removal.

**75. GRETA invites the Croatian authorities to sensitise and train medical staff on THB for the purpose of organ removal.**

**f. Measures to discourage demand (Article 6)**

76. In 2013, the Government Office for Human Rights and Rights of National Minorities launched a campaign aimed at raising awareness of potential users of services of persons trafficked for the purpose of sexual exploitation. The campaign slogan was: "Real men don't buy women". The campaign was presented to the general public on one of the main squares of Zagreb on the occasion of the EU Anti-Trafficking Day. The campaign lasted a year and included the dissemination of flyers, posters and launching a Facebook page.

**77. GRETA considers that the Croatian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in particular sexual exploitation and exploitation in sectors such as agriculture, tourism and construction, in partnership with civil society and the private sector.**

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<sup>11</sup> See "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", Joint Council of Europe/United Nations Study (2009), in particular pages 55-56 ; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

### **g. Border measures (Article 7)**

78. Croatia uses the FRONTEX basic training for border guards of EU member states (the EU Common Core Curriculum) (see paragraph 35). The programme covers the recognition of situations which involve particularly vulnerable persons, such as unaccompanied minors and victims of THB.

79. The Croatian authorities have stated that, in 2013, special attention was dedicated to undertaking a range of activities at places such as airports and marinas on the Adriatic coast, with the aim of identifying indicators that may point to elements of human trafficking. In 2014, a group of specialised police officers of the criminal police was set up, as part of the operation OA Polifem, to take prompt action in suspected cases of human trafficking.

80. In July 2014, the Strategy of Integrated Border Management and its Action Plan were adopted. They promote inter-agency co-operation on borders and include an activity regarding the prevention of human trafficking and smuggling through improved risk analysis and identification of potential victims of trafficking, training and co-operation with NGOs.

81. In the light of the increased migrant flows taking place in the region, GRETA underlines the need to step up efforts of detection of possible victims of human trafficking amongst migrants as part of border control measures (see paragraph 93).

**82. GRETA invites the Croatian authorities to pursue their efforts to tackle trafficking through border measures and co-operation with neighbouring states.**

## **2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

### **a. Identification of victims of THB (Article 10)**

83. In the first evaluation report on Croatia, GRETA considered that the Croatian authorities should take measures to ensure that the police and other stakeholders adopt a more proactive approach and increase their outreach work to identify victims of THB. The authorities were also asked to improve detection of THB for labour exploitation, by involving the Labour Inspectorate and carrying out regular inspections in risk areas. GRETA also stressed the need to strengthen partnership with NGOs in the identification process.

84. The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, adopted in 2009 and currently being revised, provides the framework for the identification of victims of THB. This system was already in place at the time of GRETA's first evaluation (see paragraphs 83-86 of the first report). A national referral mechanism was established to identify victims of THB, with four mobile teams (based in Zagreb, Rijeka, Split and Osijek) which involve social workers and NGOs representatives and are involved in the identification of victims of THB and their referral to assistance (see paragraph 26). These mobile teams work directly with the local police's anti-trafficking officers, who carry out investigations into trafficking cases, and also co-operate closely with the two co-ordinators for adult victims and child victims (see paragraph 25). In cases where the potential victim of trafficking is a foreigner whose stay is in Croatia irregular, police officers involved in illegal migration will also be involved.

85. There are 26 police officers of the Criminal Police and 27 police officers of the Border Police specifically trained on investigating THB cases. When the police get information that a person might be a victim of trafficking, they invite the co-ordinator of the relevant mobile team to participate in the identification interview. After the interview, the Ministry of the Interior's Organised Crime Department decides whether the person can be formally identified as a victim of trafficking and, if such is the case, the National Co-ordinator and the Operative Team are informed without delay.

86. While in principle those NGOs that are part of the mobile teams should be present at the first interview with possible victims of THB, GRETA was informed that, in view of their very limited financial resources, it sometimes proves difficult for NGO representatives to travel to different parts of the area covered by the mobile team at their own cost. Moreover, NGOs represented in mobile teams do not appear to be systematically contacted to attend interviews of detected victims.

87. The National Action Plan includes as an objective the improvement of the proactive detection of victims of THB by the police. Outreach work to detect victims of THB in risk sectors, in particular the sex industry, agriculture and construction, has been promoted through the project "Together" (see paragraphs 34, 48 and 53). However, in practice, lack of resources has prevented NGOs from carrying out outreach activities. Social welfare centres do not carry out outreach activities to detect victims either. As a result, NGOs and social welfare centres only assist those victims that are referred to them by the police.

88. When it comes to labour exploitation, there have been few identified victims, essentially in the agricultural sector in remote areas of the country. In 2013 and 2014, two cases led to the identification of three men from Romania who had been forced to work as shepherds, without payment, reportedly living in miserable conditions, being provided with little food and with their passports being confiscated. In 2013, a case involving four irregular migrants from Bosnia and Herzegovina was discovered by the police, based on a tip-off. They worked in a farm and were used for slaughtering animals. They reportedly lived in appalling conditions, with no bedding, no heating and inadequate food. The employers have been charged with human trafficking and the cases are ongoing.

89. The Labour Inspectorate has been involved in a number of raids carried out by the police, notably on construction sites and in the agricultural sector. GRETA was informed that raids carried out in co-operation with the Labour Inspectorate had not led to the identification of any victims of trafficking. However, when irregular migrant workers were found, they were detained and deported. This situation has been known to favour unscrupulous employers, who themselves have sometimes anonymously tipped off the authorities so that the irregular migrant workers they were employing would be expelled without these employers having to pay them. Moreover, the number of reports made by trade unions to the Labour Inspectorate concerning irregular migrant workers who were not paid by their employers are said to have increased in recent years. Owing to the fact that the construction sector has been hit by a lasting economic crisis, fewer raids have taken place of late in this sector. Insofar as the tourist sector is concerned, only sporadic inspections are carried out by the Labour Inspectorate, which has been explained by the limited resources of its local branches. GRETA notes that the Labour Inspectorate is not sufficiently associated with the victim identification process. During the period 2011-2014, the authorities reported an annual number of 20 000 to 27 000 labour inspections. However, according to the authorities, labour inspectors have not established any circumstances which could indicate possible cases of human trafficking.

90. In 2010 ICMPD published a report as part of the project "Targeting niches in the anti-trafficking efforts: customised support for Croatia"<sup>12</sup>, carried out in partnership with the Croatian authorities. The report provides a list of indicators to detect victims of THB for the purpose of labour exploitation, which has been distributed to relevant stakeholders.

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<sup>12</sup> Available at:  
[www.icmpd.org/Trafficking-in-Human-beings-in-Croatia-An-assessment-focusing-on-labour-exploitation.1832.0.html](http://www.icmpd.org/Trafficking-in-Human-beings-in-Croatia-An-assessment-focusing-on-labour-exploitation.1832.0.html)

91. There are reports about possible victims of forced prostitution on the Adriatic coast during the holiday season. In 2014, the police set up a task force on the island of Pag to detect possible cases of THB during the tourist season; this initiative will be repeated in a different tourist area in 2015. The Croatian authorities have indicated that the competent county police authorities have been instructed to increase their activities aimed at preventing trafficking.

92. The SOS phone helpline, which is run by the NGO ROSA, facilitates the detection of possible victims of human trafficking and provides reports to the police. GRETA was informed that the helpline is currently operated from 10 am to 6 pm due to limited resources (only the costs of calls are directly covered by the state).<sup>13</sup>

93. The Croatian authorities have not indicated having identified any victims of THB amongst asylum seekers. Officials processing asylum seekers' files receive some training on identifying victims of human trafficking. As regards irregular migrants, GRETA is only aware of two training sessions that were organised in 2013 for border officers on victims of trafficking amongst irregular migrants. In this respect, GRETA underlines the importance of strengthening their efforts of identification of victims amongst irregular migrants and asylum seekers in the light of the current increased migration flows in the region.

94. While welcoming the existence of a national framework for the identification of victims of THB and the involvement of social welfare centre staff and NGOs representatives in victim identification, **GRETA urges the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:**

- **taking steps so that law enforcement officials, social workers, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims of human trafficking for the purpose of sexual exploitation;**
- **increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, including among irregular migrant workers, by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate (including construction and agriculture inspectorates) with the resources required to effectively prevent and combat THB;**
- **paying increased attention to detecting victims of trafficking among asylum seekers and persons placed in the Reception Shelter for Foreigners. In this context, training on the identification of victims of trafficking should be provided to staff, including medical staff, of centres for asylum seekers and irregular migrants;**
- **securing adequate funding for specialised NGOs to enable them to effectively take part in identification performed by mobile teams and to undertake outreach work in order to proactively identify victims of trafficking;**
- **providing regular training on the identification of victims of THB to all frontline staff who may come into contact with possible victims, including operational indicators, guidance and toolkits for the identification of victims of trafficking.**

<sup>13</sup> From 2011 to 2014, the SOS phone helpline received on average 480 calls a year, and 11-18 possible cases per year have been reported to the Ministry of the Interior.

**b. Assistance measures (Article 12)**

95. In its first evaluation report, GRETA welcomed the efforts made by the Croatian authorities to provide assistance of victims of THB and to ensure an adequate quality of these measures. However, GRETA considered that a better balance should be struck between the need to place victims of THB who have obtained residence permits in a shelter, which has a special regime, and the need to achieve their recovery and rehabilitation through access to education, vocational training and employment. GRETA also invited the Croatian authorities to carry out an assessment as to whether the available measures are adapted to the needs of male victims of trafficking.

96. As noted in the first evaluation report, the assistance measures for victims of THB are provided for in the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking. Persons who accept the individualised assistance and protection programme are to be provided with safe accommodation adapted to their age and needs. Such accommodation may be provided in a shelter for victims of THB or, when the personal circumstances of the victim so require, in social welfare institutions. Other measures include psychological and social rehabilitation, material assistance for personal needs, access to emergency medical care, medical assistance, interpretation services for foreign victims, and free legal aid. Furthermore, training is provided to victims of THB to ensure their access to the labour market. The Employment Service has taken special measures to facilitate the integration into the labour market of victims of trafficking as a vulnerable category of workers, including by subsidising jobs from 75% to 100% of earnings, alongside other vulnerable categories; employers who benefit from these subsidies are not informed of the particular vulnerability of the persons concerned.

97. GRETA commends the fact that the provision of assistance to victims of trafficking does not depend on their willingness to co-operate with the authorities.

98. Pursuant to the Standard Operational Procedures of the Ministry of Social Policy and Youth, interviews with identified or potential victims are conducted by members of the mobile team, without the presence of the police, and the victim is given information about the available assistance and protection measures. Victims must give their consent to the programme of assistance and protection. According to GRETA's interlocutors, many THB victims refuse to receive assistance. Before interviews take place, the first contacts of victims are with the police, who inform them of their right to assistance, and if they refuse assistance they are given the contact number of an NGO in case they change their mind. The Croatian authorities are working on how to increase the number of victims accepting assistance programmes, notably through training of professionals coming into contact with victims of trafficking. GRETA notes that the needs of female and male victims will often differ and assistance measures offered to them should take into account their specific needs, bearing also in mind the type of exploitation they were subjected to.

99. There continue to be two state-funded shelters for victims of human trafficking, whose location is not disclosed to the public. The shelter for adult victims, which was visited by GRETA during the first evaluation visit, is run by the Croatian Red Cross and receives funding from the Ministry of Social Policy and Youth. In 2014, one male victim and two female victims were accommodated in this shelter, in addition to three other victims who were already in the shelter. A second shelter run by an NGO from the PETRA network which is in principle intended for child victims occasionally accommodates adult victims (see paragraph 107). Two adult victims were accommodated in this shelter in 2013 and one adult victim in 2014. The shelters can accommodate both female and male victims. Both civil society organisations sit on the Operational Team to share their field experience in assisting victims and, if need be, raise problems they may be facing. The Ministry of Social Policy and Youth renews the agreement every year and monitors the work of the service providers. According to an agreement signed with the Ministry of Social Policy and Youth, the NGOs that operate the shelters for victims of trafficking must provide annual reports on the spending of funds and their activities. The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking stipulates that assistance and protection procedures are covered by confidentiality and all staff involved must be aware of the obligations contained in the Protocol.

100. Regardless of whether the victims were accommodated in a shelter or not, individual plans were prepared for 11 victims in 2012, 12 victims in 2013 and four victims in 2014. From January to September 2015, five victims were offered such individual plans. In addition, reintegration programmes are discussed by the Operational Team and a budget line has been created to support these programmes. During the period 2012-2014, five adult victims of trafficking of Croatian origin (four male victims of labour exploitation and one female victim of sexual exploitation) benefited from a reintegration programme, which involved accommodation, psychological and social support, counselling and health care. They were supported in finding work and accommodation. Such programmes are meant to be flexible and adaptable to the needs of each victim.

101. **GRETA considers that the Croatian authorities should take steps to:**

- **ensure that victims of human trafficking take an informed decision on whether to accept assistance, in particular by giving full information about the assistance they are entitled to and by referring them systematically to specialised NGOs providing assistance;**
- **provide assistance adapted to the specific needs of male victims.**

**c. Identification and assistance of child victims of THB (Articles 10 and 12)**

102. In its first evaluation report, GRETA considered that the Croatian authorities should improve the identification of child victims, including through outreach work.

103. The NRM described in paragraphs 84-85 also applies to the identification of child victims of THB and their referral to assistance. The co-ordinator for child victims is an official from the Ministry of Social Policies and Youth and the ministry also has regional co-ordinators on THB who play a leading role in the mobile teams, where child victims are concerned.

104. The procedure for child victims is provided for in the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking (see paragraph 85 of GRETA's first report). When the police come across a possible child victim of human trafficking, the THB co-ordinator of the Ministry of the Interior informs the co-ordinator for child victims from the Ministry of Social Policy and Youth, who then contacts the regional co-ordinator competent for the area where the child was found. The regional co-ordinator, together with the other members of the mobile team, sets in motion measures aimed at providing assistance to child victims. In all cases where the victim is a child, specialised police officers responsible for child protection are involved from the outset. Insofar as identification is concerned, the police collaborate with the mobile team and the first interview must take place in the presence of the representatives of the mobile team. The mobile team can also hear possible child victims without the presence of the police. Children are informed of their status and the decision about accepting the assistance and protection programme is made by the child's guardian, in consultation with the social welfare co-ordinator, and taking into account the child's views.

105. If it is considered to be in the child's best interests, all the necessary measures are taken to find the child's family and establish contact with it. According to Article 44, paragraph 1, of the Criminal Procedure Act (CPA), where children are victims of a crime, if it is not in the child's best interests to be returned to his parents, a guardian from the social welfare service is appointed. In the case of unaccompanied children, the regional co-ordinator proposes a guardian from the competent social welfare centre, whose task is to take care of the protection of the rights and interests of the child. Interviews with the child must be carried out in the presence of the parents or the legal guardian of the child.

106. Child victims are provided with accommodation in social welfare homes or, from the age of 14, in the shelter for child victims of human trafficking. The child's basic needs are covered as part of the assistance package (in particular, safe accommodation, food, rest, clothes, health care, psychological and social assistance, interpreting services if necessary). The regional co-ordinator, in co-operation with the child's guardian, submits a request to the Ministry of the Interior for approval of temporary residence for humanitarian reasons.

107. The state-funded shelter for child victims of THB is run by the NGO Organisation for Integrity and Prosperity (OIP). It has a capacity of six places and is located at a secret address. An NGO staff member is present round the clock when victims are accommodated. The shelter works closely with the regional co-ordinator, who is a psychologist, and has contracts with a general practitioner, a psychiatrist, a paediatrician and a gynaecologist. The shelter accommodated three child victims in 2011, none in 2012 and one in 2014. At the time of the visit by the GRETA delegation, there was one victim in the shelter aged 15. Children may stay at the shelter in principle for six months, but an extension is possible where necessary. They may leave the shelter and are accompanied by a staff member.

108. During the asylum procedure, if there is any doubt that a child is a victim of trafficking, the THB co-ordinator of the ministry is notified. There have been no recorded cases of victims of THB amongst asylum seekers, including unaccompanied children. In 2014, 75 unaccompanied foreign children were registered in the reception centres for asylum seekers. They reportedly disappeared within a few days. The Croatian authorities have indicated that in 2015, a facility to accommodate children and other vulnerable groups of irregular migrants was set up within the Aliens Reception Centre of Ježevo, which can accommodate up to 24 persons.

109. If the age of the victim is not known but there are reasons to believe that he/she has not reached 18, there is a presumption that the victim is a child and he/she benefits from appropriate assistance measures until the age is determined during the identification process. There does not appear to be a standardised procedure for age assessment and GRETA was informed that X-ray examinations would be used. GRETA notes that this method of age assessment does not take into account psychological, cognitive or behavioural factors.

110. As noted in paragraph 13, the overall number of identified victims of human trafficking increased in 2013 and 2014 compared to previous years, essentially as a result of a larger number of child victims being identified. The Croatian authorities have linked this rise to the entry into force of the new Criminal Code provision on THB, which mentions pornography explicitly as an exploitative purpose. Seven of the child victims identified in 2014 were compelled to send explicit photographs through social networks for pornographic use. According to the authorities, these children remained with their families after being identified because the families were not involved in the alleged offences. GRETA stresses the importance of distinguishing between cases of THB and other crimes related to sexual integrity, such as child pornography. Further, two Croatian girls, aged 15 and 17, were victims of human trafficking for forced prostitution; one accepted the assistance and protection package, while the other received standard support from the social welfare service.

111. In 2014, three other victims were children from Bosnia and Herzegovina, aged two, four and 10, who were made to cross the border with forged documents by a woman posing as their mother for the purpose of being used for forced begging or being sold abroad. These children received assistance and were attending kindergarten or school. After several months, it was assessed by the Border Directorate, in line with Article 70 of the Aliens Act and the Protocol on Proceedings in case of voluntary return of victims of human trafficking, that there was no risk in their going back to Bosnia and Herzegovina and they were returned to their father in the presence of a representative from the social welfare system of Bosnia and Herzegovina.

112. The Croatian authorities have referred to two cases of THB for forced marriage involving Roma girls, in 2013 and in 2014 (see paragraph 162). The first case involved a girl from "the former Yugoslav Republic of Macedonia" who received support from the Ministry of Social Policy and Youth. She was given a temporary residence permit on humanitarian grounds as a victim of trafficking, but eventually expressed the wish to return to her country of origin. In August 2015, the Croatian authorities organised her voluntary return to the "former Yugoslav Republic of Macedonia" where a guardian was appointed by the competent social welfare authorities. Concerning the victim identified in 2014, the Ministry of Social Policy and Youth was involved in providing assistance and protection. The victim was first accommodated in the Home for Children and Youth, from which she was briefly transferred to the home for children with physical or mental health difficulties run by Caritas, and after that in the aforementioned shelter for child victims of THB.

113. Further, there have been cases of THB for forced begging affecting children from Roma communities, more specifically boys, in particular in Zagreb. This has led to several cases being prosecuted (see paragraph 162).

114. Whilst the registration of children at birth is not considered to be a significant problem, some instances have nonetheless been reported. A problem was flagged concerning the registering of children of women coming from abroad and giving birth in Croatia to children recognised by third persons. GRETA stresses the need for further examining and addressing this phenomenon.

**115. GRETA urges the Croatian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:**

- **ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied minors;**
- **take steps to address the problem of disappearance of unaccompanied minors from reception centres for asylum seekers, by providing suitable safe accommodation and adequately trained staff;**
- **train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs.**

116. Furthermore, GRETA considers that guardianship services should be offered consistently, by specially trained staff from the centres for social welfare, and sufficient long-term funding should be maintained to enable specialised NGOs to carry out outreach work for the purpose of detecting child victims, and to secure other child-specific services, such as interpretation and legal assistance.

117. GRETA also considers that the Croatian authorities should set up age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.<sup>14</sup>

**d. Protection of private life (Article 11)**

118. Croatian legislation (the Act on Protection of Personal Data, the Act on Civil Servants, the Social Welfare Act) as well as other texts (such as the Codes of Ethics of Civil Servants, Social Workers and Psychologists) provide for a general obligation to respect privacy and to treat as secret the personal data of beneficiaries of state administration services. In addition, the Protocol for Identification, Assistance and Protection of Victims of Trafficking in Human Beings states that the procedure of assistance and protection requires the protection of the personal data of victims and that all professionals who are in contact with trafficked persons, are bound by this rule. Data regarding victims of trafficking in human beings are treated as confidential and cannot be shared with persons who have no connection with the case concerned. Access to victims' files is exclusively limited to persons who are directly involved in assistance work for the victims.

**e. Recovery and reflection period (Article 13)**

119. In Croatia, the recovery and reflection period is regulated by the Aliens Act, as amended on 19 June 2013. According to Article 67, paragraph 1, of the Aliens Act, foreign victims are entitled to a period of 60 days to decide whether to participate in the assistance and protection programme. It is therefore not linked to a decision on whether to co-operate with the investigations and prosecutions of traffickers, but rather to benefit from assistance measures available to victims of human trafficking.

120. Insofar as child victims are concerned, Article 67, paragraph 2, of the Aliens Act provides that the child's guardian will decide on the child's participation in the assistance and protection programme within 90 days, with the consent of the Centre for Social Welfare, bearing in mind the best interests of the child and the child's opinion.

121. The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking also contains provisions providing for the possibility of such a period of 60 days for adult victims and 90 days for child victims. GRETA welcomes the fact that the recovery and reflection is longer than the minimum length laid down under Article 13 of the Convention.

122. During the recovery and reflection period, victims benefit from the same rights as those having formally accepted to be assisted (safe accommodation, health care, psycho-social assistance, legal assistance and interpreters). They are also provided information about their rights.

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<sup>14</sup> General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

123. According to Article 67, paragraph 3, of the Aliens Act, in the case of adult victims, this period may be terminated if it has been established that the person is not a THB victim, or if the person actively, voluntarily and out of his or her own personal initiative renewed contacts with the perpetrators of the criminal offence, or if so required on ground of public order and national security. GRETA notes that it may prove difficult to establish whether a victim has voluntarily renewed contact or has been pressured into it by the traffickers. GRETA stresses that, in such a case, the recovery and reflection period must not be revoked without taking due account of the individual's personal circumstances and examining them in depth.

124. The Croatian authorities have indicated that all identified victims who accepted assistance and protection and decided to stay in Croatia were given temporary residence permits on humanitarian grounds as victims of trafficking, and, according to the authorities, there was therefore no need for a recovery and reflection period.

**125. GRETA considers that the Croatian authorities should ensure that all victims of human trafficking are properly informed about their right to a recovery and reflection period and, for this purpose, that all police officers (including from the border police), prosecutors, labour inspectors, immigration officers and social workers are adequately trained and given clear guidance in this respect.**

**f. Residence permits (Article 14)**

126. Pursuant to Article 65, paragraph 1, of the Aliens Act, as amended on 19 June 2013, victims of human trafficking who have accepted to benefit from the assistance and protection programme will be issued with a temporary residence permit on humanitarian grounds, whether or not they decide to cooperate with the investigation or prosecution. According to Article 71, paragraph 1, of the Aliens Act, temporary residence permits on humanitarian grounds will be terminated if the person loses victim status, if it is established that he/she is abusing their victim status or if it is necessary for reasons of public order, national security and public health. Paragraph 2 of Article 71 stipulates that in the case of children, the opinion of the competent social welfare body will be sought before deciding on the withdrawal of the residence permit.

127. Residence permits are valid for up to one year and renewable. It is in principle the mobile team that makes a request for a residence permit, on behalf of the victim, to the police, which will transmit this request to the central services of the Ministry of the Interior. During the period 2012-2015, two victims of trafficking benefited from renewable residence permits.

**128. GRETA considers that the Croatian authorities should ensure that all victims of human trafficking are properly informed about their right to a renewable residence permit and, for this purpose, that all immigration officers are adequately trained and given clear guidance in this respect.**

**g. Compensation and legal redress (Article 15)**

129. Since the first evaluation by GRETA, there have been several legal developments of relevance concerning access to compensation and legal redress. The Act on Free Legal Aid came into force on 1 January 2014. It stipulates that, in addition to Croatian nationals, the following categories of people can benefit from free legal aid: unaccompanied foreign children, foreigners with a temporary residence permit (on the basis of reciprocity), foreigners with permanent residence, foreigners under temporary protection, asylum seekers, refugees and foreigners under subsidiary protection, in proceedings in which legal assistance has not been provided for them by another act. GRETA did not obtain confirmation that persons who were irregular migrants at the time they were exploited would be entitled to legal aid.

130. Pursuant to the Act on Free Legal Aid, beneficiaries can receive primary legal assistance, which covers general legal information, legal advice, drawing up submissions before public bodies, the European Court of Human rights and international organisations, representation in proceedings before public bodies and legal assistance in out-of-court peaceful settlement of disputes. They can also benefit from secondary legal assistance, which covers legal advice, drawing up of petitions in procedures to protect the rights of a worker before his employer, drawing up of petitions in court proceedings, representation in court proceedings, legal assistance in dispute resolution, exemption from payment of the costs of court proceedings and exemption from payment of court fees. This type of legal assistance is provided by lawyers.

131. GRETA was informed by civil society interlocutors that there was a shortage of lawyers trained to represent victims of human trafficking. They pointed out that, as consequence, it was important that in the case of victims of trafficking, legal aid covers the costs of lawyers who have expertise in trafficking. The example of a victim identified in Zagreb but assisted in Split was mentioned; she was provided with legal advice by a lawyer knowledgeable on THB in Split whilst the proceedings were pursued in Zagreb, where the legal aid lawyer was normally to be appointed. A seminar was organised in March 2015 as part of an EU-funded project, "Upholding Rights: Early Legal Intervention for Victims of Trafficking", with participants from civil society and the authorities. GRETA stresses that efforts need to be made to increase the number of specialised lawyers, prosecutors and judges, as well as NGOs providing legal support to victims of trafficking. The Croatian authorities were not in a position to specify how many trafficking victims had benefited from legal representation.

132. A claim for compensation following a criminal offence will be considered as part of criminal proceedings, provided that this does not considerably delay the proceedings (Article 153 of the CPA). It must be submitted at first instance, before the conclusion of evidentiary proceedings before the court. Victims can alternatively claim compensation in civil proceedings. Pursuant to the Act on Free Legal Aid, secondary legal assistance for civil proceedings to obtain compensation for damages caused by the criminal offence will be approved without having to establish the applicant's material situation if he or she is a victim of a violent criminal offence.

133. There has reportedly been one case where a victim of human trafficking was awarded compensation from the perpetrator. No specific information could be obtained, the Croatian authorities having indicated that the Public Prosecution Service does not have data on the number of victims that received compensation or on the amounts awarded.

134. Pursuant to the Act on Compensation for Victims of Criminal Offences, which entered into force on 1 July 2013, the victim of a violent criminal offence committed with intent in Croatia has a right to state compensation if: (i) he/she is a Croat citizen or is resident in Croatia, or a citizen of an EU member state or is resident in an EU member state; (ii) if he/she suffered serious physical injury or serious damage to health as a result of a criminal offence (he/she has the right to compensation of medical costs, and compensation for lost earnings in a lump sum of 35 000 kuna, approximately 4 616 euros); (iii) if the criminal offence was registered or reported to the police or public prosecution service within six months of the day the criminal offence was committed; (iv) if he/she filed a written application on the official form and enclosed the necessary documentation. No requests for compensation from victims of THB have so far been received within the framework of the Act on Compensation for Victims of Criminal Offences. GRETA notes that such compensation concerns only victims who have sustained serious injuries and does not cover nationals of countries other than Croatia or EU states.

135. The Ministry of Justice has prepared an information leaflet, in Croatian and English, on the right to compensation for victims of violent crimes which will be disseminated in police stations, public prosecution services and courts. It will also be made available on the websites of these authorities.

136. **GRETA urges the Croatian authorities to take steps to facilitate and guarantee access to compensation to victims of THB, and in particular to:**

- **ensure that all victims of human trafficking, regardless of nationality and residence status are eligible for state compensation;**
- **enable victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;**
- **include victim compensation into training programmes for law enforcement officials, prosecutors and judges;**
- **review the eligibility criterion of serious injury for state compensation which is too restrictive.**

137. **Further, GRETA invites the Croatian authorities to develop a system for recording claims for state compensation by victims of trafficking, as well as compensation awarded to victims of trafficking.**

#### **h. Repatriation and return of victims (Article 16)**

138. Pursuant to Article 70 of the Aliens Act, as amended on 19 June 2013, and the Protocol on Procedures during Voluntary Return of Victims of Human Trafficking, the return of victims should, if possible, be voluntary. The Aliens Act provides for the protection of vulnerable persons in taking measures for securing return (Article 100) and the prohibition of forced removal (Article 118), in accordance with the principle of *non-refoulement*.

139. The Ministry of the Interior is competent for organising the voluntary return of victims of human trafficking, except when it comes to children for whom the Ministry of Social Policy and Youth has competence. When organising the victim's safe return, the Ministry of the Interior and the Ministry of Policy and Youth co-operate with the competent national authorities, as well as international and non-governmental organisations and the Croatian Red Cross, in particular to carry out a risk assessment. The Ministry of the Interior uses a contact list developed through the project "Strengthening Transnational Co-operation in Cases of THB in Southeast Europe – TRM II"<sup>15</sup> and to refer victims through appropriate channels and ensure their safety upon return. Before making a decision about return, the victim must be informed about all the facts and legal consequences of returning. Members of the mobile team or the organisation that is providing assistance are responsible for informing the victim about return, in their mother tongue or another language they understand. If the victim is a child, the consent of the guardian is also needed for the voluntary return.

140. According to information provided by the Croatian authorities, in 2011, one child was returned to Bosnia and Herzegovina, in 2012, three victims were returned to their country of origin, and in 2013, three victims returned respectively to Bosnia and Herzegovina, Serbia and Romania. In 2015, three child victims were returned to Bosnia and Herzegovina (see paragraph 111). An Assisted Voluntary Return (AVR) programme is currently being developed with IOM, which will also cover victims of THB. **GRETA would like to be kept updated about any developments concerning the future AVR programme and how victims of trafficking will be taken into account as part of it.**

141. There have so far not been any cases of forced return of Croatian citizens or foreigners with permanent residence in Croatia, who have been identified in other countries as victims of human trafficking.

<sup>15</sup> See ICMPD's website for more information on this project at: [www.icmpd.org/News-results.1610.0.html?&cHash=f0e9ee33578a8f3b19c5bdc12d8b6630&tx\\_ttnews%5Btt\\_news%5D=10](http://www.icmpd.org/News-results.1610.0.html?&cHash=f0e9ee33578a8f3b19c5bdc12d8b6630&tx_ttnews%5Btt_news%5D=10)

142. **GRETA considers that the Croatian authorities should take additional steps to:**

- **ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;**
- **develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;**
- **ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.**

### **3. Substantive criminal law**

#### **a. Criminalisation of THB (Article 18)**

143. The new Criminal Code (CC), as amended by the Act on Amendments and Supplements to the Criminal Code, came into force on 1 January 2013. Article 106 of the CC on "Trafficking in Human Beings" reads as follows:

"(1) Whoever by use of force or threat, deception, fraud, kidnapping, abuse of power or of a difficult position or dependent relationship, giving or receiving monetary compensation or other benefits to obtain the consent of a person who has control over another person, or otherwise recruits, transports, transfers, harbours or receives a person or exchanges or transfers supervision of a person for the sake of exploiting their labour, as forced labour or servitude, by establishing slavery or a similar relationship, or for the sake of their exploitation for prostitution or other forms of sexual exploitation, including pornography, or for unlawful prohibited or forced marriage, or for taking parts of their body, or for their use in armed conflicts or for committing unlawful acts shall be punished by a prison sentence of between one and ten years.

(2) The penalty from paragraph 1 of this Article shall be imposed on anyone who recruits, transports, transfers, harbours or receives a child, or exchanges or transfers supervision of a child, in order to exploit his work through forced labour or servitude, by establishing slavery or similar relationship, or for the sake of his exploitation for prostitution or other forms of sexual exploitation, including pornography or for entering into illicit or forced marriages, or for illegal adoption or for the purpose of taking parts of his body, or for his use in armed conflict.

(3) If the criminal offence from paragraph 1 of this Article is committed against a child, or if the criminal offence from paragraph 1 or 2 of this Article is committed by an official in the course of their duty, or it is committed against a large number of persons, or the life of one or more persons is consciously endangered, the perpetrator shall be punished by imprisonment of between three and fifteen years.

(4) The punishment from paragraph 1 of this Article shall be imposed on anyone who, knowing that a person is the victim of trafficking in human beings, uses their services which are the result of one of the forms of exploitation of them listed in paragraphs 1 and 2 of this Article.

(5) Whoever, in order to facilitate the commission of the offence from paragraphs 1, 2 and 3 of this Article detains, seizes, conceals, damages or destroys a travel or identity document of another person shall be punished by imprisonment of up to three years.

(6) The perpetrator shall be punished for attempting to commit the criminal offence from paragraph 5 of this Article.

(7) The consent to exploitation of the person who is the victim of trafficking in human beings does not affect the existence of that criminal offence."

144. Whereas in the former CC human trafficking and slavery were criminalised under the same provision, the two offences are now treated in separate articles. Slavery is criminalised under Article 105 of the CC. The Croatian authorities have reported that this contributes to making easier the use of the provision on trafficking by the police and prosecutors.

145. GRETA notes that, in addition to forced labour, servitude, slavery, sexual exploitation and the removal of organs, the list of forms of exploitation has been expanded to include illicit or forced marriage, the exploitation of criminal activities and the use of victims in armed conflicts. Insofar as children are concerned, the new provision retained illegal adoption amongst the forms of exploitation.

146. In addition to Article 106 of the CC, which mentions forced marriage as one of the types of exploitation in relation to trafficking, the CC contains a stand-alone criminal offence of forced marriage under Article 169 of the CC. Occurrences of forced marriages in Roma communities of Croatia have been reported by the authorities.

147. The expressions relating to abuse of a person's "position of helplessness" or of "authority" over this person which were used in Article 175 of the former CC amongst the means used for human trafficking have been replaced in Article 106 of the new CC by the expressions "difficult position" and "dependent relationship", which according to the Croatian authorities, could be more broadly interpreted in favour of victims. The Croatian authorities have stated that there were two ongoing cases where victims of this criminal offence were particularly vulnerable due to their difficult position or dependent relationship; one case concerned a victim with an intellectual disability used for forced labour and the other a victim made dependent on drugs by the trafficker.

**148. GRETA welcomes the fact that Article 106, paragraph 5, of the CC criminalises acts relating to travel and identity documents for the purpose of enabling trafficking in human beings, in line with the recommendation made in its first evaluation report in connection with Article 20 of the Convention.**

**b. Criminalisation of the use of services of a victim (Article 19)**

149. According to Article 106, paragraph 4, of the CC, the use of services which are the object of exploitation as referred in paragraphs 1 and 2 of this provision, with the knowledge that the person is a victim of human trafficking, is punished with the same sanctions as those provided under paragraph 1 for the offence of trafficking, i.e. a prison sentence from one to 10 years. This provision has not been applied as yet.

**c. Corporate liability (Article 22)**

150. Croatian legislation establishes the criminal liability of legal persons through the Act on the Liability of Legal Entities for Criminal Offences (Article 5). This provision was already in place during the first evaluation (see paragraph 123 of the first report). It has still not been applied in any trafficking case. The Croatian authorities have stated that there have been subsequent reviews and amendments to the law, but have not provided any explanations as to why it has not been applied in any THB cases. **GRETA invites the Croatian authorities to carry out a review on the application of the corporate liability provision of the Act on the Liability of Legal Entities for Criminal Offences.**

#### d. Non-punishment of victims of THB (Article 26)

151. There is no specific legal provision in the new Croatian CC concerning the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities to the extent that they have been compelled to do so. The Croatian authorities have referred to the possibility of applying Article 22 of the CC on the state of necessity, which provides in its paragraph 1 that there will be no criminal offence when the perpetrator has acted in order to avoid an imminent danger to him or herself or another person, which could not have been averted in any other way, provided that in doing so a lesser harm was done than that which had been feared; and its paragraph 2 whereby a person will not be found guilty if he/she has committed an illegal act in order to avoid an imminent danger to him or herself or another person, which could not have been averted in any other way, provided that in doing so the harm that is done is not disproportionately greater than that which had been threatened. The provision on irresistible coercion that existed under the former Criminal Code (Article 31) has been removed from the new CC.

152. The Croatian authorities have further stated that the prosecutors can choose not to prosecute an offence where they have been committed by a victim of trafficking based on the information provided by the police. They have indicated that instructions from the State Attorney had been adopted on the matter. GRETA was informed of a case where victims of trafficking for the purpose of labour exploitation were involved in illegal slaughtering and not prosecuted for the offence of illegal slaughtering.

153. GRETA notes that in cases covered by Article 22 of the CC the burden of proof lies on the defendant and that the state of necessity has to be proven beyond reasonable doubt in court, which can take place long after a person was arrested. According to GRETA, this provision is broad and its threshold high.

154. In the absence of a specific provision on the non-punishment of victims of THB, GRETA deems it all the more important that the non-punishment of victims having been compelled by traffickers to commit an offence be part and parcel of the training on human trafficking organised for the police, prosecution and judiciary to ensure that they are made aware of the principle of non-punishment as embodied in Article 26 of the Convention. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>16</sup>

**155. GRETA considers the Croatian authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. While the identification procedure is on-going, potential victims of trafficking should not be punished for immigration-related offences.**

**156. GRETA also considers that the Croatian authorities should ensure the proper implementation of the existing guidance for public prosecutors on non-punishment.**

<sup>16</sup> Available at: [www.osce.org/what/trafficking](http://www.osce.org/what/trafficking)

## **4. Investigation, prosecution and procedural law**

### **a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)**

157. In all police districts there are police officers responsible for dealing with THB, who may participate directly in the identification of victims and perpetrators. In total, there are 26 specialised police officers in the Criminal Police and 27 in the Border Police. District police forces liaise with the Ministry of Interior's Organised Crime Department in cases of transnational trafficking where contacts with other colleagues from other countries is involved. Police officers leading investigations into human trafficking have to report on each identified victim to the police officer who acts as co-ordinator in the Organised Crime Department at the Headquarters of the Criminal Police Directorate.

158. Pursuant to Article 334 of the Criminal Procedure Act (CPA), special investigation techniques can be used in human trafficking cases, upon request by a prosecutor and oversight by an investigative judge, for three months, which can be extended for another six months. They include phone tapping and recording; intercepting, collecting and recording computer data; entering premises in order to undertake an inspection and to place recording devices; secret monitoring and technical recording of persons and objects; use of undercover investigators and informants; simulated sales and purchase of items and simulated giving of bribes or receiving bribes; simulated provision of services or conclusion of simulated legal transactions; and surveillance of transport and delivery of the subject of a criminal offence, in accordance with Article 332 of the CPA.

159. According to Croatian legislation, blocking a website or removing content from a website can only be done on the basis of a final court decision. However, the Croatian Academic and Research Network (CARNet), which acts as the manager of the national internet top-level domain in Croatia, may, in line with the Ordinance on the Organisation and Management of the National Top-Level Domain, temporarily deactivate a ".hr" domain if there are suspicions of a criminal offence.

160. In all cases of trafficking in human beings, especially if it is established that the victim was subjected to a long period of exploitation, the Office for the Prevention of Money Laundering and the Department for Economic Crime and Corruption of the Ministry of the Interior conduct financial investigations. According to Article 206 i of the CPA, if there is a well-founded suspicion that a criminal offence has been committed and criminal proceedings are instituted ex officio, and if it has involved material gain, prosecutors must immediately undertake or order the conduct of investigations in order to establish the value of that gain and to establish where the criminal assets are located. Pursuant to the Act on the Procedure to Seize Material Gains Acquired by a Criminal Offence or a Minor Offence, assets and rights acquired by an offender or a related person include in particular real property and movable property, business shares and money, owned, possessed by them or under their control. If the criminal assets have been concealed or there are grounds to suspect money laundering, the public prosecutor takes steps to find and seize them. When information on criminal assets has been collected or the assets are located, prosecutors must propose interim measures, without delay, to prevent those assets from being concealed or destroyed, and must propose, no later than the preliminary hearing, that they be seized. GRETA was not provided with any information as to whether any criminal assets have been seized and confiscated as part of human trafficking cases.

161. According to data provided by the Croatian authorities, there were eight persons prosecuted for THB in 2010, seven in 2011, and five in 2012. The number of convictions for human trafficking amounted to seven in 2010, five in 2011, two in 2012 and three in 2013. In 2013, the public prosecution service received criminal complaints against six persons on the basis of Article 106, paragraph 1, of the CC, for allegedly recruiting several persons and transporting them from Bosnia and Herzegovina to Croatia for the purpose of forced labour. In 2014, 13 persons were prosecuted on the basis of Article 106, paragraph 1. The public prosecution service did not report any significant difficulties and the cases are now in the trial phase. In 2014, two final convictions against two perpetrators were handed down, one on the basis of Article 175 on human trafficking in the former CC, and one on the basis of Article 106 of the CC. No information was provided to GRETA on the length of the sentences.

162. According to information provided during the evaluation visit, there has been one final judgment where the perpetrator was found guilty of trafficking for the purpose of forced begging and several other cases of trafficking for forced begging are reportedly on-going. There is an ongoing investigation by the Vukovar Public Prosecutor's Office into a case of alleged trafficking for the purpose of forced marriage involving a child victim. There have been no cases of trafficking in human beings falling under Article 106, paragraph 3, of the CC criminalising the involvement of an official in the performance of his or her duties.

163. A procedure of plea bargaining is provided for under Articles 359 to 364 of the CPA. When an offence is punishable by a prison sentence of more than five years, the victim's consent to the plea bargaining procedure is required. The Public Prosecution Service has not recorded any cases involving a criminal offence under Article 106 of the CC where a procedure of plea bargaining was carried out.

164. Several interlocutors have pointed to the lack of awareness and sensitisation of judges to trafficking in human beings and its victims. Examples of cases where other offences, in particular pimping, were preferred to human trafficking by judges and perpetrators been given light sentences in such cases were mentioned by civil society interlocutors, and instances where victims of sexual exploitation acting as witnesses were not treated with the required sensitivity.

165. **GRETA urges the Croatian authorities to take additional legislative and practical measures to ensure that:**

- **THB cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions;**
- **the offence of THB is excluded from the plea bargaining procedure.**

166. **In this context, GRETA considers that the Croatian authorities should take steps so that prosecutors and judges develop specialisation on human trafficking.**

167. **Recalling the obligation for Parties to the Convention to confiscate criminal assets linked to human trafficking, GRETA considers that the Croatian authorities should intensify their efforts to identify, seize and confiscate criminal assets generated by trafficking offences.**

**b. Protection of witnesses and victims (Articles 28 and 30)**

168. The protection of victims of THB is regulated by the CPA. Article 45 of the CPA applies specifically to victims of THB and provides that they are entitled to the following: to request to be interviewed via an audio-video device; confidentiality of their personal data; the exclusion of the public from the hearing. Article 44 of the CPA provides for additional rights for child victims, including the fact that courts, public prosecutors, investigators and the police must treat child victims with particular consideration for their age, personality and personal circumstances in order to avoid possible harmful consequences, in line with the best interests of the child.

169. Article 292 of the CPA lays down the manner in which to interview as witnesses victims of human trafficking. The interviews of adult victims of human trafficking who are not able to respond to the summons may take place in a room equipped with audio-video devices. If the condition of the witness so requires, the interview may be conducted in such a way that the parties ask him/her questions without being present in the room where he/she is located. Victims of human trafficking may only be interviewed again in exceptional circumstances if the court deems it necessary.

170. Further, Article 292 of the CPA provides, in the case of children under the age of 14, that the interview will be carried out by the investigating judge in a separate room, using audio and video devices, in the presence of a psychologist or child specialist and his/her parents, unless it goes against the child's interests, or guardian may be present. Only in exceptional cases will another such interview be carried out. For children aged 14 to 18, interviews are also carried out by the investigating judge taking precautions so that it does not affect their emotional state; similar arrangements as with children under the age of 14 can be taken if need be. Insofar as child victims are concerned, GRETA underlines the relevance of following the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.<sup>17</sup>

171. The CPA provides for further protection in cases where there is a risk that by giving testimony or answering certain questions, the witness will expose him/herself or a person close to them to danger to their life, health, physical integrity or freedom. As endangered witnesses, they may refuse to give personal data, reply to a specific question or give testimony at all until they are provided with protection. If such is the case, the prosecutor must propose to the investigation judge a special way of participating in the proceedings and a special form of interviewing the witness. If the investigation judge agrees, the endangered witness will be given a pseudonym, special arrangements will be taken as to participation in the proceedings, including interviews, and personal information will be kept secret. Persons who learn about the endangered witness must keep this information secret. When summoning an endangered witness to a hearing, the investigation judge and the public prosecutor may order the police to take measures to protect the witness. The witness's appearance and voice may be altered and the interview will be conducted in a separate room using audio-video equipment. If the hearing takes place in the court room, the court will exclude the public from the hearing at the request of a victim of human trafficking, while they are being questioned as a witness.

172. In seven county courts (Zagreb, Zadar, Osijek, Split, Sisak, Vukovar and Rijeka) a Department for Support for Witnesses and Victims has been set up. These departments refer victims and witnesses to specialised institutions and NGOs, which provide support and practical assistance in order to avoid that testifying causes additional trauma. If needed, officials from the department can escort victims within the court house and support them when they are testifying in court. There is also a waiting room for victims to prevent direct contact with the accused. The victim will receive information about the existence of the department upon receipt of the court summons. On the basis of this information the victim can, even before arriving at the court, contact the department by telephone or e-mail in order to obtain additional information or support. GRETA welcomes the setting up of this practical support for victims.

173. In addition, the Witness Protection Act provides for measures applicable to persons whose life and security are at particular risk because of their agreement to act as witnesses in criminal proceedings pertaining to serious crimes, violent crimes and organised crime. It includes the possibility of physical protection, relocation, taking measures to protect their identity (such as a temporary change of identity) and/or a permanent change of identity.

174. The Croatian authorities have not informed GRETA on how often the existing measures to protect victims and witnesses have been applied to victims of human trafficking.

175. **GRETA considers that the Croatian authorities should ensure that in practice full use is made of:**

- **the available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation and during the court proceedings;**
- **the special protection measures existing for children, in accordance with the best interests of the child.**

<sup>17</sup> Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies.

### **c. Jurisdiction (Article 31)**

176. Article 10 of the CC establishes jurisdiction over anyone who commits a criminal offence on Croatian territory, and Article 11 of the CC extends jurisdiction to criminal offences committed on board a national ship or aircraft. Article 14 of the CC stipulates that criminal legislation will apply to Croatian citizens and persons who have residence in Croatia who commit a criminal offence outside the country's territory. Article 15 of the CC states that criminal legislation will apply to anyone and commits a criminal offence against a Croatian citizen or a person with legal residence in Croatia. Under Article 16 of the CC, Croatian jurisdiction will apply to a number of criminal offences, including that of human trafficking (Article 106 of the CC), even when it is committed outside Croatian territory, in accordance with Article 18 of the CC on special provisions regarding the institution of criminal proceedings for criminal offences committed outside Croatian territory.

## **5. International co-operation and co-operation with civil society**

### **a. International co-operation (Article 32)**

177. Croatia is a participating state in the project "Introduction of Requirements for Establishing Joint Investigation Teams to Fight Trafficking in Human Beings in Southeast Europe", supported by Europol and Eurojust. In 2011, a memorandum of understanding was signed with other participating states (Albania, Bosnia and Herzegovina, Bulgaria, the Republic of Moldova, Montenegro, Romania, Serbian Slovenia and "The former Yugoslav Republic of Macedonia"). Within the framework of this Project, a seminar took place in Opatija from 11-13 March 2014, and the participants included Croatian public prosecutors and police officers specialised in combating THB. No JITs have been concluded since the adoption of the memorandum of understanding.

178. The Government Office for Human Rights and Rights of National Minorities, as part of international co-operation, conducts projects in partnership with EU member states. In 2013 the IPA project "Enhancing the Identification of Victims of Trafficking in Human Beings" was run in partnership with the Agency for Combating Trafficking in Human Beings of Romania. Throughout the project a number of activities designed to improve the identification of victims of trafficking in human beings were run (see paragraph 38).

179. GRETA was informed of a case of co-operation with the authorities of Bosnia and Herzegovina in 2013 where a Bosnian victim of trafficking for the purpose of labour exploitation in Dalmatia was returned to Bosnia and Herzegovina and subsequently was interviewed by two Croatian police officers in Bosnia and Herzegovina.

**180. GRETA invites the Croatian authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences.**

### **b. Co-operation with civil society (Article 35)**

181. The main civil society stakeholders dealing with anti-trafficking issues, the PETRA network and the Croatian Red Cross, are full members of the National Committee and the Operational team. GRETA welcomes the role played by the Croatian Red Cross and NGOs in the mobile teams.

182. Within the framework of the National Committee, NGOs contribute to policy development, including the action plans, and operation documents, such as the different protocols. Furthermore, for the purpose of annual reports on the implementation of the National Plan for Combating Trafficking, NGOs report on their activities.

183. The two shelters for victims of human trafficking are run by the Croatian Red Cross and the NGO OIP with funding from the state budget. The service providers are in charge of providing all the necessary assistance to victims in line with the National Referral Mechanism.

184. Regarding victim identification, the NGOs running the SOS helpline send information on suspected cases directly to the police. However, it appears that NGOs do not systematically receive feedback on the follow-up given to the reports they provide on suspected cases. Moreover, state funding is insufficient to run the phone line 24 hours a day, seven days a week (see paragraphs 27 and 92); the NGO ROSA which runs it received a grant of 2 500 euros in 2015 to cover all its activities (including the phone line, travel to meeting victims and awareness-raising). Two other NGOs that contributed to operating the hotline around the clock had to stop for lack of funding.

185. Other forms of co-operation are joint public campaigns and participation of NGOs in training organised for officials. There is an annual tender for projects on promotion and protection of human rights with one priority always dedicated to projects on combating trafficking in human beings.

186. **GRETA considers that the Croatian authorities should provide adequate funding to specialised NGOs active in the anti-trafficking field, including those which operate the SOS helpline for victims of human trafficking, and increase their efforts to strengthen strategic partnerships with civil society in addressing trafficking in human beings.**

## IV. Conclusions

187. Since the adoption of GRETA's first report on Croatia in 2011, progress has been made in a number of areas.

188. The Croatian authorities have continued to develop the legal framework for combating trafficking in human beings, in accordance with GRETA's recommendations. The expanded definition of THB, which explicitly mentions exploitation to commit criminal activities and exploitation through forced marriage, corresponds to the need to address new trends in human trafficking. In addition, acts relating to travel and identity documents for the purpose of enabling trafficking in human beings have been criminalised as recommended by GRETA in its first report.

189. The National Action Plan to Combat Trafficking in Human Beings 2012-2015 follows the recommendation made by GRETA to adopt criteria on the selection of civil society organisations for membership of the National Committee for Combatting THB and the Operative Team.

190. The Croatian authorities have strengthened prevention of human trafficking through the school curricula and, in co-operation with civil society, awareness raising activities have been carried out in schools. Moreover, the National Roma Inclusion Strategy includes a number of concrete measures to promote the inclusion of Roma children at school and university levels. In addition, the Croatian authorities have adopted a Strategy for Combatting Poverty and Social Exclusion which has the potential of preventing THB by the tackling root causes of this phenomenon.

191. As regards assistance measures for victims of human trafficking, reintegration programmes, which involve psychological support, counselling and health care, can be put in place to help victims in reintegrating society and are tailored to their needs. In addition, special measures have been taken to facilitate the access to the labour market of victims of human trafficking as a vulnerable category of workers.

192. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and, whenever possible, a multi-stakeholder approach is promoted.

193. Following the first evaluation, instructions on the application the principle of non-punishment of victims of THB for their involvement in unlawful activities to the extent that they have been compelled to do so have been adopted by the State Attorney.

194. GRETA commends the amendment to the Criminal Procedure Act so as to specify the rights of victims of trafficking during criminal proceedings and measures are in place to assist victims in court and avoid any contacts with offenders.

195. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Croatian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

**Issues for immediate action**

- **GRETA urges the Croatian authorities to intensify their efforts to:**
  - **prevent child trafficking, including by addressing the vulnerability of unaccompanied children and children placed in child care institutions and avoid that they go missing;**
  - **ensure that foster parents are adequately sensitised to human trafficking (paragraph 65).**
- **GRETA urges the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:**
  - **takings steps so that law enforcement officials, social workers, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims of human trafficking for the purpose of sexual exploitation;**
  - **increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, including among irregular migrant workers, by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate (including construction and agriculture inspectorates) with the resources required to effectively prevent and combat THB;**
  - **paying increased attention to detecting victims of trafficking among asylum seekers and persons placed in the Reception Shelter for Foreigners. In this context, training on the identification of victims of trafficking should be provided to staff, including medical staff, of centres for asylum seekers and irregular migrants;**
  - **securing adequate funding for specialised NGOs to enable them to effectively take part in identification performed by mobile teams and to undertake outreach work in order to proactively identify victims of trafficking;**
  - **providing regular training on the identification of victims of THB to all frontline staff who may come into contact with possible victims, including operational indicators, guidance and toolkits for the identification of victims of trafficking (paragraph 94).**
- **GRETA urges the Croatian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:**
  - **ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied minors;**
  - **take steps to address the problem of disappearance of unaccompanied minors from reception centres for asylum seekers, by providing suitable safe accommodation and adequately trained staff;**
  - **train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs (paragraph 115).**

- **GRETA urges the Croatian authorities to take steps to facilitate and guarantee access to compensation to victims of THB, and in particular to:**
  - **ensure that all victims of human trafficking, regardless of nationality and residence status are eligible for state compensation;**
  - **enable victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;**
  - **include victim compensation into training programmes for law enforcement officials, prosecutors and judges;**
  - **review the eligibility criterion of serious injury for state compensation which is too restrictive (paragraph 136).**
- **GRETA urges the Croatian authorities to take additional legislative and practical measures to ensure that:**
  - **THB cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions;**
  - **the offence of THB is excluded from the plea bargaining procedure (paragraph 165).**

#### Further conclusions

- GRETA considers that the Croatian authorities should involve the Ministry of Labour and in particular the Labour Inspectorate in the National Committee for Combatting THB and its Operational Team, given its important role for the detection of victims of human trafficking for the purpose of labour exploitation (paragraph 24).
- GRETA considers that the Croatian authorities should examine the possibility of establishing an independent National Rapporteur or designating another organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 29).
- GRETA considers that the Croatian authorities should take stronger, concerted measures to address human trafficking for the purpose of labour exploitation in at-risk sectors, such as agriculture, tourism and construction, by involving the Labour Inspectorate, trade unions and the private sector (paragraph 30).
- GRETA considers that the Croatian authorities should pursue their efforts by providing regular training to all professionals who are likely to come into contact with victims of all forms of trafficking, in particular police officers, border guards, judges, prosecutors, child welfare staff, staff of centres for unaccompanied minors and child care institutions, and medical staff. Training programmes should be designed with a view to improving the operational knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers (paragraph 41).

- GRETA considers that the Croatian authorities should pursue their efforts to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 44).
- GRETA considers that the Croatian authorities should conduct and support further research on THB in Croatia as an important source of information for future policy measures. Areas where research is needed in order to shed more light on the extent of human trafficking in Croatia include: trafficking for the purpose of sexual exploitation, especially in tourist areas; trafficking for the purpose of labour exploitation, in particular in at-risk sectors such as agriculture, construction and tourism, and in connection with forced begging; and internal trafficking within Croatia (paragraph 46).
- GRETA considers that the Croatian authorities should continue to carry out information and awareness-raising campaigns on different forms of THB. Future awareness-raising measures should be designed in light of the assessment of previous measures and be focused on the needs identified. Special attention should be paid to raising awareness of THB for the purpose of labour exploitation, as well as child trafficking (paragraph 51).
- GRETA considers that the Croatian authorities should pursue and intensify their efforts to:
  - inform workers wishing to work abroad about the risks of THB for labour exploitation;
  - take measures to control temporary work agencies operating in Croatia and hiring persons to work abroad;
  - engage with trade unions and the private sector to develop measures aiming to prevent trafficking for the purpose of labour exploitation (paragraph 55).
- GRETA considers that the Croatian authorities should pursue their efforts towards the inclusion of Roma children in education (paragraph 66).
- GRETA considers that the Croatian authorities should take further socio-economic measures to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes (paragraph 68).
- GRETA considers that the Croatian authorities should take measures to address negative stereotyping affecting victims of THB for the purpose of sexual exploitation (paragraph 69).
- GRETA considers that the Croatian authorities should pursue their efforts to reduce the vulnerability of persons belonging to Roma communities, particularly women and children, to human trafficking (paragraph 71).
- GRETA invites the Croatian authorities to sensitise and train medical staff on THB for the purpose of organ removal (paragraph 75).
- GRETA considers that the Croatian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in particular sexual exploitation and exploitation in sectors such as agriculture, tourism and construction, in partnership with civil society and the private sector (paragraph 77).

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- GRETA invites the Croatian authorities to pursue their efforts to tackle trafficking through border measures and co-operation with neighbouring states (paragraph 82).
  - GRETA considers that the Croatian authorities should take steps to:
    - ensure that victims of human trafficking take an informed decision on whether to accept assistance, in particular by giving full information about the assistance they are entitled to and by referring them systematically to specialised NGOs providing assistance;
    - provide assistance adapted to the specific needs of male victims (paragraph 101).
  - GRETA considers that guardianship services should be offered consistently, by specially trained staff from the centres for social welfare, and sufficient long-term funding should be maintained to enable specialised NGOs to carry out outreach work for the purpose of detecting child victims, and to secure other child-specific services, such as interpretation and legal assistance (paragraph 116).
  - GRETA also considers that the Croatian authorities should set up age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 117).
  - GRETA considers that the Croatian authorities should ensure that all victims of human trafficking are properly informed about their right to a recovery and reflection period and, for this purpose, that all police officers (including from the border police), prosecutors, labour inspectors, immigration officers and social workers are adequately trained and given clear guidance in this respect (paragraph 125).
  - GRETA considers that the Croatian authorities should ensure that all victims of human trafficking are properly informed about their right to a renewable residence permit and, for this purpose, that all immigration officers are adequately trained and given clear guidance in this respect (paragraph 128).
  - GRETA invites the Croatian authorities to develop a system for recording claims for state compensation by victims of trafficking, as well as compensation awarded to victims of trafficking (paragraph 137).
  - GRETA considers that the Croatian authorities should take additional steps to:
    - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
    - develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
    - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention (paragraph 142).
  - GRETA invites the Croatian authorities to carry out a review on the application of the corporate liability provision of the Act on the Liability of Legal Entities for Criminal Offences (paragraph 150).

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- GRETA considers the Croatian authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. While the identification procedure is on-going, potential victims of trafficking should not be punished for immigration-related offences (paragraph 155).
  - GRETA considers that the Croatian authorities should ensure the proper implementation of the existing guidance for public prosecutors on non-punishment (paragraph 156).
  - GRETA considers that the Croatian authorities should take steps so that prosecutors and judges develop specialisation on human trafficking (paragraph 166).
  - Recalling the obligation for Parties to the Convention to confiscate criminal assets linked to human trafficking, GRETA considers that the Croatian authorities should intensify their efforts to identify, seize and confiscate criminal assets generated by trafficking offences (paragraph 167).
  - GRETA considers that the Croatian authorities should ensure that in practice full use is made of:
    - the available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation and during the court proceedings;
    - the special protection measures existing for children, in accordance with the best interests of the child. (paragraph 175).
  - GRETA invites the Croatian authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences (paragraph 180)
  - GRETA considers that the Croatian authorities should provide adequate funding to specialised NGOs active in the anti-trafficking field, including those which operate the SOS helpline for victims of human trafficking, and increase their efforts to strengthen strategic partnerships with civil society in addressing trafficking in human beings (paragraph 186).

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## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations**

#### **Public bodies**

- National Co-ordinator for Combatting Human Trafficking
- Government Office for Human Rights and Rights of National Minorities
- Ministry of the Interior
- Ministry of Social Policies and Youth
- Ministry of Justice
- Ministry of Health
- Ministry of Labour, Labour Inspectorate
- Ministry of Foreign and European Affairs
- Ministry of Education and Sport
- Zagreb County Court
- Zagreb Municipal Criminal Court
- Gender Equality Ombudsperson
- Office of the Ombudsperson for Children
- Centre for Missing and Abused Children
- Croatian Labour Agency
- Split Dalmatian Police, Organised Crime Department

#### **Intergovernmental organisations**

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

#### **NGOs and other civil society organisations**

- Croatian Red Cross
- PETRA network:
  - Centre for Women victims of war "Rosa";
  - Organisation for the Integrity and Prosperity (OIP);
  - Women's Room;
  - Roma Women's Organization for a Better Future.

## **GOVERNMENT'S COMMENTS**

### **The following comments do not form part of GRETA's analysis concerning the situation in Croatia**

GRETA engaged in a dialogue with the Croatian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Croatian authorities on 11 December 2015 and invited them to submit any final comments. The comments of the authorities of Croatia, submitted on 15 January 2016, are reproduced hereafter.

**GOVERNMENT OF THE REPUBLIC OF CROATIA**

Office for Human Rights  
and Rights of National Minorities

Klasa: 910-04/14-01/56  
Urbroj: 50450-02-16-35  
Zagreb, 15. siječnja 2016.

**Council of Europe  
Directorate general II  
Directorate of human dignity and equality  
Ms Petya Nestorova  
Executive secretary of the Council of Europe  
Convention on Action against Trafficking in Human Beings  
F-67075 Strasbourg Cedex**

**Final Report concerning the implementation of the Council of Europe Convention on  
Action against Trafficking in Human Beings**

Dear Mrs. Nestorova,

Regarding the final Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Republic of Croatia, we accept the recommendations given and have no additional comments.

Yours sincerely,

  
**DIRECTOR**  
*Branko Šoćanac*  
**Branko Šoćanac, M.A.**